



LOS ANGELES

# Daily Journal

## Representing Female Veterans

### PERSPECTIVE

By Melissa Tynes

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She apologizes for herself every time we meet. "I'm so sorry, I am really feeling it today." Ms. Bell should not apologize; it is the Department of Veterans Affairs (VA) that owes her an apology. Ms. Bell resides at a homeless shelter for female veterans. We met when she came to Inner City Law Center's legal clinic seeking assistance. On bad days, her Post Traumatic Stress Disorder (PTSD) clouds her memory, she feels frustrated and confused. "It is so gray to me, I was in and out then, I am so sorry." I gently explain to Ms. Bell that she has nothing to be sorry for and that we can discuss her story at the pace she is most comfortable.

Like many female veterans, Ms. Bell returned home from service a different person. She found it difficult to control her temper and could not maintain her job. Her relationship with her mother deteriorated and she became depressed and isolated. She came to the homeless shelter for female veterans when she was evicted from her apartment and had nowhere else to turn.

Legal representation can secure needed healthcare and financial support for female veterans. An attorney representing female veterans must be patient, sensitive, ask thoughtful ques-

tions, and above all develop a PTSD claim that is easier for the decision makers in the VA to grant than to deny.

Female veterans returning home face strong stigmas about the role of women, and particularly about the role of women in war. They are treated with skepticism by civilian populations, male service members and the VA. Insensitive questions like "how many people did you kill?" or "how many bodies did you see?" have plagued combat veterans. Women are subject to additional questions like "Why did you join, what did you expect?"

182,000 women have served in Operation Iraqi Freedom and Operation Enduring Freedom. Despite the common perception that women are prohibited from combat, female service members in Operation Iraqi Freedom and Operation Enduring Freedom see much of the same combat as their male counterparts because there are simply no frontlines. The insurgents attack chow halls, truck brigades, and hospitals. No service member is safe, whether they are in the infantry or in food service member. Moreover, women in Operation Iraqi Freedom and Operation Enduring Freedom occupy roles that expose them to combat. Women are medics, explosive disposal technicians, and military police truck drivers. While women see the same combat as their male counterparts, they do not receive the same recognition. A recent article in the *New York Times*

featured the experience of Renee Peloquin, 25, a member of the Idaho National Guard. Ms. Peloquin designed a bumper sticker that says "Female Iraqi War Veteran" because the basic "Iraq War Veteran" message on her car led strangers to thank her long-haired boyfriend for serving, even though he has never spent a day in uniform. "I'm so sick of being stereotyped," Ms. Peloquin said. "Or being ignored, that's a better word."

When women are experiencing combat related trauma, they are less likely than their male counterparts to seek help. Female veterans report being horrified at their own thoughts, punching walls or screaming at their loved ones. As a result of their embarrassment, they are less likely to come forward and seek psychological assistance.

Awareness of the stigmas that female veterans experience is an important part of representing this group of individuals. During interviews, direct questioning about the violence witnessed is not appropriate and is unlikely to illicit a useful response. Rather, more broad questions about events that stick out in their memory will allow a female veteran to set the tone and pace of the discussion. Broad questions that emphasize their experience and perspective will yield information that can be useful in establishing a service connected disability.

Because of poor record keeping practices in Operation Iraqi Freedom and Operation Enduring Freedom, it can be

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attacks and events. As a female veteran tells her story, close attention must be paid to the people who were around. Their statements, often referred to as "buddy statements," can be an important source of proof in the absence of a military record. Names of commanding officers who can confirm the location of a female veteran can also be useful when military records are incomplete.

Ms. Bell and I began our discussion again after a water break. Ms. Bell shared that fellow soldiers raped her three times on three separate occasions. "There was no one I could tell, I could not trust anyone." Ms. Bell is not alone. In a recent survey, one third of women in the military report being raped or being the victim of attempted rape; more shocking is the number of women, like Ms. Bell, who report being raped more than once. Thirty-seven percent of women who reported being raped said they were raped multiple times. By the VA's own admission, the number of rapes is grossly underreported. After the second sexual assault, Ms. Bell's mental health began to seriously deteriorate. "From there it's gray, I remember as I was walking down a street wondering what was wrong with me, what had I done, did I do something wrong?"

PTSD caused by military sexual trauma can impact a female veteran's ability to maintain a job, and nurture relationships with family and friends. Female veterans are entitled to compensation and healthcare from the VA for PTSD caused by military sexual trauma but many do not know how to begin the process or the best practices to ensure their claim is granted. Often, the barrier to receiving assistance

is the VA's rigid standard of proof. If a female veteran cannot prove that she was sexually assaulted in service then she cannot receive benefits. The VA seeks proof from military records, but because military sexual trauma is rarely reported the records lack direct evidence of the assault. Women do not report because there is a strong fear of retaliation and a reasonable sense that even if they did report sexual assault it would be futile. Department of Defense statistics prove the futility. More than half of sexual assault complaints in 2004-05 were dismissed, roughly 20 percent were resolved through administrative punishments, like demotions or transfers, while only 11 percent resulted in the court-martial of a perpetrator.

For an attorney representing a female veteran who has experienced military sexual trauma, gathering corroborative evidence is critical. Because direct evidence of a sexual assault is rare, the events that occurred before and after the assault become essential in proving the existence of the traumatic event. For example, the day after Ms. Bell was assaulted, she beat up one of the service members involved. As a result, an Article 15 complaint was filed against her and her pay was garnished. This is the only mark on her otherwise perfect record of service. The practice of seeking corroborative evidence and turning otherwise negative marks on a service record not only bolsters a claim but re-tells the story of a female veteran as a survivor of military sexual trauma.

Representing female veterans requires tremendous sensitivity, resourcefulness in seeking sources of proof and asking the right questions

during interviews to get the most information. Female veterans need the help of attorneys to receive the benefits to which they are entitled based on their service. Although the stories that female veterans share are heart wrenching an attorney can draw inspiration from their resilience and be instrumental in securing compensation, healthcare, and more importantly, the justice they deserve.

On Veterans Day, as the nation prepares to pay tribute to the men and women who serve, it is worthwhile for attorneys to consider how they can contribute to veterans. Inner City Law Center's Homeless Veterans Project offers a pro bono matching program to link attorneys interested in this work with veterans in need of representation, along with training and technical support. If you would like to get involved please let me know.

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