**VA SPOTLIGHT**

**Claim Killer DBQ Questions.**

**VA Spotlight** is a series of stories bringing light to the dark side of the VA’s treatment of some Veterans applying for disability. Whether out of frustration, desperation, anger, or ‘just to make it right” they contacted me, and together, we fought the injustice.

These are actual cases and claims. I have changed names and identifying information for confidentiality reasons.

I review many DBQ’s in my work. The VA frequently will have a question at the end of the DBQ for the examining doctor. I started collecting some of the questions, because they were so stupid, or simply revealed a total lack of clinical judgement or experience.

I wanted to Spotlight some of these, because these questions impact your claim!

Here are a few actual DBQ questions that the C&P examiner needed to answer. My comments follow each question.

The Question:

**Please state if the Veteran’s PTSD is at least as likely as not incurred in or caused by anxiety during service.**

There are a couple of serious clinical issues here. First, who asked this stupid question? I do not know. PTSD is not caused by anxiety. PTSD is caused by a trauma or stressor. Anxiety may be part of PTSD, but anxiety does not cause PTSD. This is a clinical error in that who ever asked this question obviously does not know the clinical criteria for PTSD.

Second, the Veteran’s claim is being based on this question. A competent psychologist cannot say Yes, to this question, because it is diagnostically inaccurate. So, what that means is that the examiner must say No. And then what happens? The claim will be denied because the question being asked was diagnostically incorrect.

The Question:

**Is the veteran’s NOS depressive disorder caused by his service connected major depressive disorder.**

Is this the same person who asked the PTSD question above? Or is it just rampant incompetence? Maybe both!

According to DSM 5 (the psychologist and psychiatrist diagnostic ‘Bible’), a person cannot have both of these conditions. Having a Major Depressive Disorder excludes having a NOS depressive disorder. (The NOS means Not Otherwise Specified: Not enough symptoms are present for a full depressive disorder.) So, the correct answer on the DBQ is obviously a No. But someone had to review the veterans record, then had to formulate this ridiculous question. OR, an incompetent doctor diagnosed the veteran with NOS depressive disorder in addition to the major depressive disorder. Either way…it shows incompetence and the claim is denied.

What may be worse, is that there may have been other psych conditions that were not included in this DBQ and will not be addressed.

The Question:

**Do the service records show evidence of PTSD?**

This is a ‘claim killer’ question. And I have seen it multiple times on a DBQ from the VA.

Many vets do not report trauma or PTSD symptoms while in service. There are many articles written on this continued problem, and the reasons behind it, of vets not reporting symptoms while in service. The Vet gets discharged. Then, as they try to adjust to civilian life, their PTSD or depressive symptoms start ‘coming alive.”

The veteran puts in a claim for PTSD and the VA asks the C&P examiner the above question.

The examiner reviews the records. Nope, no mention of PTSD. Claim denied!

This is a set up question to deny claims. To base a PTSD diagnosis solely on a record review is a clinical error. An accurate diagnosis should include a record review and a clinical interview.

There are research articles focusing on what is called ‘Delayed Expression PTSD.” This means that PTSD symptoms can emerge years after a traumatic event. Of course there will not be symptoms noted in the service record. And to use this as a reason to deny a PTSD claim is

egregious.

The Question:

**Please state if the Veteran’s PTSD is at least as likely as not incurred in or caused by the veteran’s service connected asthma.**

Please refer to my answers above! Yes, this is an actual question asked by the VA.

The examiner must answer No. Because Asthma does not cause PTSD! An example of incompetence, and again, a claim denied!

Conclusions

Sloppy clinical work. Incompetent people with power. “Invisible” people at the VA asking, or formulating these questions. Or, simply, incompetent doctors misdiagnosing.

All of these systemic problems within the VA negatively affect veterans and their benefits.

The solution: Fight back. Fight the denied claim. Fight the misdiagnosis. Get a competent doctor who will stand up to the craziness and provide you with a complete exam, accurate diagnosis, and a rating.

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