

Herm Breuer

President

National Association Of County Veterans Service Officers



Steve Jordon

Executive Director

The Veterans Consortium



Judy Donegan, Esq.

Deputy Executive Director

Director, Case Placement & Litigation



We believe
That our veterans
"our nation's defenders"
Deserve the care,
Benefits, and compensation
They were promised
And the best legal services,
Free of charge,
To meet their challenges.

#theyfoughtforus

About The Consortium



TVC is a leading non-profit organization that has provided probono legal representation in federal venues to Veterans, their families, caregivers & survivors since 1992.

The Veterans Consortium has helped more than 60,500 individuals, taken over 6,600 cases for deserving clients, and trained more than 5,475 pro bono attorneys and associated professionals for our TVC National Volunteer Corps.



What We Do

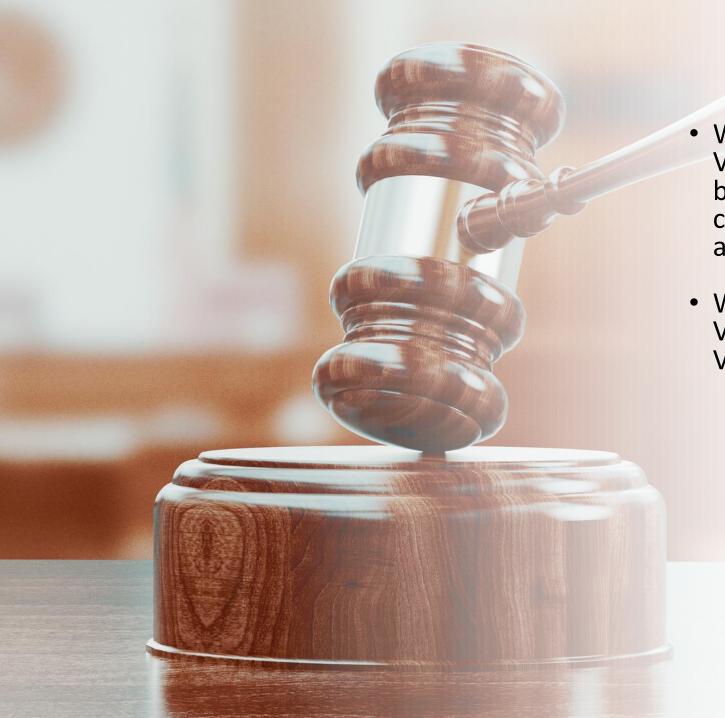
- Facilitate pro bono representation in Federal venues to qualifying veterans, their families, caregivers, and survivors.
 - U.S. Court of Appeals for Veterans Claims
 - U.S. Court of Appeals for the Federal Circuit
 - U.S. Supreme Court
- Facilitate pro bono representation for cases on remand to the BVA from the U.S. Court of Appeals for Veterans Claims
- Facilitate pro bono legal services for qualifying discharge upgrades
 - Discharge Review Board cases
 - Board for Correction of Military Records cases



What We Do

- Operate pro bono legal advice & referral clinics
 - Local legal clinics, including one for women veterans specifically
 - Weekly legal information clinic at the VAMC in Washington, DC
- Operate the Women Veterans Legal Assistance Program (WVLAP). Female volunteers assist women veterans with their Military Sexual Trauma (MST) claims through a culturally competent approach.
- Operate the Veterans Naturalization Assistance Program (VNAP) to assist veterans with applications for citizenship through military service.





TVC CAVC Program

- We review final decisions from the Board of Veterans' Appeals when the Veteran has been denied entitlement to benefits, such as compensation for disabilities incurred in or aggravated during active military service.
- We train our volunteers to represent Veterans before the U.S. Court of Appeals for Veterans Claims. This includes:
 - Screening
 - Mentoring
 - Case Placement
 - Pro bono representation to veterans with cases on remand from the U.S. Court of Appeals for Veterans Claims.

