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**Managing Partner Greg T. Rinckey, Esq. discusses the process for veterans seeking benefits for Post-Traumatic Stress Disorder linked to sexual assault.**

**'Clear threat': Reports of military sexual assault leap 50 percent**

**Reports of sexual assault in the military leapt by 50 percent last year, according to a much-anticipated Pentagon study that came out last week.**

**By: Lane Anderson**

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**The report was released on the heels of a Pentagon campaign to get victims to come forward, but the startling numbers have the attention of politicians and activists. The Service Women's Action Network and Vietnam Veterans of America also filed a joint suit against the Veterans Administration last week, claiming its regulations discriminate against veterans seeking benefits for Post-Traumatic Stress Disorder linked to sexual assault. The suit claims that more than half of women in the military experience unwanted sexual contact during their service, but it's not only women who are victims: Of the 26,000 reports of sexual assault and harassment made from 2011 to 2012, some 52 percent came from men. Defense Secretary Chuck Hagel declared sexual assault a "clear threat" to both male and female servicemembers. A serious threat**

**New research shows that women in the military often experience trauma that's not battle related: Half of women that served in Iraq and Afghanistan reported being sexually harassed or assaulted by their peers, according to findings published last year in the**

Journal of General Internal Medicine. Amy Street, associate professor of psychiatry in the School of Medicine at Boston University, led the three-year study. "That's very high, and certainly too high. If I saw those from any sample in any setting I would say that's too high," says Street, a clinical psychologist and deputy director of the Women's Health Sciences Division of the National Center for Post-Traumatic Stress Disorder at the Boston Veterans Administration hospital. Still, says Street, the numbers have to be put in context, and include a range of behaviors. "Unwanted sexual touching could be hair stroking, groping, or an attempted or completed rape," she says. Unfortunately, she notes, young women in their early 20's report similar numbers that are alarmingly high in other situations, too. One in five college women report having been sexually assaulted, for example, prompting questions about "rape culture" and a plea from the White House last week asking colleges to seriously address the problem of campus rape. Across organizations, Street says, those that are historically male-dominated and have a strong hierarchical culture are associated with more sexual harassment — from fire and police departments to Fortune 500 companies. The circumstances for sexual assault in a military setting might be especially problematic, says Street, especially in terms of the consequences of reporting attacks. "One of the things that's a real strength in the military is the esprit de corps and sacred purpose of the mission, but when [sexual trauma] happens, it can feel like quite a betrayal," Street says. "It can also make it difficult for victims to report and compromise their team, or make sense of it in the aftermath." Women report "internal barriers" to reporting, she says. They may ask themselves, "If I report this will it have a negative effect on the mission, or the group's cohesion?" "Women in the military take their jobs incredibly seriously and think carefully and cautiously," Street says. There is also a history of "retaliation" toward women who report sexual misconduct, says Sarah Blum, a nurse psychotherapist and Vietnam veteran, and author of "Women Under Fire: Abuse in the Military." Blum set out to collect experiences from women in the military, and was struck by the number of women who reported abuse, and changed the focus of her book. Some of the women interviewed in the book suffered grisly crimes like gang rape, she says, only to be interrogated, detained and, in some cases, threatened when they reported the crime. In a Defense Department report, 74 percent of females and 60 percent of males said they perceived barriers to

reporting assault, and 62 percent of victims who did report said they experienced professional, social or administrative retaliation. "Some men have the attitude that they can do and say whatever they want and get away with it," Blum says. "The problem is, they do often get away with it. Commanders have allowed this to happen and done nothing to stop it." It's also not unusual that the perpetrator is the victim's commander, or is in a position of power over them. Twenty five percent of women and 27 percent of men who received unwanted sexual contact indicated the offender was someone in their chain of command, according to a Defense Department report. Rape is much more likely to occur between people who know each other, says Anthony Zenkus, who specializes in helping victims of sexual assault and domestic violence as director of education at The Safe Center LI, a nonprofit that provides services for victims of abuse. Zenkus says that rape is rarely "a stranger who grab someone and pulls them into the bushes," he says. "Women are in danger of violence or rape from somebody that they know, especially if that person is in a position of power over them, like a boss or clergy person, or other authority figure." Legal battles

