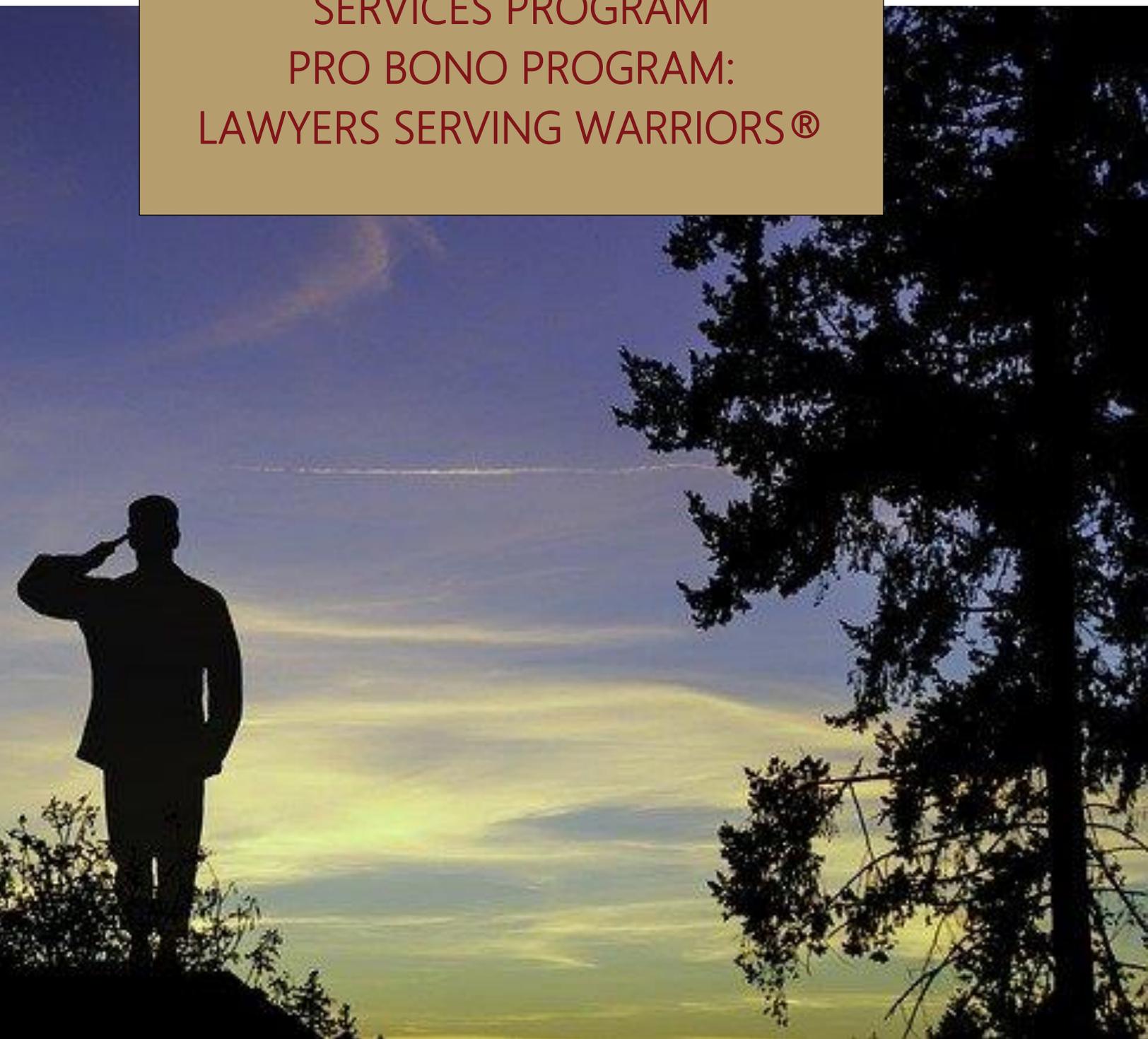


2020 REPORT
NATIONAL VETERANS LEGAL
SERVICES PROGRAM
PRO BONO PROGRAM:
LAWYERS SERVING WARRIORS®



NVLSP
NATIONAL VETERANS LEGAL SERVICES PROGRAM

**2020 Report of
The National Veterans Legal Services Program
Pro Bono Program:
Lawyers Serving Warriors®**



It is my pleasure as the National Veterans Legal Services Program's (NVLSP) new Executive Director to recognize the outstanding commitment of our pro bono partners. Most recently, I had the privilege to serve as NVLSP's Deputy Executive Director.

I was drawn to NVLSP's mission and its exceptional legacy of justice for veterans. I enlisted in the U.S. Air Force after high school and subsequently became a cadet in the U.S. Army Reserve Officer Training Corps. I went on to serve as Judge Advocate in the U.S. Army. As a veteran and attorney, I have a profound appreciation for the work of our pro bono partners.

The COVID-19 pandemic tested us all in 2020. With unwavering resolve to our mission, and the ingenuity and outstanding support of our partners, NVLSP continued our commitment to serve those who served our Nation through our landmark pro bono program, Lawyers Serving Warriors® (LSW). NVLSP is grateful for the generosity and dedication of our pro bono partners who made it possible for our pro bono program to thrive in the face of a pandemic.

This Pro Bono Report highlights the life-changing impact that we were able to accomplish by enabling veterans and service members to obtain the benefits they deserve with the collaboration and innovation of our partner law firms and corporate legal departments nationwide.

As we recognize our 40th Anniversary in 2021, NVLSP is proud to continue working with our pro bono partners to advance justice for our veterans, service members and their families.

A handwritten signature in black ink, appearing to read "Paul Wright", with a large, sweeping flourish extending to the right.

Paul Wright
Executive Director
National Veterans Legal Services Program

**A CELEBRATION OF PRO BONO PARTNERS OF THE LAWYERS SERVING
WARRIORS® PROJECT OF THE NATIONAL VETERANS LEGAL SERVICES PROGRAM**



The National Veterans Legal Services Program (NVLSP) is pleased to share our Lawyers Serving Warriors® (LSW) Annual Pro Bono Report to recognize the pro bono partners who have contributed their time and efforts to help service members and veterans. On a personal note, it has been my pleasure to oversee the LSW program for four years, building upon my previous experience with systemic litigation and administrative advocacy.

In 2020, NVLSP's pro bono partners donated over 60,000 hours in pro bono time to veterans, with an approximate value of over \$40 million. This is an increase from 53,000 hours with an approximate value of \$35 million in 2019.

We highlight some of the victories obtained in 2020, volunteers who accepted pro bono cases and special projects, and our pivot to hosting virtual LSW clinics.

This Report expresses NVLSP's sincere appreciation for the legal work provided by law firms and corporations nationwide to enable service members and veterans to obtain the benefits they deserve.

A handwritten signature in black ink that reads "Rochelle Bobroff".

Rochelle Bobroff
Director of Pro Bono Program
Lawyers Serving Warriors®

NVLSP Mission

To ensure that the government delivers to our nation's 22 million veterans and active duty personnel the benefits to which they are entitled because of disabilities resulting from their military service to our country.



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NVLSP LAWYERS SERVING WARRIORS®

2020 SNAPSHOT



In 2020, NVLSP's pro bono partners donated **over 60,000 hours in pro bono time** to veterans, with an approximate **value of over \$40 million**. This is an increase from 53,000 hours with an approximate value of \$35 million in 2019.



With the support of our pro bono partners, LSW provided full representations **to over 400 veterans and service members** and **clinic services to more than 50**.



During the pandemic, LSW pro bono partners helped create **FAQs, host virtual clinics and other documents** to assist veterans in understanding their benefits and how to access them.



**FAQs on COVID-19 Procedures
at the DoD, Board of Veterans' Appeals & CAVC**
(Current as of October 23, 2020)

To help facilitate navigation of U.S. Department of Defense (DoD), Board of Veterans Appeals (BVA), and U.S. Court of Appeals for Veterans Claims (CAVC) procedures during the COVID-19 pandemic, we have prepared this report categorized by institution. Our findings are presented in a Q&A format.

We contacted various institutions during the COVID-19 pandemic to collect important information about any changes in their procedures. This report is current as of the above-noted date. Information presented here may change as agency responses to the COVID-19 pandemic evolve.

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WHAT WE DO

The National Veterans Legal Services Program's pro bono program - Lawyers Serving Warriors® (LSW)- assists service members and veterans with applications for disability benefits, both at the Department of Defense and Department of Veterans Affairs. Below are the most common types of cases we handle.

Military Medical Retirement

LSW pro bono volunteer attorneys represent both service members and veterans who are seeking a military medical retirement. Military medical retirement benefits include monthly tax-free military disability payment benefits, medical care through TRICARE for the veteran and his or her spouse for life, TRICARE for the veteran's children while they remain dependents, and a military retiree ID card that gives the veteran access to military bases and amenities.

While still on active duty, service members applying for a military medical retirement are provided a formal hearing during the Integrated Disability Evaluation System (IDES) process. Pro bono volunteer attorneys gather medical and lay evidence, prepare witnesses and present oral arguments. In addition, a 5-to-10-page brief is submitted.

Veterans who were improperly denied a military medical retirement during the IDES process can appeal by filing a brief at a military board, such as the Board for Correction of Military Records. Pro bono volunteer attorneys review the evidence

in the veteran's file and prepare a 12-to-15-page brief. If unsuccessful, these cases may be appealed to federal court.

Discharge Upgrades

LSW volunteer attorneys help veterans apply to upgrade their characterization of service, for example from "Other Than Honorable" (OTH) to a more favorable characterization such as Honorable or General (Under Honorable Conditions). The discharge upgrade may help veterans receive VA benefits and health care, improve employment opportunities, and restore reputation and self-esteem. Many clients served through this project have Post-Traumatic Stress Disorder (PTSD), traumatic brain injuries (TBI), or other mental health conditions that are related to military service or are survivors of Military Sexual Trauma. Pro bono volunteer attorneys submit a 10-to-15-page legal brief to a Board for Correction of Military Records or a Discharge Review Board. When applying to a Discharge Review Board, pro bono attorneys may advocate for the veteran at a personal appearance hearing.

Personality Disorder Discharges

LSW pro bono attorneys assist veterans improperly separated based on an alleged personality or adjustment disorder.

Administrative separations for personality or adjustment disorders are often wrongfully used by commanders to discharge service members, because the process is more expedient and has fewer protections for service members than the military disability evaluation system. Many service members administratively separated for a personality or adjustment disorder were improperly diagnosed, and in fact were suffering from a service-incurred mental disability, such as PTSD or a TBI. These cases may involve a request for a discharge upgrade, an application for a military medical retirement, or both.

Combat-Related Special Compensation

Medically retired veterans are eligible for an additional tax-free monthly benefit if their disabilities result from serving in combat. Pro bono volunteer attorneys assist veterans in completing the Combat-Related Special Compensation application form. LSW volunteer attorneys also submit a brief and additional evidence that demonstrates the veteran's disabilities satisfy the statutory definition of "combat-related."

