NAME DATE
ADDRESS
PHONE NUMBER

**PERSONAL STATEMENT (PTSD)**

 **BENEFITS SOUGHT:**

 Service connection for PTSD on a presumptive basis from engaging North Korean Infiltrators in the Demilitarized Zone (DMZ) on December 9th and 10th in 1983.

**INTRODUCTION:**

 I received orders for an overseas tour in Korea from 1983 to 1984. when I arrived, I was assigned to the 2nd Battalion, 9th Infantry Battalion at Camp Liberty Bell assigned to the Mobile Acquisition and Counter-infiltration Element (MACE) with additional duties as a sniper. The mission of the Mobile Acquisition and Counter-infiltration Element (MACE) was to always be prepared to respond to the US sector in the DMZ to prevent and deter North Korean infiltrators from entering into the DMZ from the North Korean attempting to infiltrate South Korea.

**LEGAL ANALISES OF THE VA’S SPECIAL PRESUMTION FOR PTSD**

This presumption dictates that in order to obtain service connection for PTSD, the following is necessary:

1. Medical evidence of a diagnosis of PTSD
2. A link, established by medical evidence, between the current symptoms and an in-service stressor
3. Credible evidence that the claimed in-service stressor occurred

If any of the above criteria are missing from the claim, the VA will be unable to grant service connection for the PTSD claim.

In times of war, stressful events or circumstances were not always documented by the military, so there would be no way for a veteran to obtain any kind of proof that an event happened. To alleviate this difficulty, the VA established five scenarios in which a veteran would not be obliged to prove the occurrence of the stressor via service records relates to **fear of hostile military.**

A veteran’s lay statement may establish the occurrence of the stressor if the stressor is related to the veteran’s **fear of hostile military activity**. For the VA to recognize this, a VA psychologist or psychiatrist (or a VA-contracted clinician) must confirm that the stressor would be adequate (severe enough) to support a diagnosis of PTSD and that the veteran’s symptoms are related to that stressor.

For VA purposes, fear of hostile military or terrorist activity means that a veteran experienced, witnessed, or was confronted with an event or circumstance that involved actual or threatened death or serious injury, or a threat to the physical integrity of the veteran or others, such as from:

* an actual or potential improvised explosive device
* vehicle-embedded explosive device
* incoming artillery, rocket, or mortar fire
* grenade
* small arms fire, including suspected sniper fire
* an attack upon friendly military aircraft

CFR§3.304 Is the legal authority for the VA’s [special presumption](https://www.ecfr.gov/cgi-bin/text-idx?SID=a9336bb654ab856b00ab0aece4b20a7c&node=se38.1.3_1304&rgn=div8) for PTSD claims

CFR§3.304(3) Signed statements of veterans relating to the origin, or incurrence of any disease or injury made in service if against his or her own interest is of no force and effect if other data do not establish the fact. Other evidence will be considered as though such statement were not of record.

(Authority: 10 U.S.C. 1219)

CFR§3.304(d) *Combat.* Satisfactory lay or other evidence that an injury or disease was incurred or aggravated in combat will be accepted as sufficient proof of service connection if the evidence is consistent with the circumstances, conditions or hardships of such service even though there is no official record of such incurrence or aggravation.

(Authority: 38 U.S.C. 1154(b))

CFR§3.304(f) *Posttraumatic stress disorder.* Service connection for posttraumatic stress disorder requires medical evidence diagnosing the condition in accordance with §4.125(a) of this chapter; a link, established by medical evidence, between current symptoms and an in-service stressor; and credible supporting evidence that the claimed in-service stressor occurred. The following provisions apply to claims for service connection of posttraumatic stress disorder diagnosed during service or based on the specified type of claimed stressor.

