

National Veterans Legal Services Program

MILITARY SEXUAL TRAUMA CLAIMS

WHAT IS MILITARY SEXUAL TRAUMA (“MST”)?

Military Sexual Trauma (“MST”) is defined as psychological trauma resulting from sexual assault or repeated, threatening sexual harassment, which occurred while the veteran was serving on active duty, active duty for training, or inactive duty training.

Psychological trauma can manifest in different mental conditions, including Post-Traumatic Stress Disorder (“PTSD”), Major Depressive Disorder, Generalized Anxiety Disorder, and Panic Disorder.

WHO IS AFFECTED BY MST?

- In 2016, there were an estimated number of 14,900 service members affected by sexual assault. Only 32% of service members reported the assault.
- Both men and women are affected by MST. Approximately 4.9% of military women and 0.9% of military men experienced some kind of sexual assault in 2016.
 - Given the higher percentage of men serving in the military, however, men often experience a greater overall number of reported sexual assaults.

WHAT MUST BE SHOWN TO ESTABLISH A CLAIM FOR BENEFITS RELATING TO MST?

- A veteran must show it is as likely as not that he or she has at least one compensable acquired mental condition related to military service.
- If the veteran has PTSD, unique criteria must be met. The veteran must show: (1) evidence of a current PTSD diagnosis; (2) credible supporting evidence that a claimed in-service stressor (MST) occurred; and (3) medical evidence establishing a link between current symptoms and an in-service stressor.
- If the veteran has a mental condition other than PTSD, the veteran must show: (1) evidence of a current diagnosis for a mental condition; (2) symptoms during service; and (3) medical evidence establishing a link between the current diagnosis and the symptoms in service.

NOTE: Benefits related to mental disorders other than PTSD do NOT require evidence that an in-service stressor occurred.

WHAT TYPE OF EVIDENCE IS NEEDED?

- Because many instances of MST go unreported, the VA must consider broad sources of evidence outside veteran's service records. The VA generally **may not** treat the absence of documentation of the MST negatively.
- Sources of evidence may vary widely, including: police records; medical records; STD or pregnancy tests; and statements from family members, friends, roommates, and clergy.
- Other helpful documents illustrating behavioral changes may serve as powerful evidence. Those documents may, for example, show episodes of depression, drug and/or alcohol use, fights, requests for transfer, unexplained economic changes, and deterioration of work performance.
- A previously denied claim can be re-evaluated, and new evidence can be submitted in support of the claim.

IN A CRISIS?

Call 911 or the Department of Defense Safe Helpline at 1-877-995-5247.

NEED ASSISTANCE WITH A CLAIM RELATED TO MST?

You may contact the National Veterans Legal Services Program to see if you qualify for our free assistance with claims related to MST.



www.nvlsp.org/what-we-do/Lawyers-serving-warriors/
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