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FAMILY AND MEDICAL LEAVE ACT IS ESSENTIAL FOR MILITARY CAREGIVERS

Advancements in combat medical care and technology have resulted in lower fatality rates for military personnel who served in Afghanistan and Iraq compared to those who served during Vietnam and World War II. The success of lifesaving care and technology has meant that more men and women in uniform have returned home as wounded warriors. Given the nature and severity of their injuries, many returning servicemembers face long, difficult recoveries. During that time, family members play a vital role as caregivers. As we commemorate the 20th anniversary of the signing of the Family and Medical Leave Act of 1993 (FMLA), which Congress expanded in 2008 and 2009 to provide additional benefits to military caregivers (that is, caregivers of seriously injured service members and veterans), this fact sheet recognizes the tremendous sacrifices of the nation's men and women in uniform and highlights the important role their caregivers play in their recovery.¹

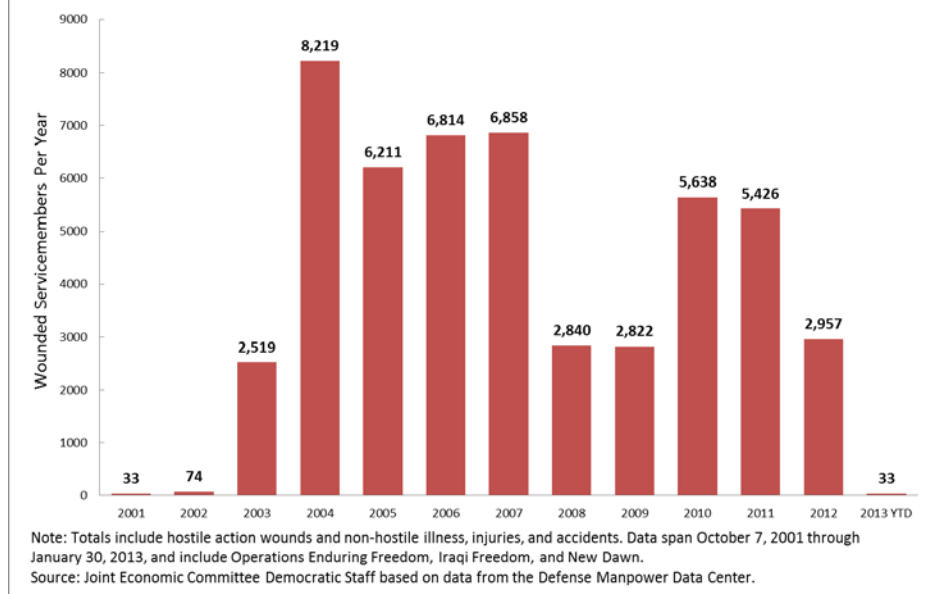
In 2012, Nearly Three Times as Many Veterans Had Service-Related Disabilities as in 2001

Since 2001, more than 50,000 servicemembers have been wounded in action while serving in Afghanistan and Iraq.² Servicemembers experience a range of injuries, some more serious than others, including amputations; burns; and internal, brain, and spinal injuries. Severe injuries may take months or even years to heal. While the number of injuries has dropped over the past several years due to the decline in the number of deployed troops, nearly 3,000 uniformed men and women were wounded in combat during 2012. (See **Figure 1**.)

The large number of soldiers wounded during the past decade, in addition to the increasing number of servicemembers diagnosed with Post-Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI), has dramatically increased the number of veterans with disabilities. In 2012, 1.3 million veterans had a severe service-connected disability, up from 482,000 in 2001.³ (See **Figure 2**.) Incidences of PTSD and TBI have spiked over the past ten years. Since 2002, 93,695 new cases of PTSD have been diagnosed in deployed soldiers, while 211,632 servicemembers have been diagnosed with some form of TBI. Nearly one-fifth (36,500) of the TBI diagnoses were for moderate or severe injuries.⁴ As these veterans recover, the care and support of their families is imperative.

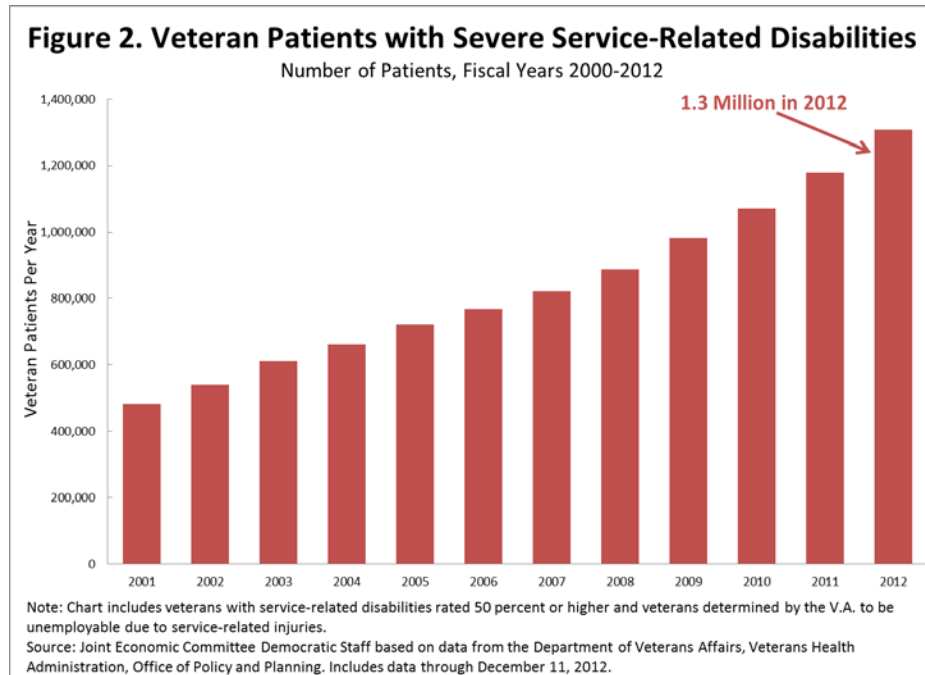
Figure 1. Servicemembers Wounded in Action