CFR§3.304(f) (3) If a stressor claimed by a veteran is related to the veteran's fear of hostile military or terrorist activity and a VA psychiatrist or psychologist, or a psychiatrist or psychologist with whom VA has contracted, confirms that the claimed stressor is adequate to support a diagnosis of posttraumatic stress disorder and that the veteran's symptoms are related to the claimed stressor, in the absence of clear and convincing evidence to the contrary, and provided the claimed stressor is consistent with the places, types, and circumstances of the veteran's service, the veteran's lay testimony alone may establish the occurrence of the claimed in-service stressor. For purposes of this paragraph, “fear of hostile military or terrorist activity” means that a veteran experienced, witnessed, or was confronted with an event or circumstance that involved actual or threatened death or serious injury, or a threat to the physical integrity of the veteran or others, such as from an actual or potential improvised explosive device; vehicle-imbedded explosive device; incoming artillery, rocket, or mortar fire; grenade; small arms fire, including suspected sniper fire; or attack upon friendly military aircraft, and the veteran's response to the event or circumstance involved a psychological or psycho-physiological state of fear, helplessness, or horror.

**STRESSER**

It was the beginning of another recon mission as a member of the Quick Reaction Force (QRF). I was studying call signs and map directions in our platoon area, when SGT Holman came to the study/prep-room and told me to follow him. As soon as we cleared the study/prep-room he told me that a report came over the radio that several North Korean Infiltrators were spotted in our sector of the DMZ. Since, you’re my best sniper I need you on the DMZ set up and prepare to engage the North Korean Infiltrators.

He reported that one of our squads in an ambush position had them in sight and waiting for the green light from TOC to engage the Infiltrators. I realized at that moment SGT Holman was placing me in position to engage the enemy, it’s at that moment I realized that at any minute I might be required to engage the North Korean Infiltrators with my sniper rifle with orders to use deadly force to keep the North Korean Infiltrators from entering into South Korea., and as I thought about the situation, I felt the blood rush out of my head.

Suddenly, SGT Holman noticed I didn’t have the proper equipment for this situation so, SGT Holman told me he would have to find someone else to replace me. SGT Holman decided that me and a few others squad members would be reassigned to cover a squad heading out to get set up into an ambush position.

We quickly got into position so we could provide cover for the squad heading to their assigned ambush position. Once we were in position, I started thinking again about the current situation and it hit me, this is really happening, and I began to get concerned looking around feeling jumpy and nerves. Once the squad we were covering was in ambush position, we were ordered to jump into 2 ½ ton truck and transported to guard post Collier. Guard Post Collier and Guard post Ouellette are two posts just inside the American sector of the D.M.Z.

Once at Guard post Collier I was placed in the naval sights room to continue to provide cover for the squad in the ambush position. Captain Bonn the commander of the Mobile Acquisition- Counter infiltration Element (MACE) had made his way down to the original ambush site and I had a feeling thing were going to get deadly real fast.  The squad that originally spotted the North Korean Infiltrators while in an ambush position currently have North Korean Infiltrators their kill zone and called TOC on the radio and asked TOC for permission to engage the North Korean Infiltrators. Paul B and Chandler D was stationed at guard post Ouellette, earlier and used inferred scopes to spot the North Korean Infiltrators and was keeping them in site, the radar station had also confirmed the spotted the North Korean infiltrator moving in the DMZ.  There were 3 confirmed sightings of 7 or more infiltrators, which meant they could engage once obtaining permission from TOC.

One of the ambush sites initiated the engagement with small arms fire and requested to use illumination and high explosive rounds. TOC gave permission to engage the North Korean Infiltrators. Capt. Bonn began shooting both Illumination and M203 rounds in the direction of the North Korean Infiltrators. Captain Bonn had shot hundreds of high explosive and Illumination rounds from his position at the Edge of the duck Pond that was just west of where the Infiltrators and their rescuers had come from. This kept up for an amount of time I am not sure of. It was really a scary moment of time and I had no concept of how much from the start of small arms fire to the time when the last 40 MM. grenade floating illumination rounds stopped falling as it durned dark.

