Press Release: *Nealy v. Braithwaite*

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*The Law Offices of David P. Sheldon Move for Summary Judgment on Behalf of Disabled Special Forces Veteran*

On December 29, 2021, the Law Offices of David P. Sheldon filed a motion for summary judgment in *Nealy v. Braithwaite*, in the District Court for the District of Columbia. Navy First Class Petty Officer Sean Nealy was a sensor technician and operator, maintaining and operating optic and communication tools in electronic warfare planes supporting special forces operations all around the world. This included coordinating and directing air strikes in support of American operations, including both in Afghanistan and Iraq, among other locations. This was not remote work either, Mr. Nealy did so while over the battlefield, often at low altitudes and while facing hostile anti-aircraft fire.

In 2006 Mr. Nealy coordinated an airstrike which led to the deaths of 180 enemy combatants in Afghanistan. Following this strike, which was but the first day in a week where he would coordinate strikes which would kill 360 enemy combatants, Mr. Nealy began suffering from psychological wounds. Upon return from deployment, he began showing strong symptoms of PTSD and reported his symptoms to Navy medical personnel, resulting in a diagnosis of acute PTSD. His psychological wounds would prove to be so severe as to result in his honorable separation from the Navy on disability grounds in 2008.

However, Mr. Nealy’s service was denigrated by the Physical Evaluation Board, who saw him merely as a conscientious observer and someone who hadn’t participated in “real” combat. Though separating him from the Navy under honorable conditions, they denied him the disability retirement he was due under statute and labeled his psychological wounds “non-combat related.” In 2017 Physical Disability Board for Review doubled down on the PEB’s denigration of Mr. Nealy’s honorable service and upheld these findings. In addition, the PDBR also repeatedly violated its statutory requirements by ignoring the arguments raised by Mr. Nealy and failing to properly consider the Veterans Affairs Administration disability rating for him.

Now, Mr. Nealy is on the path to having this wrongful decision corrected and to being granted the disability retirement that he is due for the wounds he suffered while serving his county. The Firm has filed a motion for summary judgment on his behalf which will clear the PDBR’s wrongful decision and direct it to find that Mr. Nealy qualified for a disability retirement and that his wounds were combat related. Should the Firm succeed, it will also move for Mr. Nealy to be awarded the attorneys fees and expenses he was forced to endure in the process of correcting the military’s refusal to grant him what he had earned.