Military Sexual Trauma

LSW pro bono attorneys represent veterans with claims for service-

connected disability benefits for PTSD or other mental or physical conditions as a result of sexual trauma that occurred during military service. Volunteer attorneys submit a 7-to-10-page legal brief to the VA, asserting that the veteran's disabilities are service-connected and should be compensated. When a veteran's condition is "service-connected," he or she receives a disability rating that corresponds with a tax-free monthly benefit check. Some Military Sexual Trauma cases may involve a personal appearance hearing.

Appeals

LSW pro bono attorneys file appellate briefs for veterans at the Board of Veterans Appeals (BVA) and the US Court of Appeals for Veterans Claims (CAVC). At the BVA, volunteer attorneys write an approximately 10-page legal brief and gather relevant medical and lay evidence in support of the veteran. Common issues include service-connecting disabilities related to military service, earlier effective date for benefits, or higher disability ratings. If unsuccessful at the BVA, the cases proceed to the CAVC, at which briefs are usually 15 to 20 pages. Further appeal may be had to the Federal Circuit.

Systemic Reform Projects

Systemic reform projects are an integral component of LSW pro bono partnerships. These projects include research memos, flyers, manuals, and FOIA requests, as well as systemic litigation.

VICTORY LAP

Here are some examples of how service members and veterans were assisted through the dedicated work of our pro bono partners. These victorious decisions were issued in 2020.

Military Medical Retirement – Hearings for Service Members

Terry Connor at Hunton Andrews Kurth assisted a Navy service member experiencing severe Post-Traumatic Stress Disorder (PTSD) due to three incidents of sexual assault committed by his instructor. While the service member was hospitalized to treat his PTSD, his command sought to administratively separate him for alleged misconduct with an Other than Honorable discharge. The **Hunton** volunteer provided representation both for the administrative separation process and the Disability Evaluation System, advocating for medical retirement. The **Hunton** volunteer succeeded in halting the administrative separation, and the service member was medically retired and placed on the Temporary Disability Retirement List with a 100 percent rating for his PTSD. This victory provided the veteran and his daughter with quality healthcare and monetary retirement benefits.

Rob McFarland and Jeanne Noonan at McGuireWoods helped an Explosive Ordnance Disposal (EOD) Technician earn a medical retirement for his severe Post-Traumatic Stress Disorder (PTSD) and

avoid an administrative separation with an Other Than Honorable discharge characterization. NVLSP and **McGuireWoods** first met the EOD Technician at NVLSP's inaugural Integrated Disability Evaluation System ("IDES") Clinic at Joint Expeditionary Base Little Creek-Fort Story. At the clinic, the EOD Technician revealed he had been found FIT for duty for his PTSD despite the fact that he had severe PTSD with suicidal ideation, hallucinations, and anger outbursts. This FIT for finding meant that the Navy could separate the EOD technician without any further review. The **McGuireWoods** volunteers represented the EOD technician at a formal hearing and on written appeal, helping the EOD Technician be found unfit for duty for PTSD and avail himself of the protections afforded to service member's with unfit status. The volunteers then advocated for the veteran in his administrative separation proceedings and ultimately helped him secure a medical retirement.

Taiga Takahashi and Marilyn Guirguis of Latham & Watkins assisted a Special Operations Navy SEAL who suffered numerous injuries as a result of his missions. He was placed on limited duty

for his back pain for 15 months. Originally, the SEAL was found FIT for duty, which required him to return to full duty without an IDES hearing. As a result of advocacy by his pro bono attorneys, he was given a hearing. At his hearing, the board stipulated he was unfit for his vertigo and migraines at 30 percent each. His unfitting injuries were deemed combat related. As a result of his retirement, he is eligible for CRSC, and **Latham** is assisting him with the CRSC application.

Military Medical Retirement – Appeals

The Physical Disability Board of Review has been systematically failing to apply the decision obtained by NVLSP in 2015 of *Cook v. United States*. This important decision ordered the military to comply with federal law requiring a medical retirement for veterans whose PTSD caused the end of their service. Three teams of attorneys brought litigation on behalf of four individual veterans who were improperly denied medical retirements, in violation of the holding in *Cook*. These complaints were filed under the Administrative Procedures Act in the District Court for the District of Columbia in 2020 seeking to enforce the *Cook* decision. **Andres Barajas** and **Nicholas Willingham** of **Sidley** represented an Army veteran who served in Iraq in 2006 to 2007 as a Humvee Gunner, coming under direct fire during convoy patrols. Their **Sidley** colleagues **Jaime Jones** and **Ross Kloeber IV** filed a joint complaint for two other veterans. One was an Army

veteran who served as a Blackhawk Helicopter Crew Chief in Iraq, coming under heavy enemy fire during a combat medical evacuation. The other was a Navy veteran who deployed to Iraq in 2003 and witnessed an enemy ambush and the killings of fellow military personnel, civilians, and enemy combatants by gunfire and mortar rounds. **Brian Donnelly** of **Nixon Peabody** filed a third suit on behalf of an Army Specialist who was exposed to enemy and friendly fire and witnessed the transportation of dead bodies, including that of his close friend, during a deployment to Iraq in 2005 and 2006. All of these cases were remanded by the Court, and upon remand all four veterans were awarded a medical retirement.

Erin Brown Jones and **Samantha Jackson** of **Latham & Watkins** represented a Navy Seal trainee who sought medical retirement at a hearing. When he was denied in service, they were joined by **Latham** colleagues **Holly Victorson** and **Diane Ghrist** in an appeal to the Court of Federal Claims. The veteran had successfully completed the first two phases of Navy SEAL training, but just a few weeks from becoming a SEAL, he was struck in the head by another trainee during a training session. He fell eight feet onto a cement floor and sustained a traumatic brain injury (TBI). While the military agreed he was unfit to continue service, they found only his loss of sense of smell to be unfitting, with a 0% rating. When the case was before the Court, the government conceded it had

failed to consider all the required factors of the Department of Defense Instruction (DODI) in determining whether injuries make service member unfit for duty. The Court remanded the matter, explicitly instructing the government to apply the DODI “in toto, not in a truncated manner.” On remand, the Navy provided the veteran with a medical retirement for his TBI along with his loss of smell with a 70% rating for his TBI.

Matthew McCubbins of Faegre Drinker Biddle & Reath represented a veteran who served in the Navy from September 2000 to June 2013 but then was discharged on the basis of a Condition, Not a Disability. The VA determined that he actually suffered from chronic adjustment disorder, rated at 70% disabling, awarding benefits back to the date of discharge. **Faegre** initially represented the veteran in seeking a military medical retirement at the Board for Correction of Naval Records (BCNR), but relief was denied. **Faegre** then filed a complaint in the Court of Federal Claims, alleging that the denial of a medical retirement was contrary to law. The court remanded the matter back to the BCNR. On remand, the BCNR awarded the veteran a medical retirement for his chronic adjustment disorder. The Board concluded that the evidence supported a finding that he was unfit for continued Naval service at the time of his discharge due to chronic adjustment disorder.

Amy Fuentes and Terry Elling of Holland & Knight represented a Navy

veteran who was wrongly discharged for an alleged personality disorder. Instead, she was actually suffering from Post-Traumatic Stress Disorder (PTSD), depression, and dysthymia, resulting from sexual assault by her recruiter. Her symptoms worsened as she was preparing to testify against her assailant in court-martial proceedings, and she attempted suicide. She was then discharged for a personality disorder. The pro bono volunteers secured an independent medical opinion from NVLSP’s medical legal partnership confirming that the veteran suffers from PTSD from military sexual trauma. The BCNR found that the veteran qualified for a medical disability retirement with a 30% rating. This outcome will ensure that the veteran will have access to quality healthcare and receive the maximum monetary benefit possible.

Andrew Forman and Benjamin Symons of Paul, Weiss assisted an Army Sergeant who suffered two accidental falls from military vehicles while deployed to Iraq in 2005, which led to her experiencing severe neck pain and headaches. In service, these conditions were determined to fail medical retention standards and to be unfitting. However, the Army gave her neck pain a 0 percent rating and found her migraines to have existed prior to service. The volunteers filed a brief with the Physical Disability Board of Review (PDBR) advocating for higher ratings. The PDBR was convinced to rate the neck condition at 20%. Further, the PDBR found that the

migraines were aggravated and worsened in service, adopting a 30% rating. Her combined rating was 40%, achieving a medical retirement.

Kathy Oviedo of **Reed Smith** assisted an Army Infantryman whose vehicle was struck by an Improvised Explosive Device in Iraq. He was awarded a Purple Heart and Combat Infantryman Badge. He subsequently was diagnosed with Post-Traumatic Stress Disorder (PTSD) which was unfitting. He was provided a disability severance based up on a rating of 10% by the Army, compared to 50% by the VA. **Reed Smith** assisted him in applying for a military medical retirement at the Physical Disability Board of Review (PDBR). The PDBR agreed that the Army rating was too low, placing the veteran on the Temporary Disability Retirement List at 50% and then providing a permanent rating of 30% and a military medical retirement. He is now eligible for Combat-Related Special Compensation, and NVLSP is assisting him with that application.

Samantha Sheehan of **Paul Hastings** filed a brief with the PDBR seeking an increase in ratings for a veteran who suffered from fibromyalgia and asthma, each of which were given a 10% rating at discharge, resulting in a disability severance. The PDBR was persuaded by the brief, agreeing that the VA rating a few months after discharge of 30% for the asthma should be applied. When the asthma rating was added to the original 10% rating for fibromyalgia, she was

provided a disability retirement with a rating of 40%.

Thomas Yeh and **Michael Sullivan** of **Latham & Watkins** assisted a Marine who served from July 2010 to August 2017. In December 2011, he was shot while on leave, developing several conditions as a result, including lower back disabilities, radiculopathy, and mental health symptoms. In June 2016, he was found unfit solely for his sciatic radiculopathy and was medically separated with a 10% rating. The volunteers filed a brief with the BCNR requesting a finding that his PTSD was also unfitting. The BCNR agreed that his PTSD was unfitting and should be rated at 50% disabling. This resulted in a combined rating of 60%, providing medical retirement.

Discharge Upgrade

Sean McMahan and **Jeff Johnson** at **Morgan Lewis** sought a discharge upgrade at the Army Board for Correction of Military Records, on behalf of a Vietnam War veteran who had received two Purple Hearts and the Combat Infantryman Badge. The veteran was separated Under Other than Honorable Conditions due to going Absent Without Leave (AWOL). The volunteers obtained an independent medical opinion from a physician in NVLSP's medical-legal partnership who opined that the veteran was likely suffering from Post-Traumatic Stress Disorder (PTSD) at the time of his service and that PTSD or PTSD-like symptoms contributed to his decision to

go AWOL. The Board found that the veteran's PTSD mitigated the misconduct and that positive post-discharge conduct supported clemency. The veteran's discharge was upgraded to fully Honorable, making him eligible for VA disability compensation and other VA benefits.