Help Us Help Your Veteran/Claimant

Know what you need

- Service connection
- Increased Rating

Know your deadlines

- Accrued benefits
- Requests to "reopen" vs 3.156(b) submissions
- Motions for reconsideration to BVA

Where to find the evidence to position the case for success (papering the file)

- Buddy/lay statements
- Historical documents
- Internet articles
- Unit Histories



Contact Info

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Deputy Executive Director

Director, Litigation & Case Management

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Sandy Peterson

Director, Client Services

What is Client Services?

- We assist with the cases that are being appealed/have been appealed to the U.S. Court of Appeals for Veterans Claims (Court)
- We answer phone calls (and letters, and emails!), process forms, set up case files, help move them
 along in our process all the way to completion of the case at the Court







Client Services Mission Statement

"We help Veterans and their families appeal the unjust denial of VA benefits to the United States Court of Appeals for Veterans Claims (Court) and help them obtain pro bono legal representation through our Program. In addition, we assist pro se appellants as they navigate the Court process. We strive to provide quality legal services by handling the needs of veterans and their families with courtesy, compassion and diligence."



What Client Services Does

- Reach out to prospective clients with our Program forms and information to newly docketed pro se cases at the Court
- Send the Court Forms and our Program Forms to those who contact us that received a recent denial from the Board of Veterans Appeals (BVA or Board)
- Support the Court: We answer questions people have about the Court's process and deadlines, explain case status, provide general guidance and forms for pro se filings, schedule telephone appointments to provide general legal assistance to pro se appellants at the Court from one of our attorneys



What Client Services Does

- When our Program forms are returned, we process the forms and get the case to our litigation team to review and see if we can assist
 - We try to provide a free attorney for as many cases as we can. However, if we can't find merit in the appeal, or if the vet doesn't qualify financially for our Program, we let them know and are still available for case questions on our helpline
- Field questions via calls, emails, letters and faxes, and provide resources to those who are not yet at a stage where we can assist (i.e. needing to start a new claim, RO denial questions, or issues outside the VA Claims system)



How to File an Appeal

If you have someone who wants to appeal a Board of Veterans Appeals denial:

- Have them fill out our Program forms as well as the Court Forms to appeal
- They can download the forms from our website, OR
- They can fill them out using our online application (https://www.vetsprobono.org/cavcrep/)
- We can also mail, email, or fax the forms

NOTE: We will also need a copy of the Board decision!

We can review the decision and file the appeal for them (whether we represent them or not)



UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS Notice of Appeal (NOA)

The following named Appellant appeals to the Court from a final Board of Veterans' Appeals (BVA) decision. The BVA's decision was dated VA claims file number Appellant's printed name Appellant's telephone number Appellant's email address Appellant's address By initialing here, Appellant requests that the Court send all appeal-related documents by If other than Appellant, your name/relationship to Appellant email instead of mail. Signature* of person filing this notice (*You may electronically sign by typing "/s/" and then your name in the signature block above: for example, /s/John Doe.) Only if this NOA is filed by a representative, check one of the following: My Notice of Appearance is attached. My representation is limited to the filing of this NOA, and I aver to the Court, in accordance with Rule 46(b)(2), that Appellant has been advised, or alternatively will be advised, of Appellant's responsibility to abide by the Court's Rules of Practice and Procedure, including the need to timely serve and submit for filing a brief. (Complete items below). Representative's telephone number Representative's printed name Representative's fax number Representative's address Representative's email address INSTRUCTIONS The NOA must be received by the Court, or properly addressed and postmarked by the U.S. Postal Service, not later than 120 days after the date on which the BVA mailed notice of the decision being appealed. The Court may accept an NOA filed after that date as timely in limited circumstances. See Court Rules of Practice and Procedure 4 and 25. You may file an NOA by either (1) emailing it to self-rep@uscourts.cavc.gov for self-represented parties, or esubmission@uscourts.cavc.gov for represented parties, OR (2) faxing it to (202) 501-5848, OR (3) mailing it to: Clerk, US Court of Appeals for Veterans Claims, 625 Indiana Avenue, NW, Suite 900, Washington, DC 20004-2950. There is a \$50 filing fee for an appeal. Send a check or money order, payable to "US Court of Appeals for Veterans Claims." DO NOT SEND CASH. To request a waiver of the filing fee, email, fax, or mail the Court a completed Form 4 (Declaration of Financial Hardship).

