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The American Dream After War: Veterans' Accessibility to a Higher Education through the Post-9/11 GI Bill

Maha Sadek

The Post-9/11 Veterans' Educational Assistance Act of 2008 ("Post-9/11 GI Bill") went into effect in 2009.¹ Since 2013, about 800,000 service men and women have taken advantage of their Post-9/11 GI Bill benefits, and 80% of GI Bill spending is attributed to the Post-9/11 GI Bill.² Though educational benefits are provided, at varying rates to veterans who served after September 10, 2001³, about 26% of veterans aged 25 or older have a bachelor's degree compared to 28% of the total population.⁴ There are several factors that contribute to veteran's attainability of a degree including adjusting to life outside of the military⁵, unequal elementary and high school educations that effect college readiness⁶, and service connected disabilities.⁷ This paper will focus on the difficulties veterans with service connected disabilities face as they attempt to obtain a college degree post military service.

BENEFITS ELIGIBILITY

A veteran is eligible for the Post-9/11 GI Bill educational benefits if they "served at least 90 aggregate days on active duty after September 10, 2001, or were honorably discharged from active duty for a service-connected disability after serving 30 continuous days following September 10, 2001."⁸ The Post-9/11 GI Bill provides a maximum of amount of benefits that can be paid, and

¹ Cassandria Dortch, CONG. RESEARCH SERV., R42755, *The Post-9/11 VETERANS' EDUCATIONAL ASSISTANCE ACT OF 2008 (POST-9/11 GI BILL): A PRIMER 1* (2017).

² *Id.*

³ Dep't of Veterans' Affairs, *Post-9/11 GI Bill Pamphlet 22-09-01* (2012), https://www.benefits.va.gov/gibill/docs/pamphlets/ch33_pamphlet.pdf.

⁴ UNITED STATES CENSUS BUREAU, *HOW DO WE KNOW? A SNAPSHOT OF OUR NATION'S VETERANS* (2012), <https://www.census.gov/library/visualizations/2012/comm/veterans.html>.

⁵ Naphan, D.E., & Elliott, M., *Role Exit from the Military: Student Veterans' Perceptions of Transitioning from the US Military to Higher Education*, 20 *THE QUALITATIVE REPORT* 38 (2015).

⁶ Alford Ottley, *Empty Promise: Black American Veterans and the New GI Bill*, 2014 *NEW DIRECTIONS FOR ADULT AND CONTINUING EDUCATION* 79-86 (2014).

⁷ Thomas Church, *Returning Veterans on Campus with War Related Injuries and the Long Road Back Home*, 22 *J. OF POSTSECONDARY EDUC. AND DISABILITY* 44 (2009).

⁸ Dep't of Veterans' Affairs *supra* note 3.

this amount decreases based on the total time served on active duty.⁹ For example, 36 months of active duty provides veterans with the maximum benefits, while between 12 and 18 months on active duty provides the veteran with 60% of the maximum benefits.¹⁰ The Post-9/11 GI Bill also places a 15 year time limit on the benefits before they are lost if unused.¹¹ Additionally, the veteran may only receive benefits for a total of 36 months at a Department of Veteran's Affairs ("VA") approved school.¹²

DEPARTMENT OF VETERAN'S AFFAIRS HEALTHCARE

The time requirements associated with the Post-9/11 GI Bill may pose a variety of issues for veterans with disabilities. Before veterans can consider using their benefits or transitioning from life in the military to life as a student, veterans need to focus on their health. The VA's healthcare is notorious for their mishandling of veteran's cases and applications for care.¹³ In September 2015, the VA's Inspector General found that out of the over 800,000 applications for healthcare stalled in the VA's system, more than 307,000 people had died before receiving any treatment.¹⁴ The same report estimated that over 10,000 cases were mislabeled and deleted or thrown away before being processed, leaving the veterans with no knowledge that their applications were not received correctly, and no healthcare for an extended period of time.¹⁵ The VA relies on a healthcare system that has "lack of procedures to oversee records, software glitches within the records system and inconsistency in identifying veterans who have died."¹⁶ Delays and unsuccessful record keeping are affect-

⁹ Id.; Dortch *supra* note 1 (For the 2017-2018 year, the maximum benefits payable to an approved public institution of higher learning is the full amount of in state tuition and fees. The maximum benefits payable to an approved private institution of higher learning is \$22,805.34.).

¹⁰ Dep't of Veterans' Affairs *supra* note 3.

¹¹ Id.

¹² Id.