Scott Rabinowitz and **Jim Perry** of **Skadden Arps** assisted a Marine who served from 1993 to 1998 with an application to the Board for Correction of Naval Records (BCNR). After witnessing a helicopter crash, the Marine began to experience signs of Post-Traumatic Stress Disorder ("PTSD). He later experienced marital problems as well. He self-medicated with marijuana and alcohol, and he had an unauthorized absence when he went home to deal with his difficult family situation. When he returned, he was charged with several violations of the Uniform Code of Military Justice (UCMJ) and ultimately separated with a Bad Conduct Discharge. He had previously applied for a discharge upgrade on his own but was denied. The volunteers arranged for the veteran to be evaluated by a psychologist through NVLSP's medical-legal partnership. The evaluating psychologist diagnosed the veteran with bipolar disorder and stated that the PTSD diagnosis in service was incorrect. The psychologist further stated that the psychiatric medication prescribed in service is known to trigger mania in bipolar patients. She opined that his "bipolar complex, exacerbated by his military service and misdiagnosis,

contributed to the behavior that led to his discharge." The volunteers presented this evidence to the BCNR, advocating that his mental health condition mitigated his misconduct and warranted an upgrade under DOD guidance. The Board agreed and upgraded his discharge characterization to General (Under Honorable Conditions), which entitles him to VA benefits.

Nora Xu of **Sidley** represented an Army soldier who was sexually assaulted by another soldier while deployed to Iraq. She reported the assault. At the time, there were seven other reports of sexual assault against the perpetrator. Like the other survivors, this soldier was pressured to retract her report, but she refused to do so. She testified against her assaulter at a trial, and he was found guilty of forced sodomy, sexual assault, and burglary. As a result of her experiences, the veteran turned to alcohol to dull her symptoms, leading to her less than fully honorable discharge. The volunteer worked with NVLSP to obtain a medical opinion from a provider in NVLSP's medical-legal partnership, establishing a Post-Traumatic Stress Disorder (PTSD) diagnosis due to military sexual trauma (MST). The expert opined that the soldier's alcohol-related misconduct was in fact due to MST. In addition, the VA granted the veteran service-connected disability benefits for a trauma disorder. The Army Discharge Review Board (ADRB) voted to upgrade her discharge to fully honorable and change the narrative reason for

separation to “Secretarial Authority.” The ADRB's decision rested on the determination that the original discharge was inequitable based on her length of service, combat service, and circumstances surrounding the discharge, including the MST and post-service PTSD diagnosis.

Susan Cassidy and **Shannon Tucker** of **Covington** attended an NVLSP clinic in March 2018 at the DC Mayor’s Office of Veterans Affairs where they interviewed a Navy veteran. The veteran had earned high marks on his performance evaluations during his service from 1993-1996. However, he served while the military’s “Don’t Ask, Don’t Tell” (DADT) policy was in place, under which commanders could not question service members about their sexual orientation (Don’t Ask) and LGBT service members could not openly discuss their sexual orientation or engage in sexual activity (Don’t Tell). In 1996, the sailor informed his supervisor that he was being harassed by a civilian who was threatening to tell others that the veteran was gay. An investigation was then launched into the veteran’s sexual orientation, in which witnesses alleged he had admitted that he was gay. Despite his good performance, he was discharged with the narrative reason on his discharge certificate stating, “Homosexual Conduct/Acts.” **Erika Skougard** and **William Woolston** of **Covington** accepted the matter for full representation and filed a brief with the Board for Correction of Naval Records (BCNR), noting the repeal of DADT and

subsequent DOD guidance for changing discharge certificates that referenced a veteran’s sexual orientation. The BCNR changed the narrative reason on the veteran’s discharge certificate to Secretarial Authority, while also changing the re-enlistment code.

An African American Navy Sailor developed Bell’s Palsy from the cold conditions he experienced while deployed to Iceland, suffering severe damage to the left side of his face. He was then transferred to a ship in South Carolina, where he was mocked for the paralysis of his face. In addition, he was called racial slurs by everyone from his fellow sailors to his direct supervisors. The harassment and racism he experienced led his mental health to decline, resulting in Post-Traumatic Stress Disorder (PTSD) and depression. Eventually he self-medicated with marijuana. He was discharged with an Other than Honorable characterization of discharge. He applied for a discharge upgrade on his own and was denied. **Latham & Watkins** attorneys **Julie Holloway** and **Spencer Chatellier** requested reconsideration from the Board for Correction of Naval Records (BCNR), emphasizing that new guidance requires liberal consideration of mental health conditions and their potential mitigating impact on misconduct. The Board was persuaded and upgraded his discharge to a General (Under Honorable Conditions) characterization, which provides eligibility for VA benefits.

In 1967, a Marine admitted to a psychiatrist that he had participated in homosexual activities and was given a diagnosis of "sexual deviation presenting as homosexuality." The Marine had some minor misconduct during service: two days of unauthorized absence and an incident of insubordinate conduct. He was discharged with an Other Than Honorable characterization for "sodomy." **Sarah Bacot** from **Williams & Connolly** filed a brief at the Board for Correction of Naval Records (BCNR) advocating for an upgrade based on him being discharged due to his sexual orientation. The BCNR upgraded the veteran to a General (Under Honorable Conditions) characterization of service (noting there was some misconduct in the record) and changed the narrative reason for separation to "Secretarial Authority." He is now eligible for VA disability benefits.

A Navy missile technician serving from 1987 to 1989 experienced 2 traumatic events while at sea and was in a motor vehicle accident. He was separated with an Other than Honorable characterization for one-time use of cocaine. **Qiusi Newcom** from **Faegre Drinker Biddle & Reath** represented the veteran before the Board for Correction of Naval Records (BCNR) which argued that he had been suffering from traumatic brain injury (TBI), bipolar disorder, post-traumatic stress disorder (PTSD), and other mental health conditions due to these events and that these conditions were mitigating factors to his one-time drug use. The BCNR's advisory opinion concluded that it

was possible, but less likely than not, that his cocaine use could be attributed to his mental health. The volunteer submitted a mental health opinion in rebuttal which concluded that his cocaine use was the result of his mental health conditions. The BCNR determined that recent DOD guidance directed a finding that his diagnosed mental health conditions mitigated his misconduct, were causative factors of his misconduct, and were not outweighed by his misconduct. The BCNR therefore upgraded his discharge to General (Under Honorable Conditions) and changed his narrative reason for separation to "Secretarial Authority." Related to this discharge upgrade, the volunteer also represented the veteran on three claims of disability compensation benefits at the VA, which granted the veteran monthly benefits on one claim with a 10% disability rating, effective from February 2019, while two claims remain pending.

Daniel Skees and **W. John McGuire** of **Morgan Lewis** interviewed an Army veteran at a clinic sponsored by the Prince George's County, Maryland Office of Veterans Affairs and the National Association of Black Veterans (NABVETS) in May 2018. The veteran had served in the Army from 2002 to 2004, deploying to Kuwait and Iraq in support of Operations Enduring Freedom and Iraqi Freedom. While deployed, one of his responsibilities was serving as a driver for a Medical unit, which exposed him to many dead bodies and mortally injured enemy soldiers and Iraqi civilians

suffering from bullets and other wounds. His mental health suffered as a result of his combat deployment, causing his duty performance to decline alongside. Ultimately this led to a verbal altercation with another service member. He was administratively discharged with a General (Under Honorable Conditions) characterization as a result of the altercation. Following his discharge, he sought guidance from NABVETS and was referred to a doctor who diagnosed him with Post-Traumatic Stress Disorder (PTSD). While he was successfully employed as a security officer, his discharge characterization was a bar to a security clearance needed for a career in the information technology field. He attended the clinic seeking assistance to obtain an upgrade that would allow him to continue to build a better life for himself and his family. **Daniel Skees** and **Calvin Brien** of **Morgan Lewis** represented the veteran in an application to the Army Discharge Review Board (ADRB), filing a brief and attending a hearing before the ADRB. They advocated for an upgrade on the basis that the veteran's mental health conditions mitigated his misconduct. The Board voted 4 to 1 to upgrade the discharge to fully Honorable based on the veteran's combat service, post-discharge PTSD diagnosis, and post-service conduct.

Samantha Sheehan of **Paul Hastings** assisted a Marine who deployed as a machine gunner with a Navy ship for eight months. When he returned, he found that his wife had left, emptying his

bank account of his life savings and earnings from deployment. He began to experience panic attacks and was diagnosed with an anxiety disorder. He experienced side effects from prescription medications and then experimented with MDMA as a form of self-medication. He failed a urinalysis and was given an Other than Honorable discharge. With pro bono assistance, he was upgraded by the Naval Discharge Review Board (NDRB) to a General (Under Honorable Conditions) characterization, making him eligible for VA benefits. The decision explicitly held that the veteran's mental health was a mitigating factor.

Stephen Matthews and **William Diggs** of DLA Piper represented a Marine infantryman with two combat deployments to Afghanistan. He participated in the attack on the Taliban fortress of Marja, experiencing daily gunfights and attacks by the enemy as well as the loss of two close friends in his battalion. He received numerous awards, including a Combat Action Badge. Unfortunately, the veteran's heroic combat service left him with long-lasting internal wounds. Shortly after his first deployment, the veteran began to show such extensive signs of post-traumatic stress disorder (PTSD) that it was difficult for his wife to recognize the person he had become. He attempted suicide, but received minimal treatment for his mental health condition. He failed to report another Marine's misconduct and was then separated with an Other than

Honorable characterization of discharge. Post-discharge, the VA diagnosed him with PTSD, rated at 70% disabling, but he was not entitled to benefits for his PTSD because the condition began during the period of service that ended Under Other than Honorable Conditions. The volunteers submitted a brief to the Naval Discharge Review Board (NDRB) advocating that his combat service and post-discharge PTSD diagnosis mitigated the misconduct. The Board upgraded his characterization of discharge to Honorable, but the Secretary of the Navy rejected the NDRB's recommendation and maintained the veteran's Other Than Honorable characterization. After additional advocacy before the Secretary of the Navy, the veteran's discharge was upgraded to General (Under Honorable Conditions). The veteran is now entitled to full benefits and services from the VA for conditions arising in his entire period of service.

Military Sexual Trauma (MST) VA Claims

Kristen Molloy, Justin Hunter, and Christina Briesacher of Kirkland & Ellis represented an Army veteran who had been sexually harassed by a Drill Sergeant at advanced infantry training in 1996. The veteran applied for VA compensation for PTSD due to MST. The VA examiner opined that the reported stressor was not significant enough to support a diagnosis for PTSD and that it was less likely that her current condition was linked to military service. The volunteers obtained

an independent psychological assessment from NVLSP's medical-legal partnership which linked her depression to MST, and they sought service-connection on this basis. In January 2020, the veteran was granted service connection for depression with a 70% rating and an effective date of June 7, 2012. The veteran also was awarded individual unemployability from June 7, 2012. The veteran received a retroactive payment of \$125,000 and monthly payments of \$3,106.04.

Maeve Olney of Hunton Andrews Kurth assisted an Army veteran who was raped in her barracks by multiple members of her unit. She has suffered from severe depression and PTSD since the assaults. The volunteer obtained a private medical examination from a psychologist in NVLSP's medical-legal partnership and filed a brief in support of service-connection for PTSD and depression due to MST. In March 2020, the VA granted service connection for PTSD and Major Depressive Disorder secondary to MST and assigned a disability rating of 50%. She received a back award of nearly \$3,600 and a monthly benefit of \$880.

