

Federal Circuit Court Rules Veterans Can Get Disability Benefits for Pain

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April 11, 2018 – The United States Court of Appeals for the Federal Circuit held VA must award disability benefits for pain due to military service. Prior to this Court decision, the U.S. Court of Appeals for Veterans Claims had held that pain alone without an underlying diagnosis was not compensable.

What Does This Mean?

The Federal Circuit's decision means that if a veteran has pain related to their time in service, but does not have an underlying medical diagnosis, they can receive VA disability benefits. Many veterans experience pain stemming from their time in service, but do not have a diagnosis that serves as a cause for the pain.

VA disability benefits are intended to compensate veterans for a loss of earning capacity due to a condition caused by service. The Court stated that a “disability refers to a condition that impairs normal functioning and reduces earning capacity.” The prior understanding of a disability relied on the injury, event, or cause of the disability in order to warrant disability compensation. The Court concluded that “‘disability’ [...] refers to the functional impairment of earning capacity, not the underlying cause of said disability.”

The Federal Circuit court's decision overturns 19 years of precedent, opening up a previously closed avenue for veterans seeking compensation for pain caused by their military service.

How Did This Happen?

The case *Saunders v. Wilkie* was brought on behalf of Gulf War veteran Melba Saunders. Ms. Saunders served in the Army from November 1987 to October 1994 and sought treatment for knee pain while in service. She continued to experience pain after service but did not have a specific diagnosis or identifiable injury.

She was denied service connection for her knee pain by the VA Regional Office in 1994 and 2008, and she appealed her 2008 claim to the [Board of Veterans' Appeals](#). Ms. Saunders received an exam as part of a Board remand that noted she experienced functional limitations, and the examiner stated that her bilateral knee pain was at least as likely as not caused by her time in service. However, the Board then denied her claim on the grounds that the VA cannot pay disability benefits for pain alone without an underlying medical diagnosis.

She appealed the Board's denial to the U.S. [Court of Appeals for Veterans Claims \(CAVC\)](#) which denied her appeal based on its 1999 decision in *Sanchez-Benitez v. West*, which set the precedent that "pain alone is not a disability for the purposes of VA disability compensation." She appealed this decision to the U.S. Court of Appeals for the Federal Circuit.

The Federal Circuit court ruled in favor of Saunders and reversed years of CAVC precedent, stating that pain is a disability for compensation purposes.

[To read the Court's decision, click here.](#)