We left G.P. Collier on foot, down that long assed driveway to Hwy.1 and across into the rice paddies and towards the spot where we saw dead North Korean Infiltrators hours earlier. At around 4am the North Korean Infiltrators comrades were still moving the last of their dead or dying North Korean Infiltrators out of the DMZ as fast as they could. We were ordered to sit and wait for daylight. I thought for sure I was going to die sometime during the engagement. Having seen at least one North Korean Infiltrators body blown up and several other North Korean Infiltrators killed heightened my fear. I was so scared and stressed out hearing the small arms fire and all the explosions during the night. The whole time I was sure I would be grabbed by a North Korean Special force soldier or killed in an ambush while waiting for back up, as I was 100 yards away, and in full view of a North Korean Guard post.

I was in a combat situation and seen death up close for the first time in my life, I had noticed the blood on my hands, elbows and knees from my crawling through the Dead North Korean Infiltrators body’s. All I could think about was a North Korean special force squad coming back for to kill us.

All of our guys had moved back to the guard posts, tensions were extremely high, as we realized this Shit was for real and I was in the middle of it. Tensions were still extremely high. This Shit was for real and I was in the middle of it. It seemed like I was by myself for hours, but when I checked it was only 2 hours. The whole time I was sure I would be grabbed by North Korean Special force or killed by North Koreas while waiting for back up as I was only 100 yards away from a North Korea guard post. I watched as North Korean’s were still looking to find bodies down at the lake. After the North Korean Infiltrators were no longer near the pond, we left G.P. Collier on foot, down that long driveway to Hwy.1 and across into the rice paddies and towards the spot where we saw the dead men dying hours earlier. There were 12 men in that special patrol. We had a Captain Bonn and 8 lower enlisted ranking men. It took about an hour to walk 800 or so yards to the ambush site. We were moving slow looking for trip wires and trying to stay out of sight, moving as carefully as possible alert of possible North Korean ambushers that might be in position to ambush anyone coming to retrieve dead North Korean’s killed. I was tasked to throw the grapple hook up on the flat to search for trip wires or booby-trapped bodies. They would have done this by placing a hand grenade with the pin pulled under any bodies they might not have been able to retrieve

Once on site, we dropped our packs and approached the ambushing squad who had first engaged the North Korean Infiltrators, we relieved the squad from the ambush sight. I couldn’t help noticing the tired and scared looks on their faces as they left for DMZ. Before I through the grapple hook, I hesitated and envisioned hooking a body and when I pulled on the rope turning the body over an being blown up by a body booby-trapped. On my first try throwing the grapple hook it went straight up and straight down and almost hit my head, everyone laughed, One of the guys asked me if he needed someone else to throw it and I said no and the next try the grapple hook flew towards the ambush area.

After several throws, I had it under control. I low crawled up to where the explosions I had seen was, finding only blood and body parts. We made our way through the kill zone crawling through remains, I rolled over one body with the grapple hook and saw the dead Koreans face all bloody. There weren’t any entirely intact bodies found. Several drag marks headed toward the partially frozen lake down a trail headed north away from the ambush site, they had tried to remove as many bodies so, the Americans couldn’t retrieve them and use them as evidence. I’m sure they didn’t want to have to accept they were caught in our sector, ever under any circumstance.

    At this point FSG Holman had the patrol police, or clean up all evidence in the ambush area we found and bagged the body stuff into these large black body bags we had brought in. Once the (QRF) were finished they headed to where other squads were locating remains for assistance, when that task was completed the QRF headed to G.P. Collier, leaving me and one other from our squad by the duck pond. When we were told we could leave the duck pond, both of us low crawled for a short distance, feeling for trip lines on the trails, then we high crawled along the drag marks. We were ordered to follow them and locate anything gear they had lost and look for bodies not recovered. We found nothing but bloody drag marks on the trails leading to their border and then followed bloody drag marks towards the lake where we found a hole in the ice leading into the lake. We stayed there securing the trails leading from G.P. Collier towards us for Special Forces Divers. During this time, we were looking for more trip wires and waiting for a potential Counter ambush by NK soldiers coming to retrieve the remaining missing infiltrators. I was ordered to stay and secure the area for the Green Beret divers while they searched.