Kyle Howard of Orrick represented a Navy veteran survivor of Military Sexual Trauma in seeking service-connected disability compensation for Post-Traumatic Stress Disorder. The veteran enlisted in the United States Navy at the age of 17 and began active duty at the age of 18. She was one of the few female service members in her unit, and also one

of the youngest. Throughout her service, the veteran was subjected to near-daily episodes of sexual harassment. This verbal harassment eventually escalated into physical confrontations and, on two occasions, sexual assault and rape. The Navy veteran first sought assistance with NVLSP in 2015, and after 5 years and two levels of appeal, in 2020 the veteran was granted disability compensation for her PTSD as a result of the Military Sexual Trauma she experienced. She receives monthly compensation of \$1,430 and a retroactive payment of \$83,000.

David Kully and Marina O'Brian of Holland & Knight represented an Army veteran who was raped in service by an HIV positive individual, resulting in the veteran becoming HIV positive. He applied for service connection for PTSD based on MST on his own and was denied. With pro bono assistance, he was granted service connection for PTSD due to MST. He was rated at 50%, with an effective date from February 2014, providing monthly compensation of \$770 and a back award of \$53,900.

Karthnik Rvishanker, Marina O'Brien, and Michael Chiswick-Patterson of Kirkland & Ellis assisted a decorated combat veteran who also was a survivor of 3 separate sexual assaults during his time of service. Due to one of the assaults, he contracted HIV. He submitted his claim for PTSD and other mental health conditions on his own but was denied. The volunteers submitted a brief on appeal and also attended an informal

hearing. The veteran was granted service connection for his PTSD, with an initial rating of 30%, but with a temporary 100% rating for inpatient treatment in December 2019. He received a back award of \$9500 and monthly benefits of \$436.

Stephanie Crawford, Shaina Vinayek, and Brian McGrath of Crowell & Morning assisted an Army veteran who was sexually assaulted during service. Her attorney team worked with her to develop evidence, including an opinion letter from a treating provider, to support her appeal. They also participated in a hearing before the Board of Veterans' Appeals. On June 6, 2020, the Board granted the veteran service-connection for PTSD. She was provided a rating of 70%, with an effective date from January 2012. She received a back award of \$120,000 and a monthly benefit of \$1500.

Emily Steeb, Melissa Fontes, and Kayla Britton of Faegre assisted a Marine veteran who was raped by a supervising Marine in Japan; then she was also sexually assaulted by another senior Marine when she reported that she was pregnant. The attorneys worked with her to submit a brief, written statement, and a medical opinion in support of her claim. In July 2020, the VA granted the veteran's claim for PTSD with a rating of 70%. Her effective date was from July 2019. She receives a monthly benefit of about \$2000 and a back award of \$24,000.

Combat-Related Special Compensation (CRSC)

Ben Ackerly and **Tim McHugh** of **Hunton Andrews Kurth** represented a Marine expeditionary airfield specialist who experienced rocket and mortar attacks on base while serving in Iraq and then suffered from PTSD. He applied on his own for CRSC and was denied. The volunteers filed a request for reconsideration with the BCNR in June 2017, submitting new information. The BCNR agreed that the new information warranted reconsideration and stated an advisory opinion was needed. Yet, the BCNR did not actually obtain an advisory opinion. Instead, in December 2017, the BCNR denied CRSC. The BCNR stated that the mortar and rocket attacks were “indiscriminate indirect fire” which did not qualify for CRSC. **Hunton** and NVLSP filed an Administrative Procedure Act claim in the US District Court for DC, alleging the failure to obtain the advisory opinion was a procedural error. The government sought a remand to provide the advisory opinion, and the Court remanded the matter back to the BCNR in April 2019. On July 13, 2020, the Navy awarded CRSC benefits to the veteran, effective December 2008, awarding benefits for PTSD which developed as a result of being mortared on base while deployed. The veteran was awarded a monthly benefit of \$1,035 and a retroactive payment.

Cedric Seley of **Sidley Austin** assisted an Army veteran who deployed once to

Afghanistan and twice to Iraq. In Afghanistan, the veteran and his unit were ambushed by a mortar blast to armored vehicles which landed approximately 20-30 meters from his location, damaging two armored trucks and causing a tire explosion. On another patrol mission, his vehicle took incoming sniper fire. Back at the base, the enemy opened fire on him and his fellow soldiers with an automatic weapon. Everyone in the area dropped down to take cover, but, once the shooting stopped, the veteran looked over and saw that a close friend of his had been shot and killed by the attack. The veteran applied for CRSC on his own and was denied. The volunteer filed a brief in support of reconsideration for the veteran’s anxiety and tinnitus. The CRSC Board was convinced and awarded CRSC on reconsideration. The veteran was awarded a monthly benefit of \$1,043 and a retroactive payment of \$89,000, tax free.

William McLucas and **Micah Fielden** of **WilmerHale** represented a veteran who first served in the Marine infantry and then subsequently reenlisted as a Naval Flight Officer and Aviation Warfare Officer. He deployed once to Iraq and three times to Afghanistan, engaging in numerous combat missions. He was awarded a Combat Action Badge for engaging with the enemy while on mounted combat patrol near FOB Summerall Iraq. His patrol was attacked by enemy combatants with automatic weapons and rocket-propelled grenades. He developed PTSD as a result of this

patrol and other combat experiences. Nevertheless, the Physical Evaluation Board concluded that his PTSD was not combat-related. The volunteers set forth extensive documentation linking his PTSD to combat. He was awarded CRSC for his PTSD, as well as a back condition, knee condition, and tinnitus. His total combat-related disability rating is 60%, with monthly CRSC benefits of \$1362.

Peter Banick, Ted Novy, and Frank LaVaglia of **Aon** represented an Army Signal Officer who deployed to Iraq twice and to Afghanistan twice. In his first deployment in 2005 in Iraq, “his ‘EOD tech [got] blown to pieces,’” and he “had to pick up pieces” of his tech. He received a Combat Action Badge for his service in this IED attack. He was provided a medical disability retirement for several physical disabilities, with the military explicitly finding that two physical conditions – spondylolisthesis of lumbar spine and right lower extremity radiculopathy related to the lumbar condition – were caused by conditions simulating war and were therefore combat-related injuries. The Board explained that he “fell into a ditch and injured his lower back while conducting a live fire training exercise at the National Training Center, Fort Irwin, California.” He was also diagnosed with PTSD. The Aon volunteers filed a brief seeking CRSC for several conditions. The veteran was awarded CRSC for his PTSD and tinnitus based on his combat award and for his lumbar spine condition and radiculopathy based on combat training simulating war.

His total combat-related disability rating is 60%.

Wally Martinez and Daniel Rubin of **Hunton Andrews Kurth** represented a Navy veteran who served for 23 years, retiring based on years of service. He deployed to Vietnam, serving as an ammunition loader while at battle stations. The ship was struck by enemy mines. While setting up outdoor cooking stations on a pontoon bridge as part of an operation, the veteran, a mess attendant, was shot at by the enemy. He was also exposed to Agent Orange while deployed to Vietnam. The volunteers sought CRSC for numerous conditions which the VA had found to be caused by his service. He was awarded CRSC for PTSD from armed conflict, Parkinson’s disease with tremors from Agent Orange, an Instrumentality of War, and several conditions secondary to Parkinson’s disease. His total combat-related disability rating is 90%.

Matthew Leff, Eric Meade, and Stephanie Ricardo of **Merck** assisted a Navy veteran who served for 20 years and then retired based on length of service. He had been exposed to Agent Orange when deployed to Vietnam. His ship transported Marines and supplies on and off the Vietnamese shore. The volunteers advocated that his disabilities stemming from exposure to Agent Orange be found combat-related. The CRSC Board agreed, awarding benefits for coronary artery disease as caused by Agent Orange, an Instrumentality of War. The Board further awarded CRSC for two secondary

conditions, both right and left lower extremity radiculopathy involving the sciatic nerve. His total combat-related disability rating is 80%.

Anna Cocuzzo, Letitia Walker, and **Kathy Lally** of **Merck** represented an Army veteran who deployed to Afghanistan in support of Operation Enduring Freedom twice, in 2003 and from 2010-2011. During the veteran's second deployment to Afghanistan, he was exposed to rocket-propelled grenades, ambush incidents, machine gun fire (both direct and indirect including at the main base), and exposure to extreme military noise from helicopters, aircraft, trucks, and weapons fire. The **Merck** volunteers argued that veteran should be awarded CRSC for his tinnitus and Post-Traumatic Stress Disorder (PTSD) as a result of the loud noise he was exposed to and the traumatic events he witnessed during combat. The Army CRSC Board agreed, awarding CRSC at 40% for the veteran's PTSD and Tinnitus.

Devorah Lewin of **DLA Piper** represented a Navy veteran who served for 26 years and then retired based on length of service. He had been exposed to Agent Orange when deployed to Vietnam. In addition, he had tinnitus due to his exposure to the sounds of explosions. The volunteer filed a brief seeking CRSC for the veteran's diabetes resulting from exposure to Agent Orange, several secondary conditions, and tinnitus. The CRSC Board agreed, awarding CRSC for his diabetes based on exposure to Agent

Orange, an Instrumentality of War. The Board further awarded CRSC for six conditions secondary to diabetes and for tinnitus. His total combat-related disability rating is 90%.

Amy Doberman and **Chelsea Shaffer** of **WilmerHale** assisted an Army Logistics Specialist who deployed three times to Iraq, experiencing substantial exposure to mortar attacks on the installations where she was stationed. She was provided a military medical retirement due to Post-Traumatic Stress Disorder (PTSD), with a finding that her PTSD was "due to multiple non-combat and combat related stressors" and was triggered by a miscarriage. She applied for CRSC on her own and was denied. The volunteers filed a brief detailing the evidence that her PTSD was caused by combat. The brief argued that her experience of other stressors does not disqualify her for CRSC and does not change the fact that her PTSD was due to combat. The CRSC Board agreed and awarded CRSC for her PTSD, with a combat-related disability rating of 70%.

Jenna Wolfe and **Jill Ballo** of **Microsoft** assisted an Army veteran who deployed twice to Iraq. While driving in a convoy, his vehicle was struck by a vehicle-borne improvised explosive device, and he was ejected from his vehicle. He lost consciousness for about a minute, and upon regaining consciousness, pulled the unconscious truck commander and sensitive documents from the burning vehicle. He was diagnosed with a

concussion and had shrapnel in his face. He was awarded a Purple Heart, Combat Infantry Badge, and Bronze Star Medal with "Valor" Device for "valorous achievement while injured and reacting to an enemy vehicle-borne improvised explosive device." He was provided a military medical retirement for major depressive disorder (previously PTSD), with the finding that the mental health condition was a "battle injury" resulting from combat. The volunteers filed a brief in support of his application for CRSC. He was awarded CRSC for his mental health condition and tinnitus based on his combat award. He was further granted CRSC for traumatic brain injury, migraine headaches and irritable bowel syndrome as caused by an instrumentality of war. His combat-related disability rating is 80%.

