

Veterans for ADA Restoration

8605 Cameron Street, Ste.315
Silver Spring, MD 20910

Tel.: (301) 495-4460
Fax: 9301) 495-446
Email: lselfon@unitedspinal.org

March 18, 2008

The Honorable Tom Harkin
United States Senate
731 Hart Senate Office Building
Washington, DC 20510

The Honorable Arlen Specter
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Re: Support for ADA Restoration Act, S. 1881

Dear Senator Harkin and Senator Specter:

When a disabled veteran recovers enough to return to the workforce, it's a slap in the face to run into employment discrimination. That is why we commend you for your leadership in sponsoring S. 1881 to restore the employment protections of the Americans with Disabilities Act that have been eroded by the courts.

The courts have set up a bizarre Catch-22 whereby an employer can say that a person is "too disabled" to do the job but "not disabled enough" to qualify for the employment protections of the Americans with Disabilities Act. Many employers have not hired, not promoted or fired a person because of a disability, and then they turned around and successfully argued in court that the person was not disabled under the ADA.

Contrary to clear Congressional intent, in 1999 the Supreme Court held that mitigating measures - medication, prosthetics, hearing aids, other auxiliary devices, diet and exercise or any other treatment - must be considered in determining whether an individual has a disability and is protected by the ADA. See *Sutton v. United Airlines, Inc.*, 527 U.S. 471 (1999). *Sutton* and subsequent cases expose individuals with epilepsy, diabetes, cancer, muscular dystrophy and other conditions to employment discrimination under the ADA.

Veterans often have conditions that can be managed with medication, prosthetics and therapy, including post traumatic stress disorder (PTSD), epilepsy and vision impairments from traumatic brain injuries. If they suffer employment discrimination due to their conditions, they are likely to have no remedy at law. Employers prevail in 97% of reported ADA cases alleging workplace discrimination, usually before the person has even had a chance to show whether discrimination occurred.

As leaders of organizations that represent men and women who have served honorably in our nation's military, we urge Congress to enact the ADA Restoration Act immediately. The

Air Force Sergeants Association Air Force Women Officers Associated American Federation of Government Employees
AMVETS American GI Forum of the U.S. Blinded Veterans of America Disabled American Veterans Enlisted Association
of the National Guard of the United States Iraq & Afghanistan Veterans of America Jewish War Veterans of the USA
Military Officers Association of America Military Order of the Purple Heart National Association for Black Veterans
National Association for Uniformed Services Naval Reserve Association Non Commissioned Officers Association
Paralyzed Veterans of America Reserve Enlisted Association United Spinal Association Veterans of Foreign Wars
Veterans of Modern Warfare Vietnam Veterans of America

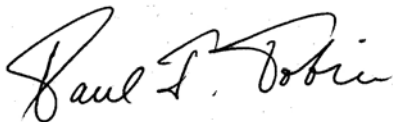
Honorable Tom Harkin and Arlen Specter
March 18, 2008
Page Two

honorable men and women who have become disabled in the service of our country and are able to work deserve our support in every way. Often the best healing agent for both mind and body is to return to the workforce with a decent job at a living wage.

The rights of our citizens form the basis of our country. These are the principles that we live by and fight to protect for others. Disabled veterans have already sacrificed so much. The very least we owe our disabled veterans is to make sure they have a remedy when they face discrimination in the workplace because of their disability. It is the patriotic duty of all Americans to protect these patriots against this indignity.

Again, thank you for your leadership on the ADA Restoration Act.

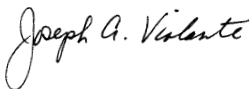
Sincerely,



Paul J. Tobin
President and CEO
United Spinal Association



John Rowan
National President
Vietnam Veterans of America



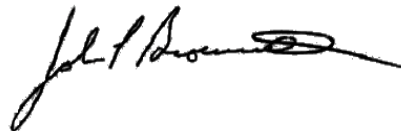
Joseph Violante
National Legislative Director
Disabled American Veterans



Randy L. Pleva, Sr.
President
Paralyzed Veterans of America




Lawrence Schulman
National Commander
Jewish War Veterans



John "JP" Brown III
National Commander
AMVETS



Hershel W. Gober
Legislative Director
Military Order of the Purple Heart



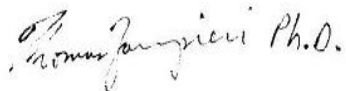
Julie Mock
President
Veterans of Modern Warfare, Inc.



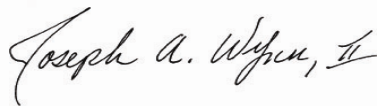
Dennis M. Cullinan, Director
National Legislative Service
Veterans of Foreign Wars



ADM Norbert R. Ryan, Jr., USN (Ret.)
President
Military Officers Association of America



Thomas Zampieri, Ph.D
Director of Government Relations
Blinded Veterans Association



Joseph A. Wynn, II.
Director, Government Relations
National Association for Black Veterans



Beth Moten
Legislative and Political Director
American Federation of Government
Employees



Rick Jones
Legislative Director
National Association for Uniformed
Services



Todd Bowers
Director of Government Affairs
Iraq and Afghanistan Veterans
of America



Lupe G. Saldana
National Commander Emeritus
American GI Forum of the U.S.

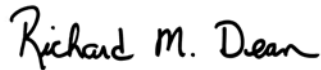
Since March 18, the following additional organizations have signed this letter:



MSG Michael P. Cline, USA (Ret)
Executive Director
Enlisted Association of the National
Guard of the United States



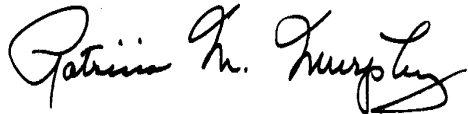
Lani Burnett, CMSgt. USAF (Ret.)
Executive Director
Reserve Enlisted Association



Richard M. Dean, CMSgt (Ret)
Chief Executive Officer
Air Force Sergeants Association



Daniel I. Puzon
Legislative Director
Naval Reserve Association



Patricia M. Murphy
Air Force Women Officers Associated



Richard C. Schneider
Executive Director of Government Affairs
Non Commissioned Officers Association

cc: All Members of the Senate