¹³ Jacy Gomez, *Remember the VA Healthcare Scandal? It's Still Happening*, Washington Examiner (Oct. 31, 2017), <http://www.washingtonexaminer.com/remember-the-va-healthcare-scandal-its-still-happening/article/2639162>.

¹⁴ Curt Devine, *307,000 veterans may have died awaiting Veterans Affairs health care, report says*, CNN (Sept. 3, 2015), <http://www.cnn.com/2015/09/02/politics/va-inspector-general-report/index.html>.

¹⁵ Id.

¹⁶ Id.

ing veterans across the country, and when veterans don't receive proper care they can't take advantage of their other benefits.¹⁷

INVISIBLE DISABILITIES- TBI AND PTSD

Student veterans with disabilities have a unique and difficult transition to life as a student, especially when their disabilities are invisible and diagnoses often relies on self-identification.¹⁸ The three most common types of disabilities among veterans are “physical injuries from blasts such as burns, amputations and orthopedic injuries; operational stress injuries and mental health injuries; and [traumatic brain injuries].”¹⁹ Mental health injuries and traumatic brain injuries are considered invisible disabilities because they do not include physical wounds.²⁰ These invisible disabilities are extremely complex, with a variety of symptoms that may affect each veteran differently.²¹ Traumatic brain injuries, for example, can include symptoms ranging from hearing loss, lack of judgment, depression, headaches, seizures, and decreased language ability.²²

The process of diagnosing an invisible disability like post-traumatic stress disorder (“PTSD”) is difficult since diagnoses often rely on self-reporting, and research has shown that veterans with “combat-related PTSD [are] more resistant to treatment than PTSD caused by other traumas.”²³ The VA estimates that between 11-20% of veterans who served in the Global War on Terror will be diagnosed with PTSD each year, though this number is likely to be higher.²⁴ Treating invisible disabilities is a lifelong process, because the disabil-

¹⁷ Gomez *supra* note 13. (“In 2015. . . more than 200 veterans died waiting for care at a VA facility in Phoenix. Just one year earlier, 37 veterans suffered the same fate due to delayed care in Shreveport, LA. [M]ore than 2,900 veterans are currently waiting for care at the same Shreveport hospital. . . Earlier this year, the two local [Iowa City, IA] VA facilities. . . claimed that no veteran waited longer than three months for care. 537 veterans were waiting for a clinical appointment between 91-180 days, 539 waited between 181 days to a year, and 232 waited between one and two years.”)

¹⁸ Allan L. Shackelford, *Documenting the Needs of Student Veterans with Disabilities: Intersection Roadblocks, Solutions, and Legal Realities*, 22 J. OF POSTSECONDARY EDUC. AND DISABILITY 37 (2009).

¹⁹ Church *supra* note 7.

²⁰ *Id.* at 43.

²¹ *Id.* at 45.

²² *Id.* at 46.

²³ Javier Iribarren et al., *Post-Traumatic Stress Disorder: Evidence-Based Research for the Third Millennium*, 2 EVIDENCE-BASED COMPLEMENTARY AND ALTERNATIVE MED. 507 (2005).

²⁴ Dep't of Veterans' Affairs, *PTSD: National Center for PTSD* (Oct. 3, 2016), <https://www.ptsd.va.gov/public/ptsd-overview/basics/how-common-is-ptsd.asp>; Church *supra* note 8. (In

ity and its effects on the veteran may take time to develop and be recognized.²⁵ Furthermore, because PTSD often causes other psychiatric disorders ranging from depression, phobias, and addiction the process of treating the effects of the disability is a long term.²⁶

The United States' involvement in the Vietnam War ended in 1973,²⁷ but "Vietnam era and Gulf War veterans are still applying for PTSD treatment and disability benefits."²⁸ The fact that service men from this period are still applying for disability benefits 44 years later showcases the life-long process that veterans returning from war today will face. This trend in delayed treatment and diagnosis is likely to continue since of the veterans returning from Iraq and Afghanistan "only 53% of the returning military personnel from the war have seen a physician or mental health professional for treatment during [2007] and of that group only about half had received sufficient treatment."²⁹ By placing a time limit on educational benefits, the VA is not allowing veterans the necessary time to focus on healing, and ignoring the fact that these invisible disabilities often follow veterans throughout the rest of their lives.³⁰

Veterans with disabilities also face difficulties in obtaining a degree even after they arrive on campus.³¹ Tyler Snyder is a student veteran at Michigan State University ("MSU"), and he is currently studying chemical engineering and agribusiness management.³² In addition to feeling an obligation to serve,³³ Tyler knew that the military "offered and extended competitive scholarships

2008, the Rand Report estimated that over 31% of deployed veterans experienced TBI, PTSD, depression, or a combination).