Andrew Villier and Julia Fox of Perkins Coie represented an Army interpreter who accompanied combat units during a deployment to Jordan and two to Iraq. During his 2015 deployment to Iraq, the Air Force Base where he was stationed was attacked by an incoming rocket. He was awarded a Combat Action Badge as a result of the performance of his duties during that incident. The volunteers assisted him with an application for CRSC. He was awarded CRSC for his mental health condition, hearing loss and tinnitus, based on his combat award. He was also awarded CRSC for his irritable bowel syndrome, which was due to an instrumentality of war. His total combat-related disability rating is 70%.

After **Ravi Antani and Bob Howard of Latham & Watkins** won a medical retirement for an Army veteran in 2019, **David Teh and Brad Warner of Latham** represented the veteran in seeking CRSC. The veteran had been awarded a Purple Heart and Combat Action Badge. While deployed to Iraq, an IED caused his vehicle to catch fire, blowing the door open and projecting him out of the vehicle. The blast also caused the veteran's left knee to be lacerated by shrapnel. He was briefly knocked unconscious and injured both of his ankles as a result of the blast. He was awarded CRSC for his PTSD based on his combat award. He was further provided CRSC for his knee and back conditions, which were caused by an instrumentality of war, as well as several secondary conditions. His total combat-related disability rating is 90%.

Appeals at the Board of Veterans' Appeals

Alex Dilley and Peter Carney from **White & Case** assisted a veteran seeking service connection for a back disability. He prevailed in late December 2020 and wrote to NVLSP: "Hope this email finds you well and Happy New Year. I have great news, I received a letter from the Board of Veterans' Appeals granting service connection for low back disability. Congratulations to you and your team for the win, I am so grateful."

Steven Peretz of McGuireWoods handled a matter in which the parties agreed that remand was required for the

Board to address whether a medical opinion submitted after the claim was finally denied constituted new and material evidence. On remand, the volunteer argued that the Board should find reopen the claim and grant service connection. The Board was persuaded and awarded service connection.

Scholastica Baker, Jeffrey Hedlund and Kate Middleton from **Faegre Drinker Biddle & Reath** represented a veteran seeking a total disability rating. They convinced the Board that the veteran's pecan farm was not substantially gainful employment. The Board granted Entitlement to a total disability rating based on individual unemployability due to the veteran's service-connected PTSD and tinnitus.

Stephanie Crawford of **Crowell & Moring** assisted a veteran seeking a total disability rating. The Board granted the veteran's request for total disability prior to March 25, 2015 and awarded the effective date of December 1, 2012, the veterans last date of full-time employment.

Mark Roth of **Cozen O'Connor** represented a veteran who worked in construction after his military service and was unable to work due to service-connected back disabilities. The Board granted the veteran entitlement to a total disability rating based on individual unemployability from July 23, 2009 onward.

Jason Keehfus from **King & Spalding** represented a veteran who was denied entitlement to a total disability rating based on individual unemployability prior to December 5, 2014. The case was remanded because the Board had previously failed to address favorable evidence indicating that the veteran's service-connected PTSD and peripheral neuropathy of all four extremities rendered him unemployable. In August 2020, the Board awarded the veteran total disability prior to December 5, 2014, based on his combination of physical and psychological symptoms.

Michael Connolly from **Cozen O'Connor** represented a veteran seeking to obtain service connection for several conditions based on his exposure to a herbicide agent during his service in Okinawa, Japan. The Board confirmed that in the 1960s, the U.S. military had major chemical weapons stockpiled on the island of Okinawa, which was corroborated by numerous articles submitted by the firm showing herbicide agents could have been a part of the chemical weapon stockpile. The Board then found that the veteran's assertion that he worked around chemicals in warehouses was credible and concluded that it is "reasonable to infer that, on at least one occasion," he was "exposed to a leaking barrel of a presumably toxic chemical," given his duty as a warehouse worker, and "in light of the supporting evidence indicating that chemical weapons were stockpiled in Okinawa during that time period." The Board

further found that there is “at least some likelihood that it was a tactical herbicide.” Accordingly, the Board granted service connection for six conditions.

James Bieke of **Sidley Austin** initially assisted a widow seeking service connection for the cause of death of her husband at the Court of Appeals for Veterans Claims, securing a remand. The Court found that a September 2016 VA examination/opinion was inadequate for rating purposes and concluded there was a violation of the duty to assist. The volunteer stayed on the case for the remand to the Board of Veterans Appeals (BVA). In support of the brief to the BVA, the firm obtained an independent medical opinion. The Board completely relied upon the independent expert’s medical opinion in granting service connection. The decision even noted that the expert left no ambiguity by phrasing his opinion in VA terminology, which convinced the Board to rule in the veteran’s favor.

Shaun Boedicker and **Steven Ross** at **Step toe** represented a veteran suffering from migraine headaches. In its initial decision, the Board failed to address the ameliorative effects of the veteran’s medication when assigning a rating for her headaches. After the volunteers submitted a brief in her support following a remand from the Court, the Board granted the veteran a 50% rating for migraine headaches. back to 2016. The veteran was awarded a back award of \$65,000.

Petal Walker and **Amy Lishinski** of **WilmerHale** assisted a veteran who served as an infantryman in the Army from 1988 until 1991, when he was medically discharged for issues related to his pes planus (flat feet). Not long after his discharge, the VA assigned a 30 percent rating to his pes planus. As the veteran explained in his declaration, “[His] feet have not stopped hurting since then.” In the intervening years—nearly three decades—the veteran’s condition slowly deteriorated. The volunteer convinced the Board to increase the veteran’s rating for his pes planus to 50%.

Timothy Chou of **Davis Wright Tremaine** represented a veteran who suffered from tinnitus. A VA examination in 2019 opined that his tinnitus was not related to military service, without considering whether it was secondary to another condition. The volunteer filed a brief establishing that the veteran’s tinnitus was caused or aggravated by his service-connected Meniere’s disease, previously rated as bilateral hearing loss. The Board agreed and granted service connection for the veteran’s tinnitus.

Chelsie Rimel and **Brian Koosed** of **K&L Gates** assisted a Navy Vietnam War veteran who sought service-connection for his diabetes. The veteran was exposed to Agent Orange during his second tour in Vietnam from March 1970 to October 1970 when his ship was anchored in Da Nang Harbor. A recent Federal Circuit case held that veterans who served in the twelve nautical mile territorial sea of the

Republic of Vietnam were entitled to presumptive service connection. The Board was persuaded and granted service connection for the veteran's diabetes.

Claudia Callaway from **Katten Muchin Rosenman** represented a veteran seeking a higher rating for her service connected naso-labial scar. During her service in the United States Coast Guard from October 1973 to October 1997, the veteran had a sebaceous cyst removed from her face, near her right naso-labial line, resulting in a residual scar. The Board increased the rating from 10% to 30% for the entire period on appeal, and the veteran received \$24,000 in a back award.

Appeals at the U.S. Court of Appeals for Veterans Claims (CAVC)

Lane Heard and **Marta Chlistunoff** of **Williams & Connolly** represented a veteran who appealed a decision proposing to reduce the veteran's lumbar spine rating from 20% to 10%. The brief advocated that the reduction should be reversed on the procedural grounds that the VA did not provide required pre-decisional notice of the reduction decision. On the merits, the brief argued that the VA relied on inadequate examinations, failed to follow their own regulations by not addressing whether any improvement actually reflected improvement under the ordinary conditions of work and life, and reversed the burden of proof onto the veteran by essentially adjudicating the appeal as one for an increased rating. The Court held

that there are not many situations where VA bears the burden of proof, but in such situations where VA does not meet the burden, "it is important that we hold the Agency to account." The Court added: "[t]he Government had its shot and it failed. If a veteran failed in a similar way, we would not provide him or her with another opportunity to carry their burden. We won't give the Government more than we would give a veteran." The Court reversed the rating reduction, ordering the Board to reinstate a 20% rating effective September 1, 2015. The veteran was very grateful, sharing that he had been unemployed due to the pandemic.

Richard Young of **Sidley Austin** represented an Operation Desert Storm Navy veteran in his appeal of the denial of service connection for bilateral hearing loss. The veteran had wartime service on aircraft carriers, and there were shifts in hearing thresholds during his service. The Court was persuaded that the Board erred by failing to return an April 2014 VA examination report to the examiner for clarification. The Court found it was unclear as to whether and how the examiner evaluated the evidence of in-service noise exposure and shifts in hearing thresholds and why the examiner concluded that the shifts in hearing thresholds were not "significant."

Matthew Verdin and **Clara Shin** of **Covington** assisted a widow seeking Survivor's Dependence and Indemnity Compensation for the death of her

husband, who served honorably in the Army and saw combat in Vietnam. He died in a car accident with the immediate cause of death being a closed head injury, and a contributing cause of death being alcohol intoxication. The widow contended that her husband's undiagnosed PTSD led to his alcohol abuse which contributed to his death. The Board refused to provide the widow a medical opinion on the issue. The Court was persuaded that that the Board failed to provide an adequate statement of reasons or bases for its reading of the death certificate and failed to provide an adequate statement for not providing an examination. The Court indicated that it was "unclear why the Board required more than lay testimony to provide a medical examination to determine whether the veteran had PTSD and whether alcohol abuse was a symptom of that condition." The Court astutely pointed out that the lay statements of record detail the veteran's post-service symptoms.

Michael Mugmon, Erin Ladd, Tom Sprankling, Martin McCormack, and Joseph Levy of WilmerHale represented an Air Force veteran who injured his back in service, first falling on ice and later sustaining a lifting injury. He appealed a denial of benefits for a low back disorder and left leg numbness and radiculopathy. The Court ruled in the veteran's favor and vacated the Board's decision in its entirety for the Board to address evidence of record regarding continuity of symptoms for a back disability and the

adequacy of the medical opinion of record.

Blake Coblentz, Aaron Lukas, and Ryan Bottegal of Cozen O'Connor represented an Army veteran who was assaulted by a fellow service member while stationed in Nakhon Phanom, Thailand. He sought service connection for PTSD and depressive disorder. The Board was unable to corroborate the stressor and denied the claim. The Court found that the Board erred in failing to provide an adequate statement of reasons or bases. The Court also held that lay evidence can enhance the evidentiary value of other evidence and the Board should have addressed its probative value.

Tyler Burgess and Brian Green of Kirkland & Ellis assisted a widow whose husband served honorably in the Air Force and died of a self-inflicted gunshot wound to the head. He suffered from alcohol abuse since returning from Thailand where he served in security police squadron retrieving casualties. The widow applied for Survivor's Dependence and Indemnity Compensation on the basis that her husband suffered from an undiagnosed mental health disorder, and he self-medicated with alcohol which in turn led to his death by suicide. The Board failed to address evidence of record suggesting that there was a causal connection between his death and his service, that there was likely another undiagnosed mental health disorder, and that the alcohol abuse was a way to self-medicate

from the wounds of war. The Court remanded for the Board to provide an adequate statement of reasons or bases for why, in light of the evidence of record, a medical opinion was not warranted. Burial benefits were also remanded as inextricably intertwined.

