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# Crazy, But Not Dishonorable

Let's get right to the bottom line. According to 38 USC, section 5303(b):

*“if it is established to the satisfaction of the [VA] Secretary that, at the time of the commission of an offense leading to a person's court-martial, discharge, or resignation, that person was insane, such person shall not be precluded from benefits under laws administered by the Secretary based upon the period of service from which such person was separated.”*

Wow! Veterans can't be denied VA benefits even if they left the military with “bad” discharges, down to and including DD's, Dishonorable Discharges, IF they can present a “credible” psychological evaluation that shows that they were “insane” at the time of the misconduct! They don't have to show that the misconduct was “caused” by the mental disorder and it can be any diagnosis (PTSD, depression, anxiety, schizophrenia, etc.). You don't need to get the military to “upgrade” the discharge or wait for Congressional or Presidential clemency.

A “credible” evaluation is one that bases its' conclusions on the veteran's military records and explains how they show the symptoms of “insanity,” using the VA's definition of insanity printed below. The evaluation can also use medical records (military or civilian) and previous evaluations and can make reference to notarized statements of friends and family to verify facts and the veteran's behavior. Free treatment is offered by volunteer mental health professionals at “The Soldiers Project” (877-576-5343). To find someone to do an evaluation call our therapist, Hans at 773-370-4789. File a VA claim, be prepared to appeal denials and don't miss any deadlines.

Insanity definition for VA claims

## **38 CFR & 3.354 Determination of insanity.**

*(a) Definition of insanity. An insane person is one who, while not mentally defective or constitutionally psychopathic, except when a psychosis has been engrafted upon such basic condition, exhibits, due to disease, a more or less prolonged deviation from his normal method of behavior; or who interferes with the peace of society; or who has so departed (become antisocial) from the accepted standards of the community to which by birth and education he belongs as to lack the adaptability to make further adjustment to the social customs of the community in which he resides.*

*(b) Insanity causing discharge. When a rating agency is concerned with determining whether a veteran was insane at the time he committed an offense leading to his court-martial, discharge or resignation (38 U.S.C. 5303(b)), it will base its decision on all the evidence procurable relating to the period involved, and apply the definition in paragraph (a) of this section.*

The public and the military have become more aware of the “invisible wounds of war,” thanks in large part to decades of work by VVAW members on this issue. We can hope that more veterans will seek treatment for mental health problems as we win the battle to de-stigmatize all mental disorders, especially PTSD, Post Traumatic Stress Disorder. So spread the word far and wide about this.

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