

## Crowell & Moring Files Complaint Against U.S. Army for Denying Sergeant Benjamin Hayhurst Dutifully-Owed Disability Benefits

**Washington – November 10, 2022:** Crowell & Moring, joined by the National Veterans Legal Services Program (NVLSP), filed [suit](#) today against the U.S. Army on behalf of Sergeant Benjamin J. Hayhurst, seeking redress for the failure of the military to provide appropriate and warranted disability benefits.

Sgt. Hayhurst was deployed to Iraq in March 2004 with the First Cavalry Division, and was engaged in a historic ambush in Sadr City, sustaining a bullet wound to the left shoulder and another to his upper arm. Sgt. Hayhurst was awarded a Purple Heart, the Army Commendation with Valor Device, and the Combat Infantry Badge for his honorable service in Iraq. Sgt. Hayhurst developed Post-Traumatic Stress Disorder as a result of these injuries and experiences suffered in the line of duty. However, despite overwhelming in-service military and medical records demonstrating Sgt. Hayhurst's PTSD condition, Sgt. Hayhurst was administratively separated from the Army for an alleged "personality disorder," without proper retirement or benefits.

The story of Sgt. Hayhurst and the First Cavalry Division in Sadr City was dramatically captured in *ABC News'* chief correspondent Martha Raddatz's book *The Long Road Home*, as well as the National Geographic series by the same name. Sgt. Hayhurst was portrayed by actor Patrick Schwarzenegger in that series.

The complaint, filed today in the U.S. District Court for the District of Columbia, calls on the U.S. Army to "to honor its clear and explicit duty—embodied by statute and regulation—that it not abandon its wounded." More specifically, that the Army award Sgt. Hayhurst the disability retirement pay and benefits he deserves and correct his military records.

"Sergeant Hayhurst is a distinguished combat veteran who served our country with dignity, honor and heroism," said [Josh Pond](#), Crowell & Moring partner and U.S. Marine veteran. "The Army has not classified his disability correctly to reflect his PTSD diagnosis and we are proud to advocate for this wrong to be righted for this wounded warrior."

"It is a travesty that Sergeant Hayhurst, despite all his well-documented injuries from military service, should be denied the disability benefits he has rightfully earned," said NVLSP Senior Staff Attorney Esther Leibfarth. "NVLSP welcomes the opportunity to join forces with Crowell & Moring to seek justice for Sergeant Hayhurst."

Pond and associate [Risa Rahman](#) are representing Sgt. Hayhurst on a pro bono basis, alongside Leibfarth and Rochelle Bobroff, Director of Lawyers Serving Warriors®, Pro Bono Program of NVLSP.

### **About Crowell & Moring LLP**

Crowell & Moring LLP is an international law firm with offices in the United States, Europe, MENA, and Asia. Drawing on significant government, business, industry and legal experience, the firm helps clients capitalize on opportunities and provides creative solutions to complex litigation and arbitration, regulatory and policy, and corporate and transactional issues. The firm is consistently recognized for its commitment to pro bono service and its programs and initiatives to advance diversity, equity and inclusion.

### **About NVLSP**

The National Veterans Legal Services Program (NVLSP) is an independent, nonprofit veterans service organization that has served active duty military personnel and veterans since 1981. NVLSP strives to ensure that our nation honors its commitment to its 22 million veterans and active duty personnel by ensuring they have the benefits they have earned through their service to our country. NVLSP has represented veterans in lawsuits that compelled enforcement of the law where the VA or other military services denied benefits to veterans in violation of the law. NVLSP's success in these lawsuits has resulted in more than \$5.2 billion dollars being awarded in disability, death and medical benefits to hundreds of thousands of veterans and their survivors. NVLSP offers training for attorneys and other advocates; connects veterans and active duty personnel with pro bono legal help when seeking disability benefits; publishes the nation's definitive guide on veteran benefits; and represents and litigates for veterans and their families before the VA, military discharge review agencies and federal courts. For more information go to [www.nvlsp.org](http://www.nvlsp.org).

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