²⁵ Shackelford *supra* note 18.

²⁶ Iribarren *supra* note 23.

²⁷ UNITED STATES DEPARTMENT OF STATE-OFFICE OF THE HISTORIAN, ENDING THE VIETNAM WAR, 1969–1973 (2016), <https://history.state.gov/milestones/1969-1976/ending-vietnam>.

²⁸ Church *supra* note 8.

²⁹ Id. at 50.

³⁰ H.R.3218, 115th Cong. (2017) (enacted); Dep't of Veterans' Affairs, *Forever GI Bill - Harry W. Colmery Veterans Educational Assistance Act*, EDUCATION AND TRAINING (Aug. 17, 2017), <https://benefits.va.gov/gibill/forevergibill.asp>. (The Harry W. Colmery Veterans Educational Assistance Act was signed into law on August 16, 2017 and removed all time limits on educational benefits).

³¹ Church *supra* note 8.

³² Email Interview with Tyler Snyder, Student Veteran at Michigan State University (Nov. 5, 2017)

³³ Email Interview with Tyler Snyder, Student Veteran at Michigan State University (Mar. 31, 2016).

and repayments for school, so [he] joined to get a slice of the pie.”³⁴ He spent about 3.5 years in the Army, and is currently a part of the Army National Guard.³⁵

In March 2016, Tyler noted that the process of applying for benefits included “lots of paperwork.”³⁶ Tyler explained that the VA was delayed in processing his benefits, and a hold was placed on his student account as a result.³⁷ When Tyler sought assistance from the University to remove this hold, while he found that staff members were more than willing to help, he still “got transferred to multiple offices, because [he thought] some of the staff wasn’t sure where to, or who to, send [his] call.”³⁸

In November 2017, Tyler still does not “completely understand the logistics of the paperwork behind the curtain.”³⁹ He has continued to experience issues with delayed benefits, stating that he “comes to expect it.”⁴⁰ Due to these delays Tyler has been in situations where he had to cover thousands of dollars in tuition costs, although he is always reimbursed by the military.⁴¹ Tyler categorizes MSU as a military friendly campus; he is always informed of student veteran events and knows resources are available to help.⁴² Even though MSU lacks organized support through a designated veteran resource center, they are ranked the 44th best college for veterans by the US World and News Report.⁴³

³⁴ Email Interview with Tyler Snyder, Student Veteran at Michigan State University (Nov. 5, 2017).

³⁵ Email Interview with Tyler Snyder, Student Veteran at Michigan State University (Mar. 31, 2016).

³⁶ Id.

³⁷ Id.; *Hold Policy*, MICH. STATE U., <https://reg.msu.edu/ROInfo/Notices/Hold.aspx> (At Michigan State University, a student account hold prohibits a student from “enrolling, becoming registered, receiving [his or her] diploma or certificate, receiving a transcript, or being processed for financial aid.”).

³⁸ Email Interview with Tyler Snyder, Student Veteran at Michigan State University (Mar. 31, 2016).

³⁹ Email Interview with Tyler Snyder, Student Veteran at Michigan State University (Nov. 5, 2017).

⁴⁰ Id.

⁴¹ Id.

⁴² Id.

⁴³ *Best Colleges for Veterans*, U.S. NEWS AND WORLD REP. (2017-2018), <https://www.usnews.com/best-colleges/rankings/national-universities/veterans>. Robert Prah, *What Exactly Is A “Military-Friendly” School?*, DEP’T OF VETERANS’ AFF.: BLOG (Apr. 24, 2014, 3:17 PM), <https://www.blogs.va.gov/VAntage/13871/what-exactly-is-a-military-friendly-school/> (The VA defines a military-friendly campus or university as one that “do[es] the ‘right thing’ and provide[s] the

The process of applying for VA benefits is lengthy and difficult for most veterans; this process only becomes more difficult and make the attainment of a degree increasing inaccessible for veterans with disabilities. While the VA supports veterans' educational endeavors, it is paramount that veterans' health concerns be addressed first and foremost. Without proper support before and after arriving to campus, veterans will be unable to employ the benefits offered to them through the Post-9/11 GI Bill.

best education and services to help your Veterans and Service members succeed while enrolled and after graduation.”).