

Veterans Corner
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PTSD

Interim final rule eliminates the need to develop evidence of occurrence of an in-service stressor in claims in which the veteran's post traumatic stress disorder (PTSD) is diagnosed during service.

This modification was made in recognition of the fact that the Department of Veterans Affairs (VA) has found, based on claims submitted since September 11, 2001, that service members are increasingly being diagnosed with PTSD while still in service, rather than after discharge from service. The increased incidence of in-service diagnoses of PTSD is attributable to advances in medicine and increased monitoring of service members' mental health by the service departments. Given the ability to more quickly diagnose PTSD and the proximity between an in service diagnosis of PTSD and the claimed occurrence of the stressor, VA no longer believes it is necessary to require evidence corroborating occurrence of the stressor in claims based on an in-service diagnosis. This interim final rule applies to claims pending before VA on the effective date of this rule as well as to claims filed after that date.

VA believes that this change will contribute to faster processing of PTSD claims by eliminating the need to develop evidence of occurrence of an in-service stressor in claims in which the veteran's PTSD was diagnosed during service. PTSD claims based on post service diagnosis of PTSD will continue to require credible supporting evidence of the occurrence of the claimed in-service stressor.

Extension of one-time outpatient dental care

The Department of Veterans Affairs (VA) has published a final rule in the Federal Register amending its regulations regarding the authority to provide one-time outpatient dental treatment following discharge or release from active duty. This rule, effective October 8, 2008, amends 38 CFR 17.161 (b) and is necessary to conform to section 1709 of Public Law 110-181, the National Defense Authorization Act for Fiscal year 2008. Section 1709 amended 38 USC 1712 (a) (1) B) (iii) concerning the period after discharge or release from active duty that a veteran may apply for VA's one-time dental benefit.

Under the former law, veterans had to apply within 90 days after such discharge or release. Under amended section 1712, veterans may apply for the benefit within 180 days after leaving active duty. Congress also amended section 1712 to prescribe the 180 day application period for veterans who reentered active duty within 90 days after their prior discharge or release from active duty. Congress also prescribed the 180-day application period for veterans who have had a disqualifying discharge or release corrected by a competent authority.

Enhanced VA Mortgage Options now Available for Veterans

Veterans with conventional home loans now have new options for refinancing to a Department of Veterans Affairs (VA) guaranteed home loan. These new options are available as a result of the Veterans' Benefits Improvement Act of 2008 (PL 110-389), which the President signed into law on October 10, 2008. Veterans in financial distress due to high rate subprime mortgages are potentially the greatest beneficiaries.

VA has never guaranteed subprime loans. However, as a result of the new law VA can now help many more veterans who currently have subprime loans. The new law makes changes to VA's home loan refinancing program. Veterans who wish to refinance their subprime or conventional mortgage may now do so for up to 100% of the value of the property. These types of loans were previously limited to 90% of the value.

Additionally, Congress raised VA's maximum loan amount for these types of refinancing loans. Previously, these refinancing loans were capped at \$144,000. With the new legislation, such loans may be made up to \$729,750 depending on where the property is located. Increasing the loan-to-value ration and raising the maximum loan amount will allow more qualified veterans to refinance through VA, allowing for savings on interest costs or even potentially avoiding foreclosure.

Originally set to expire at the end of this month, VA's authority to guaranty Adjustable Rate Mortgages (ARM's) and Hybrid ARM's was also extended under this new law through September 30, 2012. Unlike conventional ARM's and hybrid ARM's, VA limits interest rate increases on these loans from year to year, as well as over the life of the loans.

For more information, or to obtain help from a VA Loan Specialist, veterans may call VA at 1-877-827-3702 or visit www.homeloans.va.gov.

6% Cost-of-Living Adjustment Likely

The President signed a bill into law in September that provides a cost-of-living increase in monthly VA disability and compensation payments to veterans and their families. S. 2617 – The veterans Compensation Cost-of-living Adjustment Act of 2008 – would match the FY2009 increase provided for Social Security payments, expected to be at least 6%.

The increase is effective December 1, 2008. It will boost payments for veteran's disability, compensation for dependents, the clothing allowance for certain disabled adult children and dependency and indemnity compensation for surviving spouses and children.

The legislation applies to some 2.8 million vets and family members. President Bush signed it September 24.