



23<sup>rd</sup> August 2010

### **Former Soldier wins settlement after battle with Ministry of Defence**

With implications for both serving and former soldiers, a former bomb disposal expert suffering from Post Traumatic Stress Disorder (PTSD) has won an out of court settlement with the Ministry of Defence who originally argued he hadn't brought his case in time.

The soldier (who does not wish to be named for security reasons) was involved in a car accident in 2004 that caused his condition to seriously deteriorate. The MOD argued that because he had been tested for PTSD in the late 90's and only had three years to make a claim for negligence, that he had not brought the case in time. It was argued, however, that the Army's failure to properly diagnose and treat the condition until June 2004 meant the soldier was in time to make a claim.

Having joined the Army in 1984, the claimant served tours in the Falkland Islands, Northern Ireland, The Gulf War, Bosnia, Nigeria and Sierra Leone. He carried out duties including bomb disposal and dealing with terrorist incidents and their aftermath.

Having undergone psychometric testing in 1998 and 1999 he was cleared by a Senior Army Psychiatrist for operations though was asked to appear in a training video about PTSD and its symptoms.

In 2004 he sought help from the Army medical centre and it was only after being seen by a Civilian Consultant Psychiatrist in June 2004 that he was formally diagnosed as suffering from PTSD and was immediately recommended to undergo Cognitive Behavioural Therapy.

Unfortunately just two weeks later, and before he was able to commence treatment, the Claimant was involved in a car accident that led to such a severe deterioration in his PTSD symptoms he was medically discharged from the Army and was unable to return to work.

Medical evidence showed that he would not have suffered such a serious deterioration in his symptoms had he been monitored and treated when initial tests were done in 1998-1999 and that the MOD's failure to formally diagnose and thereafter monitor and treat the condition made him more vulnerable to future stressful events.

The MOD put forward that the soldier had knowledge of his PTSD from the tests in 1998-1999 and that limitation (the time allowed to make a claim) of three years had expired. It was argued by the claimant's solicitors that because he was only formally diagnosed in June of 2004 and told that he could and should have received treatment before then, that the time to bring a claim was from this date onwards.

Following the settlement the former soldier spoke for the first time about his ordeal:

"I feel that treatment or at least monitoring may have prevented my eventual breakdown and I would have remained a valuable asset to the military especially in the present climate of operations. I can only hope that others in my situation ex and still serving who seek help or are suffering from PTSD receive the treatment they need and deserve to rehabilitate or assist them in their lives not only for their sake but also their loved ones."

Acting for the claimant, Solicitor Claire Roantree from Colemans-ctts said: "I am extremely pleased for my client that this case has finally settled and he can get on with his life. The case highlights the potential liability of military Psychiatrists and officers when signs of PTSD appear and their joint responsibility in ensuring that Army personnel are properly monitored and treated.

She continued, "PTSD is unfortunately still a taboo subject in the Army and I hope that this case serves to remind the MOD that they have a continuing duty of supervision and monitoring."

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Notes for editors:

**The Claimant does not wish his identity or address to be disclosed, for a number of reasons namely:-**

- 1. As an ex-bomb disposal expert, he was involved in highly sensitive security and counter terrorist operations both within and external to the UK. If his identity and address is disclosed this could have serious consequences for the security of our client and his family.**
- 2. The litigation process has been extremely stressful and he continues to suffer from symptoms of PTSD which will require future treatment. The MOD initially denied liability and the Claimant had to endure a trial dealing solely with the issue of limitation in 2009, in which he was successful. The MOD appealed and he had to wait for over a year for the Court of Appeal case to be heard, before his case was finally settled out of Court.**

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### **About Colemans-ctts**

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