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

DECLARATION OF FINANCIAL HARDSHIP

	Docket No. (if assigned)						
			, Appellant/Petitioner,				
7.							
Secre	tary of \	Veterans Affairs	, Appellee/Respondent.				
(\$50.00) filii	ng fee re		my signature below th and Rule 21(a) of the me.				
		C. § 1746, I certify, un hat the foregoing is tr	der penalty of perjury ue and correct.	under the laws o	f the United		
Signature of Appellant/Petitioner*							
Telephone m	umber						
(*To be signed by Appellant/Petitioner, NOT Appellant's/Petitioner's representative. You may electronically sign by typing "/s/" and then your name in the signature block above: for example, (s/John Doe.)							
		INS	TRUCTIONS				
	To file this Declaration, either						
	(1) Email it to self-rep@uscourts.cavc.gov (if self-represented) or esubmission@uscourts.cavc.gov (if represented), OR						
	(2) Fax it to (202) 501-5848, OR						
	(3) Send it to:						
		Clerk, US Court of Ap 625 Indiana Avenue, Washington, DC 2000		ims			



Filing Fee Status



FORM A

THE VETERANS CONSORTHIM PRO BONO PROCRAM

	rt's filing fee.	
	OR	
	the \$50 filing fee to the Court at payable to U.S. Court of Appe	
	the filing fee, the following in our Program's guidelines:	formation is needed to make sure
	r employed? Do NOT include as e, or local benefits you receive.	ny disability, welfare, social security,
☐ YES	Employer:	
	Monthly employment incom	e:
	Number of people in your ho	usehold:
□ NO	Last year of employment:	
		or employment income cannot be more than rement of Health and Human Services).
I state that th	ne above is true and correct.	

www.vetsprobono.org

→ Please indicate whether you will waive OR submit the \$50 filing fee to the U.S.

FORM C



General Information

Address:									
Phon	ie: H	ome	Cell:		Email:				
Prefe	erred	method of contact:	Home Phone	Cell Phone _	Mail	Email			
	mate may er, etc		: are unable to reach y	ou after a period o	f time – Relati	ve, Friend, Neighbor, Servi			
Note: The following information is optional and will <u>not</u> be used to determine eligibility for our services. You will not be denied our services on the basis of race, color, sex, sexual orientation, creed, national origin, age, religion, political affiliation or belief, or disability. It is only being requested, collected and compiled in response to requirements for our federal grant.									
	1.	Please select you	ır gender:	□ Male □	Female				
	2.	Date of birth:							
	3.	Please select you	ır race/ethnicity:						
	□ C:	aucasian (white; non-I	Tispanie origin)		□ Native American				
☐ African-American (non-Hispanic origin)			-Hispanic origin)		☐ Asian/Pacific Islander				
☐ Hispanic					□ Othe	n/Mixed race			
	4.	How did you he	ar about us?						
	[Our mailing packet		□ Our We	ebsite (www.	vetsprobono.org)			
	☐ A State Veterans Service Officer			☐ A County Veterans Service Officer					
	A Veterans Service Organization (American Legion, DAV, VFW, etc.):								
	□ Social Media (Facebook, etc.)								
	☐ The back page of your Board of Veterans Appeals Decision								
	☐ The U.S. Court of Appeals for Veterans Claims								
	1	Other:							

The Veterans Consortium Pro Bono Program 2101 L Street NW, Suite 840

Washington DC 20037

QUESTIONS? Call us at: (888) 838-7727 Fax: (202) 628-8169 www.vetsprobono.org Email: Intake@vetsprobono.org





About Us

Apply for Services

Resource Library

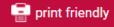
Help a Veteran

Donate

In the News

Events

File an Appeal in the Court of Appeals for Veterans Claims



Helpful Links

Informational Videos

The Veterans Consortium Pro Bono Program

Filing Your Appeal at the U.S. Court of Appeals for Veterans Claims

Your Case at the U.S. Court of Appeals for Veterans Claims

How to Appeal Your Claim & FAOs

Filing an Appeal

Finding a Lawyer For Your Case at the U.S. Court of Appeals for Veterans Claims

As Your Case Progresses

The Court's Decision

Do You Need Help with Your Appeal?