Krystyna Blakeslee and Katherine Helm of Dechert represented an Army veteran who appealed the denial of service connection for a shoulder condition. During service, he experienced pain and a “pinched” sensation in his upper extremities, including his right arm, due to heavy lifting. The Court was persuaded that the VA medical opinions in the case were based on an inaccurate factual premise and the VA medical reports contained several inaccuracies. As a result, the VA opinions were not competent medical evidence. The Court remanded the matter to obtain an

adequate medical opinion. The Court further agreed with the veteran that the Board failed to provide an adequate statement of reasons or bases for placing greater probative weight on the VA medical opinions than the private medical evidence.

David Z. Bodenheimer, Kathryn Clune and Sherrie Armstrong Davis of Crowell & Moring assisted an Air Force veteran who injured his back during service. He appealed the denial of higher ratings for his back injury. The Court found that the Board did not adequately assess the functional loss that results from pain. The Court remanded the case, requiring the Board to address whether the appellant's pain and functional loss entitle him to a higher disability rating.

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We express deep appreciation for the contributions that enable the National Veterans Legal Services Program (NVLSP) to serve our warriors. Your financial support made it possible for us to assist thousands of veterans, service members and their families. We list below sponsors of NVLSP's Annual Benefit and additional supporters of our program.

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THANK YOU FOR YOUR LEGAL REPRESENTATION

LSW extends our heartfelt appreciation to all of the law firms and corporations that accepted cases, projects, and attended clinics in 2020. With this pro bono support, LSW provided full representation to 408 veterans and service members and clinic services to 53 veterans and service members in 2020. Below we list the names of volunteers who accepted matters in 2020 and provide a summary description of the matters accepted by partnering firms and corporations.

Akin Gump Struss Hauer & Feld: 3 matters

LSW Pro Bono Contacts: Adrian Palma, Rachel Elsby, Paul Butler, Steven Schulman

Akin Gump accepted 3 cases before the Board of Veterans' Appeals.

Paul Butler
Alan Carrillo
Rachel Elsby
Julia Eppard

Nicholas Lombardi
Shanna Miles
Amanda Praestholm

Amazon: 3 matters

LSW Pro Bono Contacts: Lloyd Chee, Julie Friar

Amazon accepted 3 discharge upgrade file review matters.

Shawn Bell

Taylor Hicks

James Ton-that

Aon: 9 matters

LSW Pro Bono Contacts: Peter Banick, Ruth Miller

Aon accepted 9 discharge upgrade file review matters.

Anna Boulamastis
Shalona Byrd
Samantha Kimbrew

Kristen Lunny
Ruth Miller
Shellie Nimrodi

Sue Patino
Carol Robbins
Sarah Stuart

Blank Rome: 1 matter

LSW Pro Bono Contacts: Kathy Ochroch, Krystal Kane

Blank Rome accepted 1 Military Sexual Trauma case.

Natasha Romagnoli

Chapman and Cutler: 2 matters

LSW Pro Bono Contacts: Sara Ghadiri, Shannon Burke, Nicolette Hampton

Chapman and Cutler accepted 2 Combat-Related Special Compensation cases.

Ronni Martin

Kevin Reckamp

Chevron: 4 matters

LSW Pro Bono Contact: Andrea Hogan, Gene Litvinoff, and Michael Lodge

A new LSW partner in 2020, Chevron accepted 3 Combat-Related Special Compensation cases and 1 medical retirement case at the Physical Disability Board of Review with their partner Latham & Watkins.

Carlos Hanze
Michael Lodge
David Moyer

Jessica Nelson
Brian Wall

Clifford Chance: 1 matter

LSW Pro Bono Contacts: Diana Mitchell, Tim Cornell, La'Tise Tangherlini, Benjamin Lee

A new LSW partner in 2020, Clifford Chance accepted 1 case before the Board of Veterans' Appeals.

Tim Cornell
Benjamin Lee

La'Tise Tangherlini

Comcast: 1 matter

LSW Pro Bono Contact: Leslie Moylan

A new LSW partner in 2020, Comcast accepted 1 case before the Board of Veterans' Appeals.

Cassius Sims

Patrick Sweeney

Covington & Burling: 27 matters

LSW Pro Bono Contacts: Kelly Voss, Jill Garcia, Mary Burner, Dia Omasonte, Elana Rombro

Covington partnered with NVLSP in filing a class action lawsuit in the U. S. Court of Appeals for Veterans Claims (CAVC) against the U.S. Department of Veterans Affairs (VA) for failing to comply with its legal obligation to mail the official VA paper application forms that must be used to start a benefits claim to veterans and survivors who inform VA that they wish to apply for benefits.

Covington hosted NVLSP's first virtual clinic in 2020. The clinic served veterans seeking to upgrade the characterization of their discharge. Veterans who lived across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases. Covington served 11 individuals at this clinic.

A leading LSW partner at the Court of Appeals for Veterans Claims, Covington provided representation to 4 veterans in cases at the CAVC. Covington volunteers further accepted 4 discharge upgrade cases for full representation, 4 discharge upgrade cases for Military Sexual Trauma survivors, 1 Combat-Related Special Compensation case, 1 medical retirement cases for litigation, and 1 case to assist a disabled veteran with negotiating life insurance coverage with Veterans Group Life Insurance. Covington also accepted a project to research the presumption of administrative regularity as it relates to findings and decisions made by military administrative Boards to deny relief to our nation's veterans.

Felicia Albano
Scott Anthony
Madison Arent
Daniel Auten
Martin Beeler
Isaac Belfer
Howard Berger
Dan Bernick
Ben Block
Dominic Booth
Simeon Botwinick
Beth Brinkmann
Kathryn Cahoy
Eric Chung

Rebecca Dalton
Matt DelNero
Rujul Desai
Ron Dove
Jason Georges
Krista Hekking
Jessica Hill
Joanna Hoodes
Jeff Huberman
Faith Jackson
Claire Kim
Rukesh Korde
Jessica Lee
Will Mastrianna

Marienna Murch
Eric O'Brien
Matthew Phelps
Shira Poliak
Lala Qadir
Mike Rosenthal
Serena Saffarini
Michael Stern
Einar Stole
Anne Termine
Shannon Tucker
Alyssa Vallar
Benjamin Weksburg

Cozen O'Connor: 32 matters

LSW Pro Bono Contact: Melinda Levine deLisle

Cozen O'Connor is NVLSP's leading partner for appeals at the Board of Veterans' Appeals, accepting 28 cases in 2020. Cozen O'Connor further accepted 1 appeal at the Court of Appeals for Veterans

Claims, 2 discharge upgrade file review matters, and 1 case appealed from a VA Regional Office to the Board of Veterans' Appeals.

Mark S. Anderson	Charles J. Jesuit	Neil Quartaro
Ashley Bauerle	Veronica Johnson	Janet Rayo
Marla Benedek	Christopher Josten	Victoria Rodgers
Denise Bessellieu	Allegra Kauffman	Wayne Rohde
Ryan Bottegal	Stephen Kempa	Mark S. Roth
Robert Bowman	William F. Knowles	Molly Rucki
Robert Careless	Aaron Koury	Nandini Sane
W. Blake Coblentz	Rachel Lawlor	Keri Schaubert
Michael Connolly	Danielle Le Jeune	Adam Schlatner
Hannah Cornett	Robert D. Lee	Karl Schulz
Andrea Cortland	Susie Lloyd	Jason S. Schulze
Kenneth Cushing	Ann-Marie Luciano	Abby Sher
Austin Dieter	Aaron Lukas	Robert J. Slavik
Amy Doig	Peter A. Lynch	David Stahl
Jason Domark	Richard Maleski	Joshua Stein
Shauna Martin Ehlert	Hallie McDonald	Matthew Steinberg
Gregory Eisenstark	Jodi McDougall	David Terry
Anne Greene	Dana Meyers	Kelly Trout
Brett Greving	Stephen Miller	William Walsh
Alicia Gurries	Samuel Mogensen	Rachel Wenger
Christopher S. Hennessy	Stephen Pate	Benjamin Wilkoff
Chase Howard	Vincent P. Pozzuto	Brian J. Williams
Gregory Hudson	Andrew Punzo	Hongling Zou

Crowell & Moring: 8 matters

LSW Pro Bono Contacts: Susie Hoffman, Tiana Russell

Crowell & Moring accepted 4 matters at the Board of Veterans' Appeals, 1 appeal at the Court of Appeals for Veterans Claims, 1 Combat-Related Special Compensation case, 1 medical retirement litigation appeal, and 1 case assisting a survivor of Military Sexual Trauma.

John Arszulowicz	Sherrie Davis	Skye Mathieson
David Bodenheimer	Sean Griffin	
Kathryn Clune	Christopher Hebdon	Mark Ries
Stephanie Crawford	Brian McGrath	Mark Supko
Christian Curran	Lee Matheson	Matthew Welling

Davis Wright Tremaine: 7 matters

LSW Pro Bono Contact: Rachel Brown

Davis Wright Tremaine accepted 7 matters at the Board of Veterans' Appeals.

Nancy Brownstein
Michael Caughey
Jonathan Engel

K.C. Halm
Mark Hutcheson
John Nelson

Jim Oliver
Vid Prabhakaran
Doug Walker

Dechert: 18 matters

LSW Pro Bono Contacts: Suzanne Turner, Stephanie Schlatter

Dechert accepted 2 matters at the Board of Veterans' Appeals, 5 appeals at the Court of Appeals for Veterans Claims, 2 cases involving Combat-Related Special Compensation, 4 discharge upgrade matters, 1 medical retirement administrative appeal, and 1 medical retirement litigation matter. In addition, Dechert is lead counsel with NVLSP in a class action in the United States Court for the District of Columbia challenging an illegal Navy and Marine Corps policy of failing to rate contributing disabling conditions which resulted in the improper denial of medical retirement. Dechert also accepted an NVLSP Federal Circuit amicus brief and a project researching the repayment of funds to veterans for educational and bonus recoupments following administrative separations.

Alexander Andrews
Judah Bellin
Jessica Bula
Mara Cusker Gonzalez
Craig Castiglia
Laura Ciabarra
Abbi Cohen
Jeffrey Edwards
Eric Evans
Kevin Flannery
Hope Freiwald
Bob Frink
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Michael Gordon

Lauren Gumerove
Ian Hartman
Christopher Harvey
Kassie Helm
Christine Isaacs
Nicolle Jacoby
Gabrielle Kavounas
Paul Kingsbery
Brett Kohlhofer
Samantha Koplík
Peter Larson
Tricia Lee
Katarina McClellan
Brooklynn Moore
Morgan Nelson

Jenna Newmark
Andrew Oringer
David Pelaez
Jacob Porter
Luke Reilly
Daniel Roberts
Christina Sarchio
Barrett Schitka
Marina Schwarz
Danielle Gentin Stock
Stefanie Tubbs
Kurt Vinson
Brittany Zoll
Jeremy Zucker

DLA Piper: 62 matters

LSW Pro Bono Contacts: Rich Gruenberger, Lisa Dewey, Gianni Minutoli, Margaret Austin, Donna Look

For many years DLA Piper has been LSW's leading partner for Combat-Related Special Compensation cases, accepting 14 cases in 2020, including 2 with Nike. In addition, DLA accepted 14 discharge upgrade matters for full representation and 32 discharge upgrade file review matters.

