

Service animals and posts

Post-traumatic stress is the “signature wound” of the conflicts in Iraq and Afghanistan, and VA estimates that up to 20 percent of U.S. veterans suffer from it. As a result, there has been a dearth of new therapies and treatments to assist veterans from all service eras in coping with PTSD.

In 2010, The American Legion created the TBI/PTSD Committee to explore emerging treatments for mental health conditions and recommend those treatments to the Department of Veterans Affairs (VA) and the Department of Defense (DoD). Among them is the use of service dogs. Many Legionnaires have said that a trained service dog has had a positive effect on their lives, and emerging research backs up those claims; thus, in 2016, during the 98th National Convention in Cincinnati, The American Legion passed Resolution No. 134, “Service Dogs for Injured Service Personnel and Veterans with Mental Health Conditions.”

Veterans with PTSD use service animals to mitigate specific symptoms, such as recurring nightmares or anxiety attacks. The Americans with Disabilities Act (ADA), passed into law in 1990, is a federal prohibition on discrimination against disabled individuals. According to the ADA, this includes those who utilize service dogs for a disability.

Most American Legion posts have been exemplary in their adherence to local, state and federal disability laws, but a select few have not. Some local posts have failed to adequately recognize the value of service dogs for PTSD and been in non-compliance regarding public access under the ADA. Care of disabled veterans is one of the Legion’s priorities, and through Resolution No. 357 – passed to make American Legion facilities accessible to and usable by disabled veterans and their families – we continue that long tradition of supporting those who need it most.

The law requires the animal to be under the control of the handler at all times by harness, leash or voice control. In complying with the ADA, American Legion posts should understand that service dogs are protected under the ADA and no veteran with one should be denied access to a local post, even if it has a “no pets” policy. The only exception is if the dog is not under control of the veteran and is a direct threat to others.

If an individual enters an American Legion post with a service animal, the person cannot be asked about the nature or extent of disability. Only two questions may be asked:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

These questions should not be asked if the animal’s service tasks are obvious, such as guiding an individual who is blind or has low vision, pulling a wheelchair or providing stability. Furthermore, an “emotional support” or “comfort” animal is not protected by the ADA, but state laws may differ. Post leadership should review all house rules and its constitution and by-laws to ensure compliance with federal, state and local laws per service dogs, and Legionnaires should be briefed.

Answers to frequently asked questions about service animals and the ADA are online at <https://www.ada.gov/resources/service-animals-faqs>.