At the Veterans Consortium, we will review your case and provide you with a free attorney if you meet all of the following criteria:

- You are a veteran (or qualifying family member of a veteran);
- You have received a denial from the Board of Veterans' Appeals (BVA);
- · You do not have an attorney to help you; and,
- We find at least one meritorious issue we can argue before the Court.

There are two ways you can apply:

CLICK HERE TO APPLY ONLINE

OR

Download, print, complete and mail your application forms. Please also send us a copy of your Board of Veterans Appeals decision!

Court Forms (if not already filled out/appealed to the Court)

How Client Services Can Support You as a Service Officer

- Provide forms for your clients to appeal their Board decision
- Walk you and/or your client through the Court's appeal process
- Available by email/mail/fax for help and understanding as the Court case progresses
- Even if we review the case and determine we cannot place it with an attorney through our Program, the client will get information about why, options and information on next steps, as well as have access to our Helpline should they continue pro se at the Court



Contact Info

CLIENT SERVICES

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SANDY PETERSON

Director, Client Services

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EMAIL: sandy.peterson@vetsprobono.org

Thank you for all that you do to support veterans and their families!





Samantha Farish, Esq.

Veterans Benefits Advocacy

Equal Justice Works Fellow
Sponsored by Morgan, Lewis & Bockius LLP

What is Veterans Benefits Advocacy?



Assisting veterans with securing benefits after the Court of Appeals for Veterans Claims (CAVC) has remanded the claim.

Who Represents the Client?

- To best assist clients after a CAVC remand, the first query is who represented the client prior to appealing to the Court?
- When TVC places a case, the agreement signed by the volunteer and Appellant only applies to the appeal at the Court.
 - This document has no impact on 21-22 or 21-22a. VA will assume the same representative is still working on the case.
 - Logical because there could be matters still pending at VA while Court appeal is ongoing.



Who is the Volunteer?

• It depends!

- Some volunteers regularly practice in the field of veterans law.
- Others practice a different specialty but have taken on enough CAVC cases that they are becoming experts.
- The remaining volunteers are considered beginners. We place cases by level of difficulty.
- All of our volunteers have taken TVC's training and are assigned a mentor that is a veterans law expert.
- They may or may not be accredited. There is no requirement that an attorney representing a veteran at the CAVC be accredited, so many of our volunteers are not.



Maximizing Volunteer Support

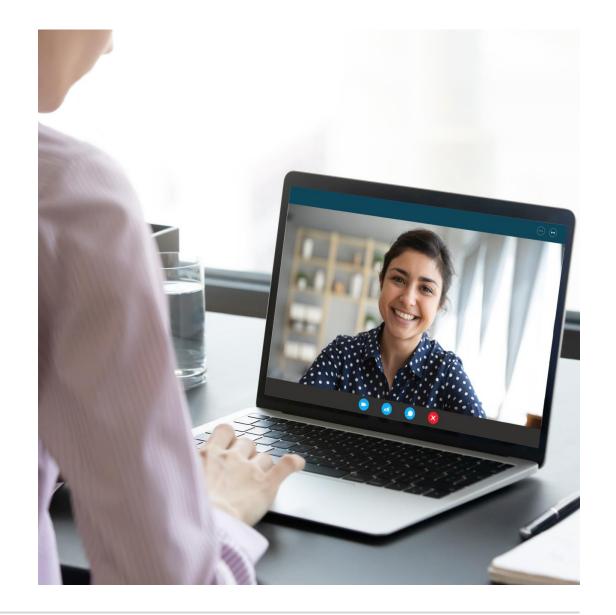
- We encourage our volunteers to do what they can to set the client up for success post-remand.
 - Explain the process of the case returning from the CAVC to VA.
 - Ensure representation exists and offer assistance with locating new representation when needed.
 - Offer to speak with client's representative, to include sending the Summary of Issues (a memo that is prepared while the case is at the CAVC which typically contains arguments as to why the Board's prior decision was in error).
 - Highlight evidence that client can submit on remand.
 - Draft a statement in support of claim or argument for veteran to submit.
 - Offer direct representation at VA, to sometimes include applying for medical review funding.

