



# Federal Health Matters

## Amputations Among Soldiers Increase Sharply in Afghanistan

Last year, doctors and nurses treating U.S. troops injured in Afghanistan saw twice as many wounded soldiers require limb amputations than in either of the 2 previous years. Furthermore, 3 times as many lost more than 1 limb, and nearly 3 times as many experienced severe injuries to their genitals. In many cases, the injuries were caused by a soldier stepping on a buried mine.

The increase in amputations and genital injuries was noticed by military surgeons in Afghanistan and quantified in a report by a team of surgeons at Landstuhl Regional Medical Center in Germany, where nearly every evacuated soldier stops en route to the United States. The report shows that, from 2009 to 2010, the proportion of casualties arriving at Landstuhl who had had a limb amputated rose from 7% to 11%—a 60% increase. Those with genitourinary injuries increased from 4.8% to 9.1%—a 90% increase.

The actual number of patients with the injuries increased even more drastically. In 2009, 75 soldiers underwent amputation and 21 lost more than 1 limb. In 2010, 171 soldiers had amputations and 65 lost more than 1 limb. Genitourinary injuries increased from 52 to 142 over the same period.

Of the 142 soldiers with genitourinary injuries, 58 were injuries to the testicles; 21 men ultimately lost a testicle, and 8 men lost both testicles. Body armor usually includes a triangular flap that protects the groin area from projectiles coming from the front. It does not, however, protect

the area from an upward blast, such as that caused by a landmine.

Soldiers who have lost 2 limbs and both their testicles are a new category of survivor. In addition to phantom pain and posttraumatic stress, these men will require testosterone supplementation for the rest of their lives. Also on the increase are patients requiring hip disarticulation (removal of the entire thigh bone), which makes fitting and using a prosthesis more difficult. According to an army spokeswoman, Cynthia Vaughan, a “severe and complex injury task force” has been formed to determine the optimal care and support that these and many other soldiers require.

## Supreme Court Ensures Fair VA Appeals Process

In the past, disabled veterans’ appeals usually were not considered after a 120-day filing deadline passed; however, a Supreme Court decision on March 1 concluded that the 120-day limit was not intended to carry the harsh consequences of the “jurisdictional tag.” For veterans, this means deadlines related to filing appeals and other claims have greater flexibility, in certain situations.

In 1992, the VA gave David Henderson—a veteran of the Korean War—a 100% disability rating for paranoid schizophrenia. In 2001, he filed a claim for supplemental benefits based on his need for in-home care. The VA regional office and Board denied his claim, after which, he filed a notice of appeal with the Veterans Court. They dismissed Henderson’s appeal because he submitted it 15

days after the 120-day filing deadline due to being ill. They claimed his appeal was “untimely,” which prompted him to appeal to the Federal Circuit. Sadly, Henderson died last October, prior to the ruling on his case.

In *Henderson v. Shinseki*, the Court ruled that veterans will be allowed more flexibility with filing deadlines, especially when the veteran is too sick to file in time. Veterans with traumatic brain injuries or psychological disorders who miss filing deadlines, for example, may be allowed extensions. Previously, the VA considered the majority of these claims to be “expired” because the time limit of the rule had passed. Thus, filing deadlines are no longer considered absolute deadlines.

The Supreme Court decided the VA’s application of a filing deadline contradicted congressional intent. Congressional intent for veterans’ disability claims holds that VA proceedings are to be informal and non-adversarial, and that the VA must assist veterans in developing their supporting evidence and give them the benefit of the doubt in evaluating that evidence. As such, a non-adversarial system would allow a sick veteran to miss a deadline by 15 days. Veterans, depending on the details of their claim’s status, now can push for extensions that otherwise were prevented. ●

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