

Advocating for Veterans: The Basics on VA Benefits, Discharge Upgrades, and Veteran Cultural Competency 2017

San Francisco, Live Webcast and www.pli.edu,* November 13, 2017

IMPORTANT! If you get accredited by the VA before you attend this training, the first three hours will satisfy the VA's CLE requirement.

1. Attorneys and other advocates must be accredited to practice before the VA. To obtain accreditation you must complete this form: www.va.gov/vaforms/va/pdf/VA21a.pdf.
2. Accreditation by the VA may take several weeks, so do not delay filing your application. You can speed up the process by emailing the form to: OGCAccreditationMailbox@va.gov.
3. Within 12 months after accreditation you are required to complete three hours of qualifying CLE. The morning session of this program satisfies that requirement, but only if you have already received your accreditation from the VA. If you have not received it, you should still watch this program, but keep in mind that you will need to complete three additional hours of CLE within 12 months after receiving your accreditation.
4. Attorneys and other advocates who become accredited will be listed on a national VA list, and are entitled to represent veterans in their claims for benefits, on a pro bono basis, and for attorney's fees on appeals, where they are available.

Why You Should Attend

There are over 21 million veterans in the U.S.; many of them are not aware of the benefits to which they are entitled. Medical and financial assistance are available to those who have served in the military, but many veterans most in need are not receiving VA benefits.

Navigating the VA claims system and applying for discharge upgrades before the Department of Defense are difficult and complex processes. Attorneys play an essential role in removing barriers to VA benefits, such as:

- Lack of evidence to "service-connect" their injuries or disabilities.
- Lack of current medical or mental health evidence documenting severity of symptoms for accurate disability ratings.

- VA eligibility determinations for those given less than fully honorable discharges for behaviors that were related to minor disciplinary infractions or symptoms of Post-Traumatic Stress or other service-related disabilities.

What You Will Learn

Nearly 45% of veterans returning from Iraq and Afghanistan seek compensation from the Department of Veterans Affairs (VA) for service related injuries; 30% of these veterans who file for VA benefits include claims for Post-Traumatic Stress. Many of those who should receive benefits will be denied. Many service members who may be VA eligible are unaware of their legal right to pursue VA benefits, and of those who do apply, more than 90% will be denied. All of them will wait months or years for the VA to issue decisions on their claims. Learn how to navigate the VA claims process and to become an effective advocate for veterans in need. This all-day program will provide an overview of VA disability law and military discharge review law. You will gain an understanding of different types of military discharges, why they are important, and how you can help veterans with less than Honorable discharges.

- The three one-hour morning sessions provide the basics you need to represent veterans before the VA. It will also cover the interactions between VA benefits and other public benefits, such as SSI and SSDI. The morning session fulfills the VA's requirement for qualifying CLE within the first 12 months of your VA accreditation.
- The 1:45 session, *Veteran Cultural Competency: Combat to Community* will help veterans' advocates to understand the challenges that veterans face in their transition to a noncombat community, and provide tips on interviewing and providing legal services to veterans with disabilities.
- The 2:45 to 5:00 sessions will provide attorneys with the tools that they need to assist veterans in upgrading their discharge status and removing stigmatizing information from their discharge documents.

Who Should Attend

Attorneys seeking meaningful *pro bono* opportunities and any advocate who wants to help change the life of a veteran with a disability. Attorneys seeking to meet VA's CLE requirements for new and continuing VA accreditation should also attend. Finally, attorneys who hope to expand their practice areas to include veterans' cases where fees are available should register for one or more of the sessions.

AGENDA

9:00

Program Overview and Introductions

Michael Blecker, Theresa Mesa, Barbara Saavedra

9:15

Introduction to Benefits for Veterans with Disabilities

To introduce the topic, we will define the term “veteran”, provide an overview of the various benefits that veterans can receive from the VA, discuss the VA attorney accreditation process for those interested in practicing in this field, and emphasize the need for *pro bono* attorneys to assist veterans. We will also discuss basic veteran eligibility, particularly for those veterans who were discharged with less than honorable discharges, making them ineligible for VA benefits.

- Administrative Background
- Benefits available from the Department of Veterans Affairs
- Veteran Eligibility
- VA Character of Discharge Determinations

Nicole M. Perez, Cathy Wong

10:15

VA Service Connected Disability Compensation

In this hour, we will discuss service-connected disability compensation, the three requirements to win a claim for this benefit, and the VA’s disability percentage rating system. We will also explain procedure, including how to pursue a claim for the initial application through to an appeal to the Board of Veterans’ Appeals.

- Service Connected Disability Compensation
- Evaluating and Developing the Claim
- VA Procedure
- Hearings and Appeals
- Summary/Practice Tips

Devin Bissman, Cathy Wong

11:15

Networking Break

11:30

Special Disabilities, Interaction between VA Benefits and Other Public Benefits

During this hour we will discuss some of the signature wounds of the more recent conflicts as well as how to build a disability claim based on a sexual assault. We will also cover the various interactions between VA benefits and other public benefits, such as SSI and SSDI.

- Post-Traumatic Stress Disorder (PTSD) and Military Sexual Trauma
- Traumatic Brain Injury (TBI)
- Applying for VA Non-Service Connected Pension / Interaction between VA & other Public Benefits
- Attorney's Fees

Rose Carmen Goldberg, Nicole M. Perez

12:30

Lunch Break

1:45

Veteran Cultural Competency: Combat to Community; Demographics, Cultural Characteristics, Myths and Stereotypes about Veterans; Legal Interviewing Tips

In order to assist you in developing a positive and sensitive relationship with your clients, we will discuss military culture and the challenges that veterans face in transitioning from combat back into their communities. We will also provide tips for interviewing veteran clients and building rapport and trust.

- Working with Veterans Transitioning from Combat to the Community
- Challenges Veterans Face
- Services and Supports for Veterans
- Legal Interviewing and Client-centered Approaches

Shannon Kissinger, Barbara Saavedra

2:45

Military Discharge Upgrade and Review I

A less than fully Honorable discharge has many consequences: it disqualifies the veteran from many VA benefits; it can impact a veteran's employment opportunities; and it may cause feelings of shame, inadequacy, and anger. We will explain how you can help a veteran upgrade his or her discharge by applying to the Discharge Review Boards and Boards for Correction of Military Records.

- The Uniform Code of Military Justice (UCMJ) and Character of Military Service
- Post-Military Service Problems for Those with Less Than Fully Honorable Discharges
- Military Discharge Review Boards and Boards for Correction of Military/Naval Records
- Reasons for Upgrade: Equity or Propriety; Correcting Errors or Injustices; Clemency

Margaret Kuzma, Margaret Middleton

3:45

Networking Break

4:00

Military Discharge Upgrade and Review II

Discharge review work is document-heavy, and this session covers everything you need to know about obtaining and evaluating evidence. Many veterans are discharged from the military for reasons that are unjust or inaccurate, and assistance is needed to remove stigmatizing information from their discharge documents.

- Obtaining and Evaluating Military Records and other Evidence; Developing the Case
- Changing the Reason for Discharge
- Wrongful Personality Disorder Discharges vs. Disability Discharges
- General Practice Pointers

Margaret Kuzma, Margaret Middleton

5:00

Adjourn

Faculty

Co-Chairs:

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