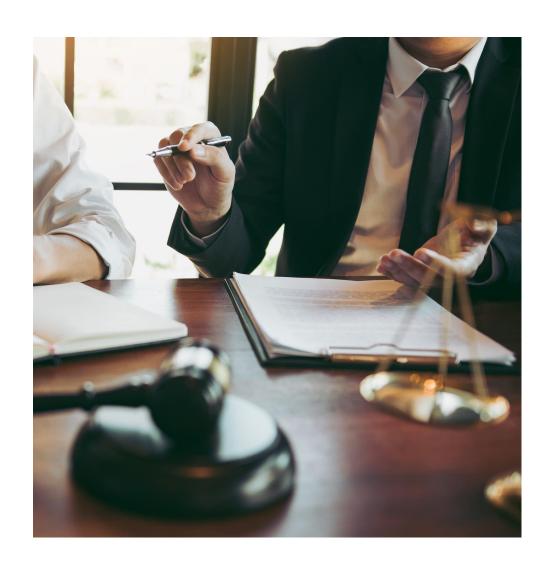


What Can You Do?

If you are the VSO for a client who appeals to the Court, try to keep in touch. Chances are, the case is going to return to the Board.

> Many clients report being unsure about whether the same VSO will be assisting them.





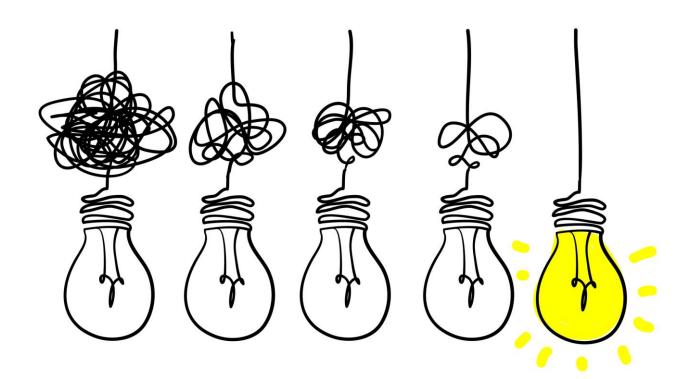
What Can You Do?

If your client was represented at the Court, contact the attorney.

 At the very least, you can ask the attorney for the Summary of Issues. This is important because most cases do not result in a publicly available legal brief.

What Can You Do?

- Understand the limitations of the Court.
 - The Court has limited power to review and overturn VA decisions. The result is that even if the Court sides with the veteran, the solution will be that the case returns to VA for re-adjudication. This means for most veterans, the best outcome is a "do-over."



Contact Info

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Charitable Service Trust

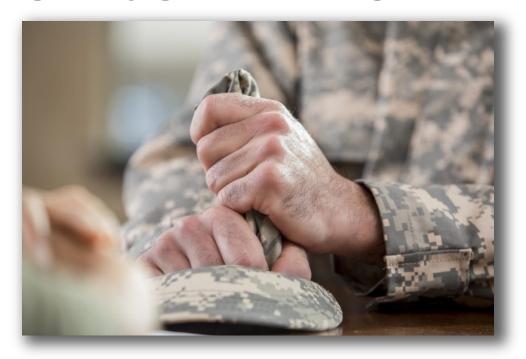
Danica Gonzalves, Esq.

Dee Wallace

Program Director,
Discharge Upgrade Program

Paralegal
Discharge Upgrade Program

Discharge Upgrade Program



The Discharge Upgrade Program provides national pro bono legal representation to individuals who received less than honorable discharges for conduct related to Post-Traumatic Stress Disorder (PTSD), traumatic brain injury (TBI), military sexual trauma, or other mitigating factors.

