

# The DoD Times (Redacted)

# NEWSLETTER

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# THE BRANDON ACT: ALL TALK, NO ACTION

Taken from the Defense Suicide Prevention Office, 2023 Annual Suicide Report

## ACTIVE COMPONENT

### Suicide Death Characteristics and Contextual Data from the DoDSER

Data on this page pertain to *deaths* by suicide, as documented in the DoDSER system.

Based on the data submitted to the DoDSER system within the last year, Active Component Service members who died by suicide in 2023 experienced:

**42%**

Once or more **mental health diagnoses**, to include alcohol use disorder, depressive disorder, anxiety disorder, adjustment disorder, or posttraumatic stress disorder

**29%**

**Administrative/legal problems**, such as non-judicial punishment, under investigation, or administrative separation

**44%**

Intimate relationship problems

**24%**

Workplace difficulties

**12%**

Financial difficulties



*SGT (Ret) Michael Sobey (Retired, Army), Mental Health Advocate, authored this article. The views and opinions expressed in this article are those of the author and do not necessarily reflect the official policy or position of the Walk the Talk Foundation and its members. (Published August 23rd 2025)*

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### ***The Brandon Act, But No Action: Why the Law Meant to Save Lives Still Has No Teeth***

In June 2018, a young sailor named Brandon Caserta took his own life on the flight line in Norfolk, Virginia.

He had tried—desperately—to get help. But in a culture where asking for mental health support was often met with ridicule, suspicion, or worse, Brandon’s plea went unheard. His parents, Patrick and Teri Caserta, would later describe how Brandon endured persistent bullying and hazing. He made multiple efforts to seek mental health care but was rebuffed or ignored, further isolated by a command that saw his distress not as a cry for help—but as a problem to manage.

Brandon’s story, though heartbreaking, isn’t unique. What is unique is what happened after.

The years that followed, his family channeled their grief into action, pushing Congress to change the system. Their efforts led to the creation of the Brandon Act, passed into law in 2021 as part of the National Defense Authorization Act (NDAA). The goal was simple but profound: to allow service members to confidentially request a mental health evaluation without needing to justify themselves to their chain of command—and without fear of punishment or stigma.

It was meant to be a turning point.

And yet, nearly four years later, the question remains: Why is no one being held accountable when the law is ignored?

#### **A Law Passed, a System Unchanged**

The Brandon Act was modeled after the “restricted reporting” option for sexual assault victims—an approach that respects privacy while ensuring access to care. Under the Act, when a service member requests help, that request should trigger a timely



mental health evaluation, no questions asked.

The Pentagon announced implementation guidance in May 2023. The Army issued its own policy in September. The Air Force, Navy, and Coast Guard followed with memos, trainings, and fact sheets.

But policies on paper don't save lives.

In conversations with current and former officers across multiple branches, one pattern stands out: no one seems to know what the Brandon Act actually requires. Company-grade officers. Field-grade officers. Even those in command positions. Most have never been briefed. Some have never even heard of the Act.

And worse—there's no system to track compliance. No mechanism to audit whether a command fulfilled its obligations. No penalty for failing to act when a young troop reaches out in distress. So, what happens when a commander shrugs off a request for help?

Nothing.

## **The Cost of Silence**

I have spoken with dozens of service members and family members who describe a familiar cycle: distress, rejection, stigma, silence.

This is not just about failed leadership. It's about a failed system.

It is not enough to mandate care. We must enforce it. We must *ensure* that when a young Marine, Airman, Coast Guardsman, or Soldier takes the brave step of saying, "I need help," they are met with open arms—not suspicion, not silence, not punishment.

And yet, too often, they are still punished. Too often, their careers are quietly sabotaged. Their requests are delayed. Their privacy is violated. Their credibility is questioned.

Even though the Brandon Act is law.



## Where's the Accountability?

One of the core values of the U.S. military is accountability. Recruits are taught it in boot camp. Leaders preach it in command climate surveys. But when it comes to enforcing mental health protections, that value seems to vanish into bureaucratic fog.

Let's be clear: the Brandon Act is not optional. It is federal law.

Under 10 U.S.C. § 1090a, the military is required to provide timely mental health evaluations upon request. Under the UCMJ, commanders who willfully ignore that obligation could arguably be charged under:

- ▶ Article 92 – Failure to obey a lawful order
- ▶ Article 134 – Conduct prejudicial to good order and discipline

And yet... not a single publicly known case has resulted in disciplinary action against a leader who ignored or obstructed a Brandon Act request.

If there's no consequence for failure, what incentive is there for compliance?

## A Chance for Congress to Finish the Job

In recent months, members of Congress have quietly acknowledged what advocates have been saying for years: implementation isn't enough. Enforcement matters.

That's why amendments are now being proposed to the FY26 NDAA that would:

- ▶ Mandate public reporting on Brandon Act compliance rates
- ▶ Require DoD IG oversight and investigation of non-compliance
- ▶ Introduce UCMJ-equivalent consequences for obstructing access to care
- ▶ Expand education and training requirements for all leadership positions

Advocacy organizations are actively pushing for these provisions.

If we're serious about reducing military suicide rates... if we're serious about changing toxic command climates... then we must hold leaders accountable for following the law.



## What Can You Do?

If you're a service member who's been denied a mental health evaluation, document it. File an IG complaint. Submit a Congressional inquiry. Reach out to advocacy groups like [Walk the Talk Foundation](#). You are not alone—and your voice matters.

If you're in command: educate yourself. Take the time to understand the Brandon Act and your obligations under it. Compliance is not optional. Leadership requires more than authority—it requires care.

And if you're a policymaker or legislative staffer reading this: don't let Brandon's name become another forgotten headline. Finish the work that his family began. Give the law teeth.

Because policies don't save lives. People do.



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- ▶ Find your Representative here: <https://www.house.gov/representatives/find-your-representative>
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Feel free to reach out privately at [francescagraham@walkthetalkfoundation.org](mailto:francescagraham@walkthetalkfoundation.org) or in the comments.

**PETITIONS:** [SIGN THIS PETITION](#) demanding that our leaders in Congress change the DoD's unjust administrative investigatory system.



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