

Mark O'Brien Clothing Allowance Improvement Act Reps. Mike Levin (D-CA) and Barry Moore (R-AL)



Background

The Department of Veterans Affairs (VA) will provide a clothing allowance to a veteran if his/her prosthetic or orthopedic device or skin medicine causes damage to his/her clothes, and he/she needs this device or skin medicine because of a service-connected condition (e.g., limb loss, severe burns). Approximately 40,000 veterans were approved for the clothing allowance benefit in Fiscal Year 2020.¹

To receive the benefit, a veteran must file a claim for disability compensation and provide a clothing allowance form to their local VA medical center by August 1.² A veteran can get \$968.52 paid once³, but can reapply in future years if he/she meets one of the following conditions:

- ❖ has more than one prosthetic or orthopedic device;
- ❖ has more than one skin medicine;
- ❖ his/her device or skin medicine affects more than one type of clothing.

Veterans have expressed that reapplying each year is burdensome, particularly those who have a lifelong condition that requires a device or medicine which damages their clothing.

Bill Summary

This bill is named after Marine Corporal Mark O'Brien, who was injured in combat in Iraq and lost his right arm and leg. He also suffered a Traumatic Brain Injury, which often causes him to forget to reapply for the clothing allowance. The bill states that clothing allowance payments shall continue on an automatically recurring annual basis until the earlier of:

- ❖ the date the veteran elects to no longer receive payments; or
- ❖ the date on which VA determines the veteran is no longer eligible.

It directs VA to prescribe regulations with standards for determining whether a claim is based on a circumstance that is not subject to change. If a claim is based on circumstances subject to change, VA shall review it to determine eligibility within five years of the first allowance, on a periodic basis thereafter, and whenever VA receives notice the veteran is no longer eligible.

If VA determines a veteran is no longer eligible, VA shall discontinue the allowance and provide the veteran with notice of the determination that includes a description of options for appeal. The changes would apply to claims submitted after enactment; and claims submitted prior to enactment if the veteran is in receipt of the clothing allowance as of the date of enactment.

Supporting Organizations

- ❖ Wounded Warrior Project (WWP)
- ❖ Iraq and Afghanistan Veterans of America (IAVA)
- ❖ Veterans of Foreign Wars (VFW)
- ❖ Disabled American Veterans (DAV)
- ❖ Paralyzed Veterans of America (PVA)
- ❖ Military Officers Association of America (MOAA)
- ❖ Army Aviation Association of America (AAAA)
- ❖ Blinded Veterans Association (BVA)
- ❖ The Retired Enlisted Association (TREA)
- ❖ USCG Chief Petty Officers Association (CPOA)
- ❖ Minority Veterans of America (MVA)
- ❖ Department of Veterans Affairs (VA)

¹ Department of Veterans Affairs Data provided to House Veterans Affairs Committee

² Department of Veterans Affairs, <https://www.va.gov/disability/eligibility/special-claims/clothing-allowance/>

³ Department of Veterans Affairs, <https://www.va.gov/disability/compensation-rates/special-benefit-allowance-rates/>