Less Than Honorable Discharges



Importance of an Upgrade

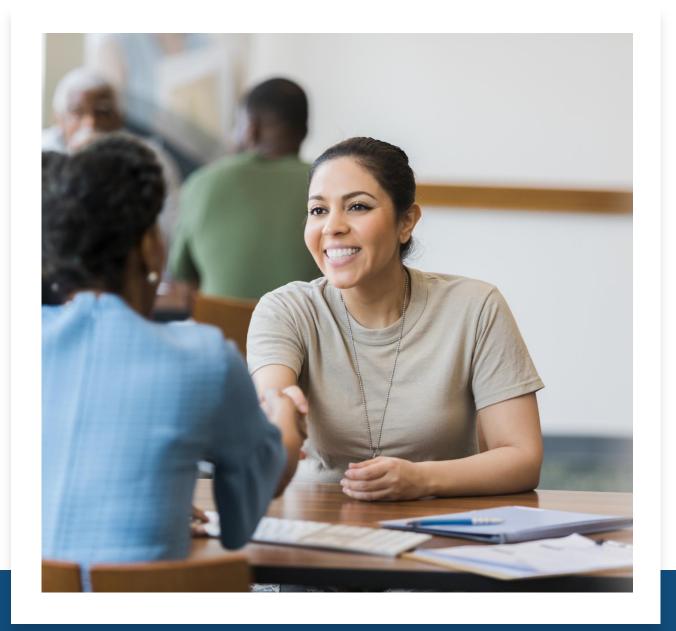
- Eligibility for VA Benefits
 - Medical care
 - Mental health care
 - Disability compensation
 - Housing assistance
 - Employment assistance
 - Survivor and dependent benefits
- Reduces the risk of homelessness & suicide
- Recognition as a veteran
- Veteran employment preferences
- Restore honor





How Do We Help Veterans?

- Discuss case
- Provide information and resources
- In-person and virtual clinics
- Train pro bono attorneys, law schools clinics, advocates, and VSOs





How Can You Help?

- Referrals
- Gathering records
- Assisting with upgrade applications

DRB vs. BCMR

Discharge Review Boards

- DD-293
- 15 Years Post-Discharge
- 5 officers
- Improper
- Inequitable
- Hearings Granted
- Reconsideration
- Limited Authority

Boards for Correction of Records

- DD-149
- 3 Years After Discovery, Waiver
- 3 Civilians
- Error
- Injustice
- Hearings Not Usually Granted
- Reconsideration
- Broad Authority



Discharge Upgraded



Contact Info

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Chesley Roberts

Women Veterans Legal Assistance Program

Equal Justice Works Fellow Sponsored by Lockheed Martin Corporation

What is Military Sexual Trauma?

- MST refers to any sexual harassment, sexual assault, or rape that occurs in a military setting.
- This can include being pressured or coerced into sexual activities, someone having sexual contact without consent, being physically forced to have sex, being touched in a sexual way that made them feel uncomfortable, repeated comments about the body or sexual activities, threatening or unwanted sexual advances, domestic battery, and stalking.



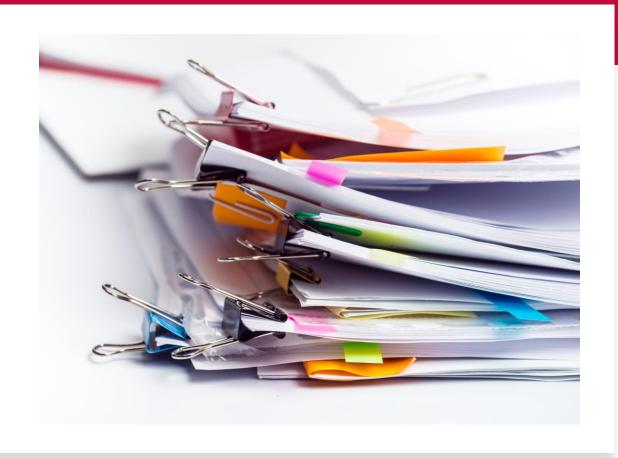
A Well-Prepared Claim

- Veteran must have a current health condition (mental or physical) related to the MST experience
- A nexus letter connecting the current diagnosis to the MST that occurred during the active-duty military service
- Evidence supporting the claim
 - There must be credible evidence to support the veteran's assertion that the stressful event occurred
 - Evidence from sources other than the veteran's service records can be used to corroborate the veteran's own account of the incident



Sources of Evidence

- DOD sexual assault or harassment reporting forms
- Investigation reports
- Civilian police reports
- Journals or personal diaries
- A rape crisis center or center for domestic abuse
- A counseling facility or health clinic
- Statements from family members, roommates, fellow service members