This was very scary as I was alone and vulnerable luckily, I was ordered to move to the top of a knoll that was overlooking the duck pond to have a better vantage point to secure the area for the Green Beret divers. The Green Beret divers searched the pond for dead North Korean Infiltrators, but no bodies were found in the lake. Since, no bodies were found we left the area and moved to Guard Post Collier.

Upon arriving at Guard Post Collier, I was ordered to help load what I found to be 6 ft long black bags, that was filled with the body parts found on a trail in the US ambush zone. I was ordered to report to S-2 (Intelligence) bunker at camp grieves to be debriefed. All of us was interviewed and advised that the incident is classified and told “It never happened” to never talk anyone as long as it’s classified and was ordered to sign a disclosure document which basically an order to remain quiet under penalty of prosecution. As I signed the document, I noticed I had blood on my clothing, from crawling across the dead bodies during the night.

The North Korean man they call Singing Sam, accused us over the load speaker of shooting up the woods, trying to start a war and was really talking serious shit over the load speaker. Singing Sam was calling out names of the US soldiers and announcing over the load speaker what companies were involved in the incident, Singing Sam was being arrogant and really abusing us verbally over the load speaker, calling us, Killers, Criminals, etc… and how we would get ours for our actions. I felt for sure we were going to be shelled by their artillery at any time. Because of Singing Sam threats, we were ordered to get in fox holes we had dug before President Reagan came in November.

I found my buddy, Johnny O’Neal, and we got in the fox hole together. After a couple of hours everything calmed down and the Loudspeaker began to play the same American music they had before, Christmas music. the all clear was announced and we got out of the fox holes. I found out the North Koreas would not accept the bodies of their infiltrators killed when the Swedish delegates tried to return them five months later.

I was so relieved that we were back and safe and that the engagement with the North Korean Infiltrators was over. I had a difficult time sleeping I was tossing and turning at night still thinking about everything that I witnessed North Korean Infiltrators being blown up and shot.

**SYMPTOMS AND HOW THEY AFFECT MY SOCIAL AND ECONOMIC LIFESTYLE**

I have had continuous nightmares and night terrors, startled responses, hypervigilance, flashbacks, reliving experiences, intrusive thoughts, sleep disturbance, mood disturbances (anger and irritability, daily panic disorder, anxiety, chronic fatigue, and major depression), restriction of affect, poor social interactions, immediate and short-term memory problems, and reactivity to events that include images and recollections of my time in service.

I also experience marked avoidant behaviors and find isolation more preferable to interactions with others. I tend to avoid crowds, people and situations that do not provide me an opportunity to escape. I have a sense of detachment from others and do not seek to interact with anyone. It’s impossible to get into a relationship or stay in one so I remain single.

Recently, I have been getting angry with people over nothing, so I stay in my apartment where I feel safe. I have a history of depression secondary to Post-traumatic Stress Disorder. In addition, I have Panic Disorder with Anxiety Disorder comorbid to Post-traumatic Stress Disorder. I prefer isolation to social activities and restrict my movements to in and around home I have problems with concentration, persistence, and often fail to complete tasks in a timely fashion. I tend to withdraw from situations and seek the safety of my home.

**OCCUPATIONAL LIMITATIONS**

I’m on social security disability have a 60% VA rating working on 100% I suffer from Major Depression comorbid with Post-traumatic Stress Disorder and Bulimia Nervosa. I have loss of interest in activities, psychomotor agitation, extreme fatigue, feelings of guilt and hopelessness, sadness more days than not, and sleep disturbance. It causes difficulty in concentration and persistence, difficulty maintaining social functioning, and restriction of daily activities.

## Secondary Service Connection for PTSD

Sleep Apnea, GERD, Erectile Dysfunction, Depression, anxiety, panic disorder, psychiatric disorder, hypertension, insomnia,