DLA Piper participated in NVLSP's first virtual Combat-Related Special Compensation Know Your Rights presentation for veterans which was attended by over 100 individuals. DLA Piper attorneys who had won CRSC cases described their victories and assisted NVLSP in educating veterans. DLA

Piper volunteers also accepted a project updating the Combat-Related Special Compensation Training Manual.

Thomas Alford
Micala Bernardo
Brittany Bolden
Karl Buch
Randall Coffey
Barrett Cortez
Jennifer Cumming
Lisa Dewey
Tonya Gauff
Christopher Gismondi
Kevin Glenn
Kristy Grace

Andrew Grant
Kevin Harlow
Colleen Hermann
Leon Johnson
Noah Katsell
Jonathan Kinney
Brenden Krasinski
Devorah Lewin
Donna Look
Jason Lowery
Scott Luftig
Colleen McElroy

Wendy Michael
Breegan O'Connor
Patrick Park
Austin Patterson
Lucas Przymusinski
Amy Reagan
Jack Schecter
Sangwon Sung
Linda Thomas
John Wei

Eversheds Sutherland: 2 matters

LSW Pro Bono Contact: Rich Noland, Aileen Crowson

Eversheds Sutherland accepted 2 discharge upgrade matters.

Rich Noland

Sean Wissman

John Zerwas Jr.

Exelon: 13 matters

LSW Pro Bono Contact: Jeanne Dworetzky, Jill Flack

Exelon volunteers staffed a virtual clinic in August 2020 with Morgan Lewis serving 13 veterans seeking to upgrade the characterization of their discharge. Exelon also accepted 1 discharge upgrade matter.

Tat-Lin Angus
Joe Downs
Jeanne Dworetzky
Bill Edwards

Jill Flack
Marna McDermott
Trevor Neuroth
Shaila Ohri

Matt Segers
Wendy Stark
Jason Zorn

Faegre Drinker Biddle & Reath: 20 matters

LSW Pro Bono Contact: Candace Whitaker

Faegre Drinker accepted 10 matters at the Board of Veterans' Appeals, 3 discharge upgrade matters, 2 Military Sexual Trauma matters, 1 medical retirement matter, and 2 medical retirement litigation matters. Faegre volunteers also accepted two research projects—one regarding eligibility for a

Purple Heart and a second on court and administrative decisions addressing a “reasonable” or “ample” amount of time to correct and overcome deficiencies before being discharged for a personality disorder.

Scholastica Baker
Ted Budd
Mary Devlin Capizzi
Annalisa Choy
Marcelo Copat
Tina Dukandar
Megan Farooqui
Melissa Fontes
Eric Friedman
Andrew Geier
Molly Gulbrandson
Jeff Hedlund
Angela Hughes
Laura Johnson

Allison Katona
Emily Kile-Maxwell
Matthew Kinsman
Michele Knoer
Dave Kuosman
Sari Long
RoxAnn Mack
Kip McDonald
Kate Middleton
Paula Moore
Afton Paris
Sean Powell
Robin Rank
Peter Raun

Rick Reichstein
Daniel Roy
Joel Sayres
Amanda Semaan
Michelle Soule
Nick Stevens
Lucas Tomsich
Luke Westerman
Dawn Williams
Mingli Wu
Jill Zender
Nathaniel Zylstra

Finnegan, Henderson, Farabow, Garrett & Dunner: 2 matters

LSW Pro Bono Contacts: Doris Johnson Hines, Elizabeth Ferrill, Thomas Sullivan

Finnegan accepted one litigation matter and one Federal Circuit amicus brief in 2020 and the firm also generously referred several incoming first year associates, whose start dates were slightly delayed due to the pandemic. We thank all of the Finnegan attorneys who donated their time to these matters in 2020.

Michael Aragon
Nicholas Doyle
Eve Du

Doris Johnson Hines
Dan Johnson
Kaitlyn Pehrson

Thomas Sullivan

Hogan Lovells: 11 matters

LSW Pro Bono Contacts: T. Weymouth Clark, Kaitlyn Golden

Hogan Lovells accepted 3 appeals at the Court of Appeals for Veterans Claims, 6 administrative medical retirement cases, 1 medical retirement litigation matter, and 1 Combat-Related Special Compensation case.

John Castle
Stevie DeGroff
Erin Drenning
Ivan Bracho Gonzales
Bothwell Graham
Michele Harrington
Harrison Kilgore

Steven Levitan
David Locascio
Chuck Loughlin
Tom McGovern
Baraka Nasari
Bruce Oakley
Adilene Rosales

Ernesto Sanz
Danielle Stempel
Jason Sternberg
Catherine Stetson
Cory Szczepanik
Stephen Truban
Robert Welp

Thomas Woolsey
Joe Cavanaugh
Rachael Collins

Lisa Dong
Kyle Hamilton
Mary B. Lancaster

Clay Schmitt
Laz Zamora

Holland & Hart: 2 matters

LSW Pro Bono Contact: Teague Donahey

Holland & Hart accepted 2 matters at the Board of Veterans' Appeals.

Teague Donahey

Nancy Hammon

Holland & Knight: 9 matters

LSW Pro Bono Contact: Gordon Griffin

Holland & Knight accepted 3 Military Sexual Trauma cases, 3 discharge upgrade cases, and 1 case at the Board of Veterans' Appeals. Holland & Knight volunteers accepted 2 NVLSP research projects, one regarding a FOIA request for documents regarding an illegal policy resulting in the improper denial of medical retirements and a second project to conduct research into requiring the VA to pay the surviving children of veterans exposed to Agent Orange their equal shares.

Suzanne Aldahan
Linda Allderice
Terry Elling
Jessica Farmer
Hillard Freund
Amy Fuentes
Benjamin Genn

Leila George-Wheeler
Steven Gordon
Gordon Griffin
Nicholas Hasenfus
Megan Jeschke
James King
Jonathan Leach

Richard Lear
Marina O'Brien
Adrian Snead
Andrew Weinstein
Richard Winter

HP Inc.: 3 matters

LSW Pro Bono Contact: Brad Hartz

HP Inc. accepted 3 discharge upgrade file review matters.

Mercedes Alvarez

Patty Faulker

Mike Jones

Hunton Andrews Kurth: 42 matters

LSW Pro Bono Contacts: Kevin Gaunt, Toni Poole

Hunton Andrews Kurth is a leading LSW partner for discharge upgrades, medical retirement and Combat-Related Special Compensation cases. Hunton Andrews Kurth accepted 10 discharge upgrade

full representation matters and 10 discharge upgrade file review matters, 2 with corporate partner Capital One. Hunton also accepted 8 Combat-Related Special Compensation matters, 4 medical retirement administrative matters, 3 medical retirement litigation matters, 1 Military Sexual Trauma VA benefits case, 1 appeal at the Board of Veterans' Appeals and 1 at the Court of Appeals for Veterans Claims. In addition, Hunton Andrews Kurth accepted 3 research projects, including writing "Frequently Asked Questions" for LSW discharge upgrade cases, researching whether Department of Defense and VA institutions postponed or cancelled hearings or extended filing deadlines due to Covid-19, and researching laws with respect to an individual's right to own and use firearms when an individual has a mental disorder. Hunton volunteers also drafted comments for a proposed rule on secondary service-connection.

Paul Ackerman	Charles A. Gall	Timothy L. McHugh
Britt E. Anderson	Andrea Gardner	David C. McSweeney
Emily Benedict	Kevin E. Gaunt	Eric Mogel
Timothy E. Biller	Martin F. Gaynor III	Maeve Olney
John R. Bobka	Demitrianna Grekos	Ryan Pedraza
Brian J. Bosworth	Brendan P. Harney	Kate Perkins
Jason Brown	Mark S. Hedberg	Travis L. Randle*
Maggie Brown (Capital One)	Mike Hoffman	W. Michael Reed
Kristy A. N. Bulleit	Michael R. Horne	Jenna N. Rode
Jonathan Chiu (Capital One)	Alessandra L. Hylander	Melissa A. Romanzo
Shannon E. Daily	Sarah Ingles	Daniel B. Rubin
Allison Ebanks	Andrew Kasnevich	George P. Sibley III
Kate Eberhardt	Michael B. Kruse	Shauna Twohig
Mackenzie J. Emerson	J. Pierce Lamberson	Sam Wolff
Karen Evans	Walfrido J. Martinez	Jessica G. Yeshman
Michael F. Fitzpatrick	Wendy C. McGraw	
* Law Clerk		

K&L Gates: 4 matters

LSW Pro Bono Contact: Brian Koosed

K&L Gates accepted 4 cases at the Board of Veterans' Appeals.

Sarah Burgart	Scott Kobil	Chelsie Rimel
Frederic Giordano	Robert Pawlowski	

Katten Muchin Rosenman: 5 matters

LSW Pro Bono Contact: Julia Schmidt

Katten Muchin Rosenman accepted 5 cases at the Board of Veterans' Appeals.

Claudia Callaway	Sarah Ma	Brett Seifarth
Lisa Clark	Bill Pericak	

King & Spalding: 3 matters

LSW Pro Bono Contacts: Josh Toll, Larry Slovensky

King & Spalding accepted 3 cases before the Board of Veterans' Appeals.

Steve Baskin
Jason Keefus
Jeannine Novak

Alex Panos
Peter Schmidt
Joseph Sherman

Andrew Whitaker

Kirkland & Ellis: 14 matters

LSW Pro Bono Contacts: Jackie Haberfeld, Elise Tincher, Ruth Dominguez, Kate Barry, Abby Baum

A leading LSW partner for appeals, Kirkland accepted 3 cases at the Court of Appeals for Veterans Claims and 2 cases at the Board of Veterans' Appeals. Kirkland accepted 3 Military Sexual Trauma cases, 1 discharge upgrade case, and 1 VA benefits case. In addition, Kirkland accepted 4 research projects. These projects included assisting NVLSP with Frequently Asked Questions for Military Sexual Trauma cases, drafting FOIA requests regarding overpayment recoupments and debt collection policies, researching good cause exceptions for examinations in MST cases, and researching the legislative history of dishonorable discharges.

Patrick Arnett
Benjamin Behrendt
William Burgess
Tyler Burgess
Jon Carter
Gianluca Cocito-Monac
Christian Daniel
Michael DeRita
Aaron Ellias
Thomas Fleming
Daniel Gerkin
Jose Gonzalez
Samantha Good
Brian Greene
Harry Hild

Diva Hollis
Lisa Horton
Charles Inclan
Natalie Jonsson
Jonathan Kidwell
Helena Kiepura
Nikhil Krishnan
Davin Laskin
Michael Lieberman
Michael Mahoney
Jordan Martin
Josh Mathew
Mary Mazzello
Sean McEldowney
Kiran Mehta

Nathan Mitchell
Kari Noborikawa
Rick Quarles
Michael Quinn
Meghan Rishel
LaFaye Roberts
Laura Stake
Harrison Stanwyck
Lisa Tarpley
Roger Taylor
Nathan Theobald
Thomas Vasieliou
Michelle Weinbaum
Spencer Welch
Joshua Westerholm

Latham & Watkins: 26 matters

LSW Pro Bono Contacts: Spencer Chatellier, Allen Gardner, Taiga Takahashi, Justin Kirschner

A leading LSW partner for medical retirement, Latham provided full representation for 8 veterans seeking review of the denial of medical retirement at the Board for Correction of Military Records and accepted a project drafting a manual to assist pro bono attorneys working on medical retirement

cases. Latham further accepted 9 Combat-Related Special Compensation cases, 3 medical retirement litigation cases, 1 appeal at the Court of Appeals for Veterans' Claims and 1 appeal at the Board of Veterans' Appeals. With their partner Chevron, Latham accepted 2 Combat-Related Special Compensation cases and 1 medical retirement case at the Physical Disability Board of Review.