Markers

- Increased use or abuse of leave without an apparent reason
- Episodes of depression, panic attacks or anxiety without identifiable reasons
- Visits to a medical or counseling clinic or dispensary without a specific diagnosis or specific ailment
- Use of pregnancy tests or STD tests
- Transfer requests
- Alcohol or drug abuse
- Unexplained economic or social behavior changes
- Relationship issues
- Treatment for physical injuries around the time of the claims trauma, but not reported as a result of the trauma





Personal Statement

- Tell the Veteran's story through a personal statement that provides context for markers
 - o Begin with the basics -
 - Date joined, date discharge, duty stations, deployments, job specifications
 - o Then the stressful events -
 - Explain the event/events in chronological order with as much detail as possible
 - Explain how the events made the veteran feel

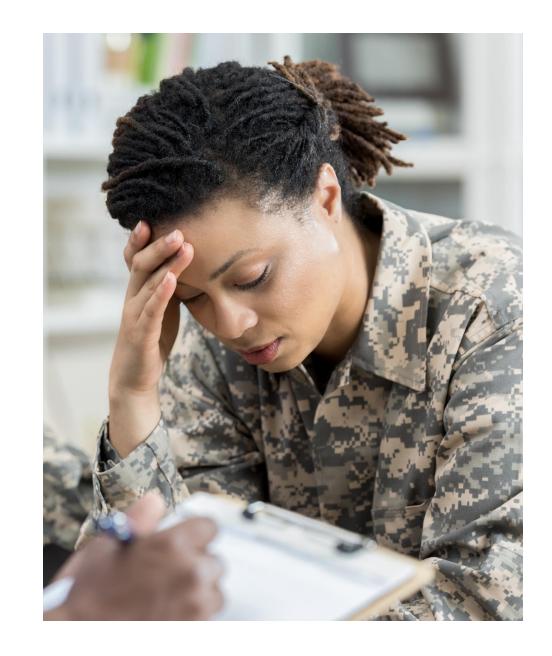
Personal Statement

- Explain how the events impacted military service
- Explain how the event impacted personal life
- Describe current symptoms and explain how they affect the veteran



Become Trauma Informed

- Build Trust with Your Client
- Normalize the Process
- Establish a comfortable climate
- Interview with a Trauma-Informed Approach
- End the interview on a positive note



Free Legal Advice and Referral Clinics





Contact Info

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Nicqelle Godfrey, Esq.

Veterans Naturalization Assistance Project

Equal Justice Works Fellow
Sponsored by Northrop Grumman and Covington & Burling LLP



Background

- Non-citizens have served in every conflict in US history
- Approximately 5,000 non-citizens enlist in the military each year
- Immigrant veterans come from diverse group of countries with top three birth countries being:
 - Mexico (83,000)
 - Philippines (68,000)
 - Canada (31,000)
- As of 2018 approximately 94,000 immigrant veterans do not have U.S. citizenship

The Need

- In the last 9 months of 2020, active service member requests to start naturalization applications were down to only 10 applications.
- Veterans are denied citizenship at a rate 5% higher than their civilian counterparts.



What Are Our Goals?

Help Non-Citizen Veterans Naturalize

2

Discover why many active service members are not applying

3

Discover why veterans are denied at higher rate than civilians

Are you a Military Veteran interested in becoming a U.S. Citizen?

Meet with an attorney for free and find out if you qualify for the Veterans **Naturalization Assistance Program**

Attorneys will meet with Veterans on May 7 9:00 AM - 5:00 PM

For your appointment, you will need:

- An Honorable or General Under Honorable Conditions Discharge
- A copy of your DD-214

It's free to apply for your naturalization as a U.S. Military veteran.

> Call (202) 733-3337 to make an appointment.



If you or a veteran you know may qualify, please contact Nicgelle Godfrey at (202) 733-3337 or vnap@vetsprobono.org

How You Can Help

Get the word out!

- Ensure veterans know their rights
- Show veterans where to turn for help
- Share our flyers and contact information



Contact Info

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Veterans Naturalization Assistance Program

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THANK YOU



Questions?





