

Veterans With Schizophrenia: How They Fare in Veterans Appeals  
vs. Other Court Systems

Helen LaVan, PhD, LPC

DePaul University

[hlavan@depaul.edu](mailto:hlavan@depaul.edu)

Melissa LaVan, MA, MS

Chicago School of Professional Psychology

Abstract

- The purpose of this study is to discern how mentally ill veterans with schizophrenia fare in Veteran Courts of Appeals relative to how they fare in non-veteran specific courts.
- Veterans' Courts of Appeals are federal courts having exclusive jurisdiction to review decisions of the Board of Veterans' Appeals. The Court provides review of administrative decisions that are contrary to the veteran-appellant's claim of entitlement to benefits for service-connected disabilities and survivor benefits.
- The methodological approach in the study is empirical legal scholarship, in which court cases are the unit of analysis. It allows for analysis that is not based on a single organization, service provider, or site.
- The data for this study are cases litigated between January 1, 2013 and June 30, 2015 in all courts obtained through a Lexis Nexis search. Search terms were "schizophrenia" and "veteran." There was a total N of 267 for all court levels, including 154 for Veterans Court of Appeals. Multiple coders classified the following data: service-connected, physical, and psychological disabilities comorbidity, medications and their various side effects, homelessness, substance abuse, among others.
- The intent is to illustrate how the methodology can be used to gain a better understanding of these veterans to better serve them and to reduce remands.

Current Status Board Of Veterans Appeals

- Purpose is to conduct hearings and decide appeals under laws that affect benefits to veterans, their dependents, or their survivors.
- There are **66,778** pending cases. The average cost to hear a case is **\$1,607** (page 27).
- Average length of time between the filing of an appeal in the board's disposition of the appeal was **1,038 days** in 2014 (page 22).
- Staff handle **221** decisions per workday (page 23).
- The problem is that approximately **45%** of all decisions are remanded for reconsideration. This can be interpreted as mistakes were made in 45% of the decisions (pages 26 and 27).
- A high priority goal is to reduce the percentage of remands.

Working Contentions Of Authors

- If staff had better understanding of veterans' needs, cases could be handled more effectively, and veterans better served.
- For example, consider the veteran with schizophrenia.
- After brief review of what schizophrenia is, the researchers will demonstrate a process of empirical legal scholarship that can be used to gain a better understanding of the veteran's case, leading to reducing the remands.

## Using Veterans with Schizophrenia as an Example

- Nature of Schizophrenia
- Schizophrenia is a chronic, severe, and disabling brain disorder that has affected people throughout history.
- People with the disorder may hear voices other people don't hear. They may believe other people are reading their minds, controlling their thoughts, or plotting to harm them. This can terrify people with the illness and make them withdrawn or extremely agitated.
- People with schizophrenia may not make sense when they talk. They may sit for hours without moving or talking. Sometimes people with schizophrenia seem perfectly fine until they talk about what they are really thinking.

## Methodology

- Empirical Legal Scholarship—Litigated case as unit of analysis.
- NVivo—Auto coding of litigated cases.
- Sample—Lexis Nexis cases using search strategy of (veteran AND schizophrenia) and date January 1, 2013 to June 30, 2015 at all court levels.
- Initial N=307. Included in study N =267

## Implications of Use of Methodology

- Protection of veterans—better, more appropriate treatment sooner.
- Protection of society—less use of community resources that should have been VA provided.
- Reduction in use of findings of VA related cases as precedents.
- Enhanced reputation of the VA.

## Treatment Recommendations

- Case Management—including different balance of professionals for different presenting issues.
- Reduction in pro se.
- Considering deteriorating conditions, such as schizophrenia.
- Reexamination of service-related determinations.
- Treatment of co-morbidity.

## Research Recommendations

- Development of model using NVivo and empirical legal scholarship.
- Examination of substantive vs. procedural remands.
- Examination of outcomes in favor/not in favor of the veteran.

## Recommendations to VA

- Evaluate use of newly hired attorneys to handle backlog of cases.
- Multiple/cross-trained appeal staff.
- Teleconferencing may not be appropriate for all veterans with all conditions.
- Plus 200 cases per day.
- Average time to disposition is 1038 days in 2014.
- Disposition by representation of vets by voluntary organizations such as American Legion and AmVets, no matter how well-meaning should be examined.
- Not all dispositions are in control of board.

## VA Initiatives

- Training: internal, intra-departmental, flexible telecommuting.
- Employee engagement.
- Advocate for legislative initiatives.
- Use of video teleconference hearings.
- Workforce planning.

References and tables will be provided upon request.

