

***Statement
Of
Kevin Smith
Former Civilian Contractor Injured in the War Zone
Domestic Policy Subcommittee
Oversight and Government Reform Committee***

***“After Injury, the Battle Begins: Evaluating Workers’ Compensation
for Civilian Contractors in War Zones”***

*2154 Rayburn HOB
Thursday, June 18, 2009
2:00 p.m.*

My experience with AIG has been traumatic at best. I thought everything was fine at first, then, as I needed more treatment, things began to get tougher. I couldn't get the treatments my Dr's recommended like medication and sleep studies so I did without or paid for them myself, which has greatly hindered my continuity of care, thereby increasing the time it has taken me to achieve goals dictated by medical providers. And the trauma associated with PTSD is nothing compared to the trauma myself and my family has had to cope with because of AIG's blatant incompetence and egregious behavior.

In two separate instances AIG had stopped paying my indemnity. The first time was November of 05 and then again in November of 07. In November 05, the benefits were reinstated but it took several months before I started receiving checks again. Then I had to fight to get the checks I missed. I started investigating and was alarmed to find out my Dr's had not been paid for procedures and office visits from 04. Although AIG would approve treatment, they would not pay, so, the Dr's that had saved my leg and possibly my life was considering not treating me any longer! (*See attachment A*)

In November 07 AIG completely stopped all benefits including medical that I am suppose to receive for life according to the DBA. (*See attachment*

B) They refused to pay for another surgery needed on my knee or any other Dr.'s care. They would not even pay for medication I was taking for PTSD. Basically they completely ignored the fact that I had been diagnosed with PTSD as a result of my experience in Iraq, and they have used some of the most ridiculous excuses trying to defend their position. And to top it all off they tried to say they had overpaid me by \$23,406.60! (*See attachment C*)

I had to endure a long and grueling legal battle to reinstate the benefits that should have never been stopped. During this time, my family and I still had to live, so I was forced to return to work in a job that exacerbated injuries to my leg and PTSD. They stopped benefits based solely on the fact that the schedule on my leg was paid out without considering I was still being seen by a psychologist, which I might add, they approved. They obviously knew they had no legal grounds to drop me but that's part of the game they play in order to wear people down so they no longer have the will to fight.

My attorney put in a request for an informal hearing with the DOL which was denied. (*See attachment D*) We appealed that and got our hearing in which the hearing officer found in favor of me and ordered that benefits be reinstated. (*See attachment E*) But in AIG's normal fashion they acted with impunity and continued to deny benefits. We then requested a formal hearing with an Administrative Law Judge and were heard on 30 July 07. Judge C. Richard Avery found that I should in fact receive all benefits and back pay with interest, plus all out of pocket expenses and that all Dr's be paid. (*See attachment F*)

AIG has still failed to comply with this order entirely. They have not called and approved my treatment for PTSD. They have denied payment for medications. They have just now made partial payment to my Dr. for services rendered in 04. I want to point out the partial payments. They have paid well less than half in some cases and never in full. Also they have tried to dictate medical care which is illegal. (*See attachment G*)

In summary I have provided this committee with facts backed up with evidence of AIG's downright criminal handling of cases of American men and women who put their lives in peril for this Great Country. All personnel serving in a hostile, foreign land must be taken care of when they return home whether they served in the military or as civilian contractors because we all did what most people would not do, therefore we all should be

considered by our country as the heroes we are. A large portion of the contractors, like myself, were Veterans of numerous hostile engagements and volunteered to go to Iraq for the chance to once again serve their Country and we demand that we receive the care that was promised us and we deserve. We are not asking for million dollar bonus, or lavish parties or even parades, we just want what we are entitled to under the Defense Base Act like medical care, disability pay and retraining if necessary.