



# Veterans and Service Dogs

Chad H. Lennon, Esq.

# VA Benefits Refresher

- VA Disability
  - Potential changes coming with burn pits.
- Aid and Attendance & Housebound Allowance
  - Cannot be together.
- VA Home Loans
  - Be aware of funding fee.
- Education Benefits
  - Post 9/11 GI Bill & Voc Rehab.
- Death Benefits
  - Money to expenses, state/federal cemeteries, & Presidential Memorial Certificate.

# Agenda

---

- Common Disabilities
- Dog and Handler Training
- Americans with Disabilities Act
- “Proof” of dog and handler
- Emotional Support Dogs
- When a dog can be asked to leave
- 2 Questions
- Employment
- Housing
- Schooling
- Traveling





# What is a Service Dog

- Service dogs can perform tasks such as reminding a veteran to take medication, prevent impulsive behavior, calm a veteran down from a flashback or anxiety attack, as well as wake up a veteran having a nightmare. Service dogs are just that, providing a service and are not a general pet.



# Common Disabilities

- PTSD - Service dogs are trained to pick up stress signals and intervene with the owner to shift the focus back to a positive environment. The pains of PTSD can restrict someone from going outside or doing the daily activities that are necessary to live a healthy and active life.
- TBI - If you are suffering from the symptoms of a traumatic brain injury, a service dog will help. A service dog will help during a medical or emotional emergency, aiding with memory related tasks, and providing security in public places. A service dog is able to pick up on the subtle changes in a handler's mood, heart rate, and stress levels making it able to intervene. Having a dog by your side will help combat the hardships of living with traumatic brain injury.
- common symptoms are nightmares, flashbacks, headaches, dizziness, and panic attacks

# Dog and Handler Training

- PTSD Service Dog Training
- The training process prepares them to pick up on the acute signals that someone suffering from PTSD gives.
- Experience dealing with different scenarios of someone having a flashback or going through the severe anxiety attack.
- Not every serviceman and servicewomen reacts the same to a dog intervening.
- Therapists will work with you or your loved one individually to identify the best way for a dog to mitigate.

# Americans with Disabilities Act

- Under the Americans with Disabilities Act (ADA), a service animal is one that is individually trained to do work or perform tasks for people living with disabilities.
- Service dogs shall be allowed to enter a place where food is prepared or served regardless of state or local codes.



# “Proof” of dog and handler

- Service dogs will wear a harness/vest that states they are a service dog.
- They are “on-duty” and are not to be disturbed while performing their service.
- The harness a service dog wears lets others know the dog is on duty performing its job and is not to be pet or played with.
- Once the harness is removed, the dog is considered to be “off-duty.”





# Emotional Support Dogs

- The ADA does not provide for protection for emotional support dogs, because the Department of Justice does not view emotional support as a job the dog can perform.
- Emotional support is not considered work or a task and, therefore, an emotional support dog cannot be a service dog, nor do they have the protections a service dog has.

# When they can be asked to leave

- Dog must be under control with the handler.
- Service dogs cannot be asked to leave or not allowed in a location unless the dog is misbehaving.
- Such examples are the dog is not housebroken, acting aggressively, or posing a threat to human health and safety.
- All service dogs are to be leashed, but if leashing a service dog interferes with the service the dog provides, the dog must be kept under control through voice and/or signals.
- If the service dog must be removed for a legitimate reason, the establishment must

# 2 Questions

- One, if the dog is a service animal that is required due to a disability.
- Two, what type of work or task the dog has been trained to do.
- No one can ask the handler about his or her disability, nor any type of identification or certifications for the dog or handler.
- They also may not ask that the dog demonstrate what it has been trained to do.
- Veterans with disabilities and their service dogs are not to be isolated from other individuals.
- They also may not be treated less favorably or be required to pay additional fees because of the service dog.
- Businesses that charge additional fees or require deposits for pets must waive these fees for service dogs or face serious consequences from the law and the public.

# Employment

- An employer cannot prohibit employment to an employee, or potential employee, because of a disability.
- Reasonable accommodations must be provided for a veteran with a service dog.
- If the disability is unclear, the employer may ask for documentation concerning the disability and how the service dog assists the individual perform his or her job.
- The employer and employee may agree that the service dog accompanies the handler to work on a temporary basis.
- As with entering a business, the service dog may be excluded from the workplace if they pose either an undue hardship or a direct threat in the workplace.



# Housing

- The Fair Housing Act protects an individual with a disability from discrimination when obtaining housing.
- The landlord or homeowner's association (HOA) must provide reasonable accommodations to the veteran with disabilities, so they have an equal opportunity for use and enjoyment.
- Service dogs qualify as reasonable accommodations under the ADA.
- For example, a service dog is not a pet and a waiver may be signed waiving a no-pet rule or a pet deposit.
- The landlord or HOA may not ask about the disabilities the handler has.
- However, when a reasonable accommodation is made, the landlord or HOA may be provided documentation to review the accommodation request.
- They may ask the handler to provide in writing the following, (1) the veteran or a member of his or her family is a person with a disability; (2) the need for the service dog to assist the veteran with that specific disability; or, (3) the service dog actually assists the veteran with a disability.

# Schooling

- Colleges and Universities must allow veterans to bring the service dog into all areas of the school that are open to the public and/or students.
- A veteran enrolled in a college or university may be ask to contact the school's coordinator for disabilities to register as a student veteran with a disability.
- However, they may not ask for documentation concerning the training or certification for the service dog. Proof of vaccination may also be requested of the service dog.

# Traveling

- When traveling, the veteran and service dog cannot be denied access to transportation even when there is a no pets policy; cannot be asked to sit in a particular area or seat because of the service dog; no additional fees may be charged for use of a service dog; and, no advanced notice needs to be provided.
- These laws apply to all public and private transportation such as subways, trains, taxi, shuttles, and limousines.
- The Air Carrier Access Act requires airlines to allow service dogs to accompany the veteran in the cabin of the aircraft.
- The airline may ask for identification, documentation, tags, or verbal confirmation that the veteran is utilizing a service dog. In addition, the airline may ask; 1) what tasks or functions does the dog perform for you? 2) what has your dog been trained to do for you? or, 3) would you describe how the dog performs this task for you?



# Questions

---

