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A Victory for Veterans

The United States Court of Appeals for the Ninth Circuit ordered an overhaul of mental health care for veterans, who are killing themselves by the thousands each year because of what the court called the “unchecked incompetence” of the Department of Veterans Affairs.

In a scathing 2-to-1 ruling on May 10, the judges said delays in treating post-traumatic stress disorder and other combat-related mental injuries violated veterans’ constitutional rights. The delays are getting worse as more troops return from Afghanistan and Iraq, the judges said. About 18 veterans commit suicide on an average day.

The government’s obligations are clear. Veterans are entitled by law to be treated for injuries and illnesses. Benefits claims are supposed to be dealt with in days or weeks, but it takes an average of more than four years to fully adjudicate a mental health claim. When a veteran appeals a disability rating, the process bogs down drastically. The problem is an overwhelmed bureaucracy and a chronic inadequacy of resources and planning.

The judges said the system for screening suicidal patients was ineffective, and cited a 2007 inspector general’s conclusion that suicide-prevention measures were mostly absent. The same report found that the veterans department’s regional medical centers have suicide-prevention experts, but its 800 community-based outpatient clinics — which veterans most often use — do not. This crisis plagues active-duty soldiers, too, and the Pentagon has lagged in responding effectively. The government has long known what it was up against with P.T.S.D. and brain injuries — the signature afflictions of current wars.

This new ruling came two years after the appeal was filed, during which lawyers for the government and the nonprofit advocacy organizations that sued, Veterans for Common Sense and Veterans United for Truth, were trying to negotiate a plan for fixing the system. Those negotiations did not succeed, so the judges have remanded the case to the district court to order one.

The government can keep appealing, but it should work with the advocates and enact a plan to fulfill the promise of the veterans affairs secretary, Eric Shinseki, to do better. For 25 million veterans, including 1.6 million who served in Afghanistan and Iraq, the choice is clear.