

Court Rules Chronic Pain Is a VA Disability



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A [recent ruling by the U.S. Court of Appeals for Veterans Claims](#) may have a major effect on the outcome of many veteran's disability claims.

On April 3, the court ruled that pain, without any underlying disability, may be a valid reason for awarding [VA compensation benefits](#).

The ruling is a result of Gulf war veteran Melba Saunders, who served in the Army from Nov. 1987 until Oct. 1994. Saunders suffered a knee injury while in service and was treated by military doctors and diagnosed with "patellofemoral pain syndrome," according to Web-MD that is also known as "knee-pain."

She filed a disability claim after leaving the military and was denied, the story is long, but the VA eventually denied her claim, saying "patellofemoral pain syndrome...is productive of no ascertainable impairment." In English that means that her injury, while it was painful, was not an impairment, and therefore not a disability.

All this means is that the VA said she had no real disability, there was no injury that qualified her for compensation. To the VA pain, in and of itself, was not a disability.

Court Says A Disability Doesn't Necessarily Have To Be A Diagnosed Injury

The law (38 U.S.C. § 1110) says that VA shall award compensation benefits "for disability resulting from personal injury suffered...in line of duty."

The law doesn't tell the VA to award compensation for an injury, but for the disability caused by the injury. That is why if you have a greater disability, you normally have a lesser potential earning ability, or lesser enjoyment of life than someone with a lesser disability; therefore you are awarded a greater compensation for that disability, to make up for your reduced earning ability, etc.

The court cited the definition of a disability as "an impairment in the enjoyment of life or earning ability". The court said that "pain is a form of functional impairment." So the pain can be considered a disability by itself, without any diagnosed injury.

Court Referenced Gulf War Veterans

The court also cited the VA's awarding of compensation benefits to [Gulf War veterans who suffer from "undiagnosed illnesses."](#)

If the VA can pay compensation to Gulf War veterans who have no specified medical condition and suffer from medical issues affecting their life; veterans who have no specified conditions and suffer from chronic pain should likewise be awarded compensation.

What This Means To Veterans

While that isn't exactly clear, the VA hasn't issued a statement on the ruling, if you have chronic pain as a result of your military service, you may want to sharpen up your pencil and look at filing a claim.

To do it right, we always recommend using a [Veterans' Service Organization](#) to help you, since they are adept at battling the VA, and don't charge you for their help.

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