Over time, the VA has required less evidence from vets who claim disability benefits for PTSD from combat or exposure to danger, but not for those suffering from sexual trauma. Yet sexual violence "correlates with PTSD more highly than any other trauma, including combat," according to the suit filed against the VA. To qualify for benefits, veterans have to prove the disability is service-related. And in the case of sexual trauma, victims must provide "corroborating evidence." This can be hard to come by, according to Greg Rinckey, managing partner at Tully Rinckey law firm in New York and Washington, D.C., who is a former army prosecutor. If a soldier has combat experience and claims PTSD, that can be enough evidence in many cases, says Rinckey, but not with sexual assault. "With females or anyone stating sex trauma it has to be corroborated — and that can be hard to come up with," says Rinckey. Symptoms of PTSD can include depression, anxiety, trouble sleeping, trouble relating to loved ones, flashbacks, and other symptoms that can also lead to substance abuse issues, interrupt ability to work, and affect quality of life, according to the VA. Benefits are intended to go toward treatment for PTSD and its effects. Without treatment or medical records, the VA is likely to deny the claim, Rinckey says. "If someone claims to have an issue with their knee due to service, they would look at the treatment

record to see if there was anything to support it. That's the same way they are treating sex trauma cases, which can be unfair because people don't come forward for fear of retaliation," he says. The VA denies a much higher percentage of military sexual trauma-related PTSD claims than for other mental health disorders. From 2009-2012, other claims were 16.5 to 29.6 percent more likely to be granted, according to suit against the VA. Loosening the regulations can be a "slippery slope," however, says Rinckey, because it could "open the floodgates" to potentially false claims that could cost the government millions or even billions over time. "This is not chump change," he says of the PTSD disability benefits that are at stake, which could be as much as \$12,000 a year per soldier. He says that the requirements could be loosened responsibly, if things like testimony from a battle buddy or other friend at the time of the sexual trauma be counted as "corroborating evidence," whether they had been told of the attack, or just noticed a marked change in behavior.

### Men under attack

Sexual assault in the military has been cast as a women's rights issue, but the latest data shows that men are affected as much as women — or more. In analyzing the Pentagon study's data, the Associated Press found that many more men were victims of assault in 2013 than women. "About 6.8 percent of women surveyed said they were assaulted and 1.2 percent of the men," according to the AP. "But there are vastly more men in the military; by the raw numbers, a bit more than 12,000 women said they were assaulted, compared with nearly 14,000 men." "I think most men are embarrassed, especially because of homosexual stigma in the military," says Rinckey. He notes that men were especially silenced because of the "Don't Ask, Don't Tell," policy, which banned homosexual behavior in the military. More men may be coming forward now, he says, since "Don't Ask, Don't Tell" has been lifted. Just two months ago, Sen. Kirsten Gillibrand from New York came up short of senate votes to pass a bill that would have removed the chain of command from prosecuting sexual assaults and other major military crimes, which would have allowed them to be tried outside the military. Gillibrand's bill, which would have represented more radical change, was passed over for a bill by Sen. Claire McCaskill of Missouri, whose legislation gave the Pentagon more time to implement new sexual assault requirements, including making it a crime to retaliate against a victim and prohibiting commanders from overturning convictions.

### Zenkus

says that he would be in favor of legislation like Gillibrand's because in "insular" institutions like the military, it is sometimes easier for those in authority to sympathize with perpetrators. "People who find out about [a sexual assault] say, 'Do we want to ruin this guy's career? What about his family? He made a mistake.' Then sometimes people start to rally around the offender." "It's strange," says Zenkus. "We don't seem to worry about the long-term effects on the career or life of someone who is accused of other crimes, like robbery or tax evasion. People need to stand up and say it's not OK."