Yearly Totals, 2001-2013



FMLA for Military Caregivers Helps Family Members Meet the Needs of Wounded Warriors

As the number of veterans with serious injuries has nearly tripled since 2001, the need for caregivers has grown. Congress took steps to address this need by including provisions in the FY 2008 and FY 2010



National Defense Authorization Acts which provide up to 26 weeks of unpaid, job-protected leave for military and veteran caregivers through FMLA. Before passage of these acts, employees were allowed to take up to 12 weeks of FMLA leave in a 12-month period.⁵ The expansion of FMLA for military caregivers addresses the need for support for injured servicemembers and veterans along the difficult road to recovery.

In 2010, Congress passed the Caregivers and Veterans Omnibus Health Services Act to provide assistance—a monthly stipend, compensation for

travel expenses, health insurance, mental health services, caregiver training, and respite care—to caregivers of post-9/11 veterans with serious injuries. As of July 26, 2011, the Veterans Administration had received 1,644 applications for the caregiver program.⁶

Although our economy continues to improve, job security still remains a concern for many families. The ability to use FMLA decreases the likelihood that military caregivers will have to choose between providing care for their loved one and retaining their job. FMLA for military caregivers allows spouses, sons, daughters, parents, and next of kin to take care of their loved ones and upholds the ongoing commitment to men and women who served in the Armed Forces.

FACT SHEET: 20TH ANNIVERSARY OF THE FAMILY AND MEDICAL LEAVE ACT

Sources:

¹ U.S. Department of Labor, Wage and Hour Division, Additional Information on the FMLA Pertaining to Military Families and Airline Flight Crews. www.dol.gov/whd/fmla/NPRM/index.htm. In the National Defense Authorization Act for Fiscal Year 2008, Congress expanded the Family and Medical Leave Act of 1993 (FMLA) to cover military caregiver leave and qualifying exigency leave for immediate family members of active-duty soldiers. Qualifying exigency leave provides 12 weeks of leave for the spouse, son, daughter, or parent of a deployed servicemember (for example, to provide time to arrange childcare or make financial or legal arrangements related to a servicemember's deployment). This provision went into effect on January 16, 2009. The same law provides 26 weeks of leave for the spouse, son, daughter, parent, or next of kin taking care of a seriously injured servicemember. The National Defense Authorization Act for Fiscal Year 2010 further expanded FMLA to cover caregivers of veterans. The Department of Labor published the final regulations on February 6, 2013, with the expectation that all provisions will be fully implemented within 30 days. For more information, see Mayer, Gerald. "The Family and Medical Leave Act (FMLA): An Overview." Congressional Research Service. January 3, 2013 and U.S. Department of Labor, Wage and Hour Division. 29 CFR Part 825. The Family and Medical Leave Act Final Rule. February 5, 2013.

http://www.ofr.gov/OFRUpload/OFRData/2013-02383_PI.pdf

² Defense Manpower Data Center, Defense Casualty Analysis System.

www.dmdc.osd.mil/dcas/pages/casualties.xhtml. Data include soldiers wounded in Operation Enduring Freedom (October 7, 2001 – Present), Operation Iraqi Freedom (March 17, 2003 – August 31, 2010), and Operation New Dawn (September 1, 2010 – December 15, 2011).

³ Department of Veterans Affairs, Veterans Health Administration, Office of Policy and Planning.

www.va.gov/vetdata/Utilization.asp. Data include veterans with service-related disabilities rated 50 percent or higher and veterans determined by the V.A. to be unemployable due to service-related injuries. More information about the categorization of disabled veterans can be found at www.va.gov/healthbenefits/resources/priority_groups.asp.

⁴ Fischer, Hannah. "U.S. Military Casualty Statistics: Operation New Dawn, Operation Iraqi Freedom, and Operation Enduring Freedom." Congressional Research Service. June 12, 2012. Calculations based on data through May 7, 2012.

⁵ Mayer, Gerald. "The Family and Medical Leave Act (FMLA): An Overview." Congressional Research Service. January 3, 2013.

⁶ U.S. Department of Veterans Affairs, Office of Public and Intergovernmental Affairs. "VA Kicks Off National Caregiver Support Conference." www.va.gov/opa/pressrel/pressrelease.cfm?id=2143. August 3, 2011.