



## Traynor v. Turnage, 485 U.S. 535, 550, 563 n.5 (1988)

The VA denied an extension of the time limit to two veterans to obtain certain benefits on the ground that their alleged disability was due to primary alcoholism or alcoholism unrelated to a psychiatric condition. Because primary alcoholism constituted willful misconduct, the extension was precluded specifically by VA regulations. The Court reviewed whether the VA regulation violated the Rehabilitation Act and held that original congressional intent of the Rehabilitation Act was to include alcoholics.

### **The Court Provided**

Furthermore, § 1662(a)(1) does not deny extensions of the delimiting period to all alcoholics but only to those whose drinking was not attributable to an underlying psychiatric disorder. It is estimated by some authorities that mental illness is responsible for 20% to 30% of all alcoholism cases. Brief for American Medical Association as *Amicus Curiae* 7.

The American Medical Association and American Psychiatric Association (AMA/APA) and the National Council on Alcoholism, Inc. (NCA), emphasize in their respective *amicus* briefs that the primary/secondary distinction is a crude one. A diagnosis of alcoholism as primary or secondary may depend as much on the nature of the facility in which the diagnosis is made as it does on the alcoholic's true clinical history.