VA assigns officer to verify claims involving secret missions

By Rick Maze - Staff writer

For veterans claiming they can’t prove a service connection for their disability because it resulted from a secret operation, the Veterans Affairs Department has assigned a liaison officer to the U.S. Special Operations Command with direct access to classified files.

The little-known program has a VA employee work closely with the command historian at the command’s headquarters at MacDill Air Force Base, Fla., to review files on classified missions for special operations units in all services.

Befitting the nature of the missions involved, the program, quietly launched a year ago, has received scant attention. Joe Davis, spokesman for Veterans of Foreign Wars, was unaware of the initiative. “But it does make perfect sense, given the clandestine nature of their business,” he said.

The liaison was established in December 2009 under an agreement between the Pentagon and VA.

The current VA liaison to the Special Operations Command is an Army veteran who was not part of a special operations unit but has the appropriate security clearances to review files, according to VA sources.

Lack of records access has been seen by many spec ops veterans as a roadblock to filing claims, especially for disabilities such as post-traumatic stress, for which there may be nothing in military health or personnel records to verify any treatment while the veteran was in uniform.

If a veteran says his claim is based on involvement in a secret mission, VA claims examiners turn files over to the liaison, who can verify the veteran’s involvement, VA sources said.

If more information is needed, the claims examiner requests that the liaison search for the information by requesting it from either U.S. Special Forces Command or one of its subordinate commands.

The liaison officer then prepares sanitized information for use by the regional VA office handling the claim. Veterans have direct contact with the liaison only if more information is needed to track down records, VA sources said.

Claims from veterans who say they took part in an intelligence operation run by the Defense Intelligence Agency, Central Intelligence Agency or other government organization also can be researched by the VA liaison officer if a classified mission is involved, VA sources said.

The liaison officer is a full-time employee of the Veterans Benefits Administration and has access to records involving special operations units including Army Rangers, Army Special Forces, the Army’s 160th Aviation Regiment, Navy SEALs, Air Force Special Operations and Marine Corps Special Operations and Reconnaissance units.
December 9, 2009

Director (00/21)                                    Fast Letter 09-52
All VA Regional Offices and Centers                   In Reply Refer To: 212

SUBJ: Verification of Participation in “Special Operations” Incidents

**Purpose**

This fast letter provides instructions for verifying a Veteran’s involvement in Special Operations Forces classified missions or obtaining related classified documents.

**Developing for “Special Operations” Incidents**

When a Veteran claims that an injury or disability occurred during a Special Operations assignment, the Veterans Service Representative (VSR) must include the Special Operations development paragraph (Enclosure 1) in the Veterans Claims Assistance Act (VCAA) letter.

If a reply is not received within 30 days, continue to process the claim in accordance with standard procedures.

If the Veteran responds and provides *at least* the location (city/province and country) where the incident took place and the approximate date (within a two-month period) of the incident, the VSR will route the claims folder to the Military Records Specialist (MRS). The MRS will complete the *Special Operations Forces Incident* document (Enclosure 2) and send it via encrypted e-mail to VAVBASPT/RO/SOCOM.

**Handling Incomplete Responses**

If the VSR reviews the information provided by the Veteran and determines it is incomplete, the VSR must send a 30-day follow-up letter explaining what information is missing and why the information is needed.

If the Veteran fails to respond to the follow-up letter within 30 days, or submits insufficient information in response to the follow-up letter, continue to process the claim and promulgate a rating decision with the evidence in the claims file. In the decision
notification letter, advise the Veteran we were not able to verify an incident in service related to the claimed disability, and identify the information that is still needed to verify the incident.

**Information Received from Classified Service Records**

The information received from United States Special Operations Command (USSOCOM) will often be from a casualty report and may be limited to the date of injury, location where the injury occurred, and a brief description of the injury or illness. In some instances, the response will only confirm that the Veteran participated in Special Operations due to the operation still being considered classified.

Special Operations are operations that have the characteristics of combat; therefore, 38 CFR 3.304(d) will apply in all cases where a Veteran’s participation in Special Operations is verified.

**Questions**

Questions about this letter should be e-mailed to VAVBAWAS/CO/212A.

/S/
Bradley G. Mayes
Director
Compensation and Pension Service

Enclosures:  Special Operations Unit Development Paragraph
Special Operations Forces Incident Form
Enclosure 1

Special Operations Unit Development

The following paragraph will be added to MAP-D at our earliest convenience. In the interim, VSRs should auto text the following paragraph:

Tell us more about your participation in a Special Operations unit by providing the following information on the attached VA Form 21-4138, Statement in Support of Claim:

- To which branch of service and component were you assigned?
- What were the dates of your Special Operations tour of duty?
- Provide location (city/province and country) where the incident took place and the approximate date (within a 60-day range).
- If you were not assigned to a Special Operations unit but were attached to one, indicate to which unit and from what dates you were attached.

Please note that if you fail to respond or you provide an incomplete response, this may result in the denial of your claim.
Enclosure 2

Special Operations Forces Incident

Name of veteran: _____________________________ C#: __________________

Social Security Number: __________________

MOS/Specialty: ________________

Branch of service: _________ Component: ____________

Rank/Grade: _________

Special Operations tour of duty dates: From: ______ To: ______

If not assigned, veteran was attached to which Special Ops Unit/Service: ________________

From: _____ To: ______ Was the operation classified: Yes_____ No_____ 

List a brief description of the incidents reported by the veteran:

Incident(s): Were the claimed incident(s) classified: Yes_____ No_____ 

Date of incident #1 (60-day range): ________________________________

Location of incident:

________________________________________________________________________

Specific information regarding incident:

________________________________________________________________________

Date of incident #2 (60-day range): ________________________________

Location of incident:

________________________________________________________________________

Specific information regarding incident:

________________________________________________________________________
Submitted by: ___________________________ VARO: ______
(Print)

Phone: ______________

Submission Instructions:

The VARO Military Records Specialist will complete as much information as possible and submit this request via encrypted e-mail to noel.hike@va.gov or call Noel Hike at (813) 826-2602. Please allow 60 days for a response before sending a follow-up request.

Your response will not include copies of documentation related to claimed incidents. Special Operations Command will research each claimed incident and provide a “sanitized” summary of its research, or a negative reply if it finds no information. For certain incidents, the Command may advise you that it cannot release any information.