Jeffrey Anderson
Ty Balzer
Brad Burton
Ashley Callahan
Ben Cheatham
George Chipev
Christopher Clark
Matt Crawford
Andrew Dane
Denver Dunn
Erin Eckles
Eugene Elrod
Brett Frazer
David Frazier
Ryan Gianetti
Ted Gkoo
Nathaniel Glynn
Michael Grega
Denis Griffin
Marilyn Guirguis

Kailash Gupta
Meredith Hart
Robbie Hemstreet
Emily Henderson
Julie Holloway
Wes Homes
Tom Humphrey
Kehau Jai
Patrick Johnson
Christine Jordan
Craig Kornreich
James Ktsanes
Katherine Magaziner
Jamie Mann
Jay Metz
Julie Miles
John Miller
Andrew Moosmann
Jane Olin-Ammentorp
Betty Pang

Adam Perlman
Elizabeth Prewitt
Kumar Ravula
Will Reeves
Bert Reiser
Charles Sanders
Kayla Seltzer
Jeffrey Senac
Amanda Stanzione
Rachel Staub
Jeffrey Steiner
Christopher Stratigeas
Lauren Talerman
David Teh
Anya Tirelli
Chumma Tum
Samantha Voutyras
Brad Warner
Jeremy Webb
Zach Zaharoff

Linklaters: 1 matter

LSW Pro Bono Contact: Karen Carbonell

Linklaters accepted 1 discharge upgrade case for a Military Sexual Trauma Survivor.

Max Blinder-Acenal
Amanda Griggs

Douglas Tween
Mina Whangbo

McDermott Will & Emery: 2 matters

LSW Pro Bono Contacts: Elizabeth Lewis, Michael Weaver, Marshall Jackson, Jr., Sam Neel

McDermott Will & Emery accepted 2 matters at the Board of Veterans' Appeals.

Mike Piazza

April Weisbruch

McGuireWoods: 25 matters

LSW Pro Bono Contacts: Drew Austria, Angie Zimmern, Matthew Goffe

McGuireWoods spearheaded LSW's first remote clinic for injured Special Forces service members seeking information and guidance regarding military medical retirement benefits. Covering a four day program in June 2020, McGuireWoods and approximately ten Wells Fargo attorneys assisted NVLSP with conducting a virtual clinic for 14 injured Special Operations service members. McGuireWoods accepted one client from that clinic for full representation, representing the service member throughout the Integrated Disability Evaluation System (IDES) process. McGuireWoods and Wells Fargo volunteers also accepted a project composing a glossary of commonly used terms and acronyms for IDES clinic volunteers.

McGuireWoods further accepted four discharge upgrade cases for full representation, four cases before the Board of Veterans' Appeals, and one case at the Court of Appeals for Veterans' Claims.

Drew Austria
Alicia A. Baiardo
Stephanie Bentley
Jennifer Brooks
Ed Brooks
Jeff Browning
Brian Coughlan
Janelle Darnell
V. Kathleen Dougherty
Alex Farley (summer
associate)
Alexander J. Gershen

Matthew Goffe
Craig Haughton
Carolee Hoover Anne
Trish Hosmer
Salwa S. Kamal
Anthony Le
Emma Leonelli
Jocelyn Mallete
Robert McFarland
Carrie Mobley
Arthi Naini (summer
associate)

Stephanie Peel
David C. Powell
Larissa LPC Sneathern
Sydney Snower (summer
associate)
Todd Steggerda
Neelam Takhar
John Thompson
Jamie Wells
Angie Zimmern

Merck: 2 matters

LSW Pro Bono Contacts: Christine Kanellidis, Barry McCoy, Maria Fedele-Savage

Merck accepted 2 Combat-Related Special Compensation cases.

Matthew Leff
Barry McCoy

Eric Meade
Stephanie Ricard

Microsoft: 7 matters

LSW Pro Bono Contact: Bill Hayden, Collin Smith

Microsoft accepted 6 Combat-Related Special Compensation cases and 1 discharge upgrade file review.

Mike Allen
Pete Berger
Katharine Bostick
Robert Farrell
Craig Farris

Matt Henry
William Hwang
Candice MacPherson
Ken Nakasu
Tom Robertson

Jim Ross
Collin Smith
Jim Thatcher
Elise Trester

Morgan, Lewis & Bockius: 27 matters

LSW Pro Bono Contacts: Rachel Strong, Namita Mani, Andrea Fitandes

Morgan Lewis staffed a virtual discharge upgrade clinic with Exelon in 2020. The clinic served veterans seeking to upgrade the characterization of their discharge. Veterans who lived across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases. Morgan Lewis served 13 individuals at this clinic.

A leading LSW partner for discharge upgrades, Morgan Lewis accepted 10 discharge upgrade cases for full representation, 1 case before the Board of Veterans' Appeals, 1 Combat-Related Special Compensation case, 1 medical retirement case, and 1 Federal Circuit amicus brief opportunity.

Mike Abernathy
Casey August
Harvey Bartle
Kevin Benedicto
Troy Brown
Tim Burke
Bob Busby
Kelly Costello
Lindsay Craft
Inna Dahlin
Roman Dashko
Janay Davis
James Dragna
Jennifer Feldsher
Zach Felman
John Ferreira

Ross Friedman
Laura Garvin
Max Gawley
Richard Goldman
Ivan Harris
Douglas Hart
Robert Hibbert
Liz Hood
Charles Horn
Amy Janssen-Lucky
Ethan Johnson
Eric Karian
Gina Lyn Lauriero
Mark Lazaroff
Hosang Lee
Jim Loss

Joseph Magrisso
Gregory Mottla
Ken Nunnenkamp
Kyle Poe
Josh Rapoport
Philip Russell
Philip Sarid
Shevon Scarafilo
Robert Sheeder
Benjamin Smith
Courtney Sokol
Yalei Sun
Gargi Talukder
Alison Tanchyk
Undray Wilks
Carl Witkin

Nixon Peabody: 6 matters

LSW Pro Bono Contact: Matthew Richards, Emery Lewis, Patrice Harris, Brian Whittaker, Brianna Thompson, Sharmaine Heng, David Song

Nixon Peabody accepted 3 appeals at the Board of Veterans' Appeals, 1 Combat-Related Special Compensation case, 1 medical retirement litigation case, and 1 research project.

Chris Azuoma
Darius Brown

Brian Donnelly
Jessica Jewell

Justin Smith

Orrick, Herrington & Sutcliffe: 7 matters

LSW Pro Bono Contact: Rene Kathawala

Orrick filed class action litigation in the United States District Court for the District of Columbia on behalf of veterans whose applications for military medical retirement and discharge upgrades at the Boards for Corrections of Military Records were not decided in the required period of 18 months.

In addition, Orrick accepted 5 appeals at the Board of Veterans' Appeals, 1 research project, and 1 Supreme Court amicus brief opportunity.

Eileen Aghnami
Colby Allsbrook
Lily Becker
Andrew Bethune

Mel Bostwick
Rabi David
Melanie Hallums
Katherine Kopp

Camille Rosca Joanne
Andrew Treptow

Paul Hastings: 18 matters

LSW Pro Bono Contacts: Sarah Besnoff, Josh Christensen, Brenda Freed, Stephen Kinnaird

Paul Hastings is NVLSP's co-counsel in [*Nehmer v. U.S. Department of Veterans Administration \(VA\)*](#), working to enforce the 29-Year Old Class Action Consent Decree. In 2020, Paul Hasting successfully convinced the court to order the VA to automatically readjudicate thousands of benefits claims that the Court found had been wrongly denied under the Consent Decree for veterans who served in the territorial seas of Vietnam.

Paul Hastings accepted 7 matters at the Board of Veterans' Appeals, 2 Combat-Related Special Compensation matters, 2 discharge upgrade matters, 1 medical retirement matter. Paul Hastings also accepted 3 research projects and 3 Federal Circuit amicus brief opportunities. The research projects included assisting NVLSP with researching the CARES Act legislation for provisions relevant to veterans, drafting a flyer on Combat-Related Special Compensation, and researching whether it was permissible for NVLSP to publish previously available Disability Benefit Questionnaires.

Bandar Al-Saif
Gabby Barreto
Elizabeth Bernard
Sarah Besnoff
Josh Christensen
Lindsey Ware Dieselman
Ryan Enchelmayer
Jacob Gasparini
Tara Giunta
Josh Gordon

Jason Heidemann
Howard Herr
Blair Jacobs
Arvind Jairam
Thomas Jordan
Eric Keller
Stephen Kinnaird
Patricia Liverpool
Bill McCue
Diogo Metz

John Michels
Ian O'Keefe
Joe Palys
Bryan Parr
Jesselyn Pe
James Razick
Jennifer Riddle
Caroline Wilson Roberts
Todd Schneider
Alex Schulman

Garrett Schuman
Nathan Sheers
Michael Spafford

Andrew Sterritt
Sean Unger
David Valente

Bridget Vuona
Mary Walser

Paul, Weiss, Rifkind, Wharton & Garrison: 63 matters

LSW Pro Bono Contacts: Emily Donohoe, Jeremy Benjamin, Tanaz Moghadam, Olivia Irby

Paul, Weiss hosted a virtual discharge upgrade clinic in December 2020 with their corporate client Apollo, serving 10 veterans seeking discharge upgrades. Paul, Weiss also is LSW's leading discharge upgrade file review partner, accepting 53 discharge upgrade file review matters in 2020.

Joseph Boris
Brian Carney (Apollo)
Hilary Christian
Reuven Garrett
Stefan Geirhofer
Lauren Greenberg
Sam Griffith
Bruce Gutenplan

Zain Haq
Andrew Heffler
Rachel Hurley (Apollo)
Amanda Huttenlocher
(Apollo)
Chad Klitzman
Brian Koziara
Olivia Lanni

Brian Lipshutz
Keith Mackie
Tanya Manno
Mark Pollak
Ian Swenson
Brandon von Zup

Perkins Coie: 21 matters

LSW Pro Bono Contacts: Leah Medway, Alycia Delmore, Alix Bromer, Alex Canizares, Tiffany Meier

Perkins Coie accepted 10 cases involving Combat-Related Special Compensation, 5 discharge upgrade cases, 1 case at the Court of Appeals for Veterans Claims, 1 medical retirement administrative case, and 2 medical retirement litigation matters. Perkins Coie is lead counsel with NVLSP in a class action in the United States Court for the District of Columbia challenging an illegal Navy