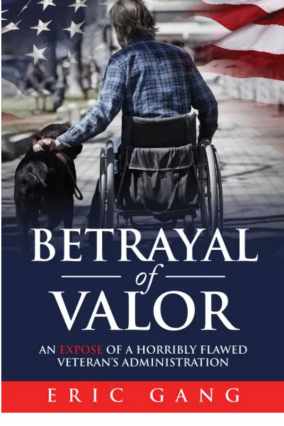


INTERVIEW: ERIC GANG

Veterans Disability Appeals Lawyer

Lawyer Eric Gang



Your book's title, "Betrayal of Valor" suggests we're failing our veterans in very big ways. What do you see as the Veterans Administration's and other inadequacies in this arena?

We let these heroes down in important ways falling primarily in these categories: healthcare failures, veteran housing - homelessness, psychiatric care particularly in the PTSD area, lack of wellness programs and of course, sexual assault in the military and its aftermath.

What's the challenge with veterans getting their health benefits? Shouldn't that be automatic? Why are so many

veterans disability claims denied?

It's disgraceful. Disabled veterans have an extraordinary challenge in obtaining adequate healthcare through the VA. It's not uncommon for veterans to wait many months for a simple appointment to see a doctor. Then the V.A. will randomly cancel appointments only to reschedule them in a way that games the system so the data looks good on VA reports. And there's a ridiculous percentage of veterans disability claims denials.

The VA is driven by a promotions metric which pulls VA employee attention away from it where it should be – on providing satisfactory healthcare for veterans; these people run every aspect of the VA by their performance evaluations. The most egregious recent example of V.A. incompetence and malfeasance was the recent Phoenix scandal where administrators were caught keeping a second set of books on wait times and other data. There's no excuse and it has to stop.

What about housing for veterans? Why is homelessness so rampant within our veteran community?

Homelessness among veterans is a huge problem. Data shows the percentage of veterans among the homeless is extraordinarily high. I believe the cause of this outrage is mental health and substance abuse issues, tied to their service and an uncaring VA failing to help. Veterans often come back from service with psychiatric difficulties and end up turning to drugs and alcohol as a way of self medicating their psychiatric stress which in turn makes them unsuitable for employment. They lose their jobs, can't pay rent and soon they're on the street.

I've had way too many clients who have spent years on the streets, eating out of garbage cans and living the life of America's homeless. It's such a big problem among veterans in part because they come back from service to our country with disabilities and injuries, ignored by the VA, making them unable to sustain gainful employment. They can't afford housing, the VA takes too long to resolve their claims, denying claims too often and then another "delay and deny" cycle starts in the VA appeals process.

In the interim, they live on the streets. It is a sad commentary on the way our country treats its veterans.

What about the Gulf War Syndrome? We see this in the news all the time.

Gulf War Syndrome is a series of undiagnosed illnesses or chronic multi-symptom illnesses that are common to veterans who served in southwest Asia and there are a lot of reasons why veterans experience Gulf War Syndrome symptoms. Irritable Bowel Syndrome, Chronic Fatigue Syndrome, fibromyalgia, chronic joint pain, chronic headaches and respiratory problems are all common symptoms.

The experts can't say what causes these problems; all they know is if you served in southwest Asia you have a very high likelihood of exhibiting one or a cluster of these symptoms. They can be quite debilitating. People experience fever for weeks on end, fatigue and more yet further evaluation shows there to be nothing clinically wrong.

Gulf War Syndrome affects not only people who were on the ground in Kuwait, Iraq, Saudi Arabia and the rest but also those who were on board Navy ships as well. The problem is these situations can render a person unable to sustain employment and if the V.A. doesn't act on these things quickly the veteran is at risk of homelessness. You know the rest.

Is diabetes tied to all this?

Diabetes is a huge problem for our veteran population. First, it is presumed to have been caused by Agent Orange exposure if you had time in Vietnam or other area where the government has admitted using Agent Orange. The issue with diabetes is that you're starting to see an escalation in the number of diabetics in the veteran population.

The thing with diabetes is it causes secondary problems: peripheral neuropathy, diabetic retinopathy (eye problems), erectile dysfunction, and also in my opinion there is some cognitive decline, slower executive processing time, and sometimes depression as well. It can be a contributing factor to heart disease and hypertension. At a minimum these impact a veteran's quality of life, but they can also be life threatening.

Diabetes is occurring also at a higher rate amongst people suffering from PTSD. That's huge right now in my law practice. Veterans with PTSD have a much higher correlation with diabetes, obesity, hypertension, higher rates of substance abuse – all these things are factors.

What happens is when a person becomes depressed and stressed from a psychiatric perspective then don't take care of themselves and they become less active. They overeat as a way of coping with the stress, this leads to weight gain which might lead to sleep apnea, which leads to Type 2 diabetes, heart disease and the rest. So what starts out as a psychiatric disability by itself turns into systemic problem of chronic disease that eventually kills them. It's huge among the veteran population.

Is the Veterans Administration proactive on wellness issues here?

Absolutely not. The V.A. treats the symptoms of chronic illness but they are inept in prevention or actually affecting real cures to some of these disabilities. The VA is not oriented towards preventative medicine, toward holistic health or toward actually achieving a cure. They give you your insulin, put in a stent, things like that but in terms of actually helping veterans overcome diabetes to gain a more vibrant level of health they don't do a good job.

What I see is guys continuing to gain weight, take increased dosages of medication, and we're spending millions to do this – yet we still have a veteran population that is statistically substantially less healthy than the general population. It's a disgrace.

How is the military doing with sexual assault and the disabilities that result?

Sexual assault in the military is a rampant problem despite efforts to make it easier to report it still happens at an alarming rate. The military hierarchy is not set up to deal with these types of complaints and they're almost never reported. The perpetrators are people in higher positions with a big power differential between victim and perpetrator, so reporting is discouraged.

So here's the big problem, when you make a claim years later, it becomes extraordinarily difficult. It really takes a legal team of lawyers, investigators and other experts to prove these claims. It's all about using ancillary and circumstantial evidence with good forensic psychiatric examiners, often many years after the fact. So the military covers up sexual assault, the culture discourages reporting, a victim feels helpless and might go AWOL because they're scared and trapped.

What about male on male sexual assault? Prolific or rare?

Male on male sexual assault is definitely a prolific problem, in fact the majority of the sexual assault cases in our veterans disability law practice are male on male. Most of the victims in these situations are heterosexuals, they develop tremendous shame and they feel confused. Most victims are young men being assaulted by a drill sergeant or higher rank; there's very little freedom to report these events and they don't feel comfortable reporting in any event – they go unreported and these individuals develop life long, life altering psychiatric trauma as a result of these events and it literally changes the course of their lives. The least we can do is try to help these men win their benefits because, frankly, many of them have not been able to sustain a normal life in terms of relationships or employment.

Aggressive advocacy is needed when it comes to sexual assault cases because the V.A. will almost never grant benefits initially. Military records will be bereft of documentary evidence. If this happened in corporate America, just one instance – it would be front page news. If it's in the military, it's swept under the rug like the Catholic Church did.

Share

