

Testimony of the Honorable Frank J. Mrvan, U.S. Representative, IN-01
House Veterans' Affairs Committee
Subcommittee on Disability Assistance and Memorial Affairs
October 20, 2021

I would like to thank Chairwoman Luria and Ranking Member Nehls for convening the Subcommittee on Disability Assistance and Memorial Affairs for this important legislative hearing.

I am pleased that one of the bills before the Subcommittee today is a discussion draft of my legislation to amend Title 38 of the United States Code to improve the manner in which the Board of Veterans' Appeals conducts hearings regarding claims involving military sexual trauma and to direct the Secretary of Veterans Affairs to improve the language and practices of the Department of Veterans Affairs with respect to such claims.

Military sexual trauma or MST refers to sexual assault or harassment experienced during one's military service. An astounding 1 in 4 women veterans – and 1 in 100 male veterans – in the VA healthcare system are MST survivors. In addition to dedicated, professional medical care, these individuals may need disability benefits in order to cope with the long-lasting physical and psychological effects associated with MST, and to rebuild their lives. For example, many MST survivors experience conditions such as post-traumatic stress disorder or chronic pain, which may lead to substance abuse, homelessness, or other cascading life challenges. That is why providing the proper treatment and assistance is critical.

Regrettably, MST survivors continue to experience significant difficulties in receiving disability benefits from VA. Most alarmingly, some MST survivors have even reported being retraumatized during claims appeal process administered by the Board of Veterans' Appeals. This is unacceptable.

My legislation would help ensure that the claims appeal process for MST survivors is trauma-informed. Specifically, it would prohibit the Board from asking sensitive questions about an MST survivor's experience if this information is already provided in the evidentiary record. Additionally, it would forbid the Board from seeking further medical input from the agency of original jurisdiction if the service-connection of an MST-related disability has already been established by the evidentiary record. Finally, my legislation would allow an appellant to request that a Board member of a specific gender conduct a given appeal hearing.

I firmly believe that we must view MST as a national-security issue – and improve the treatment of MST survivors – if we are to recruit and retain talented individuals in our military. Above all, we must reform the claims appeal process to prevent the retraumatization of *any* former servicemember seeking the benefits they need and to which they are entitled.

In closing, I would like to express my deep appreciation for the tireless advocacy of veterans' groups that brought these issues to my and the Subcommittee's attention. I would also like to thank VA for its thoughtful input on this legislation thus far. I look forward to continuing to work with VA, veterans' groups, and my colleagues on this legislation and other efforts on behalf of MST survivors. I thank you once again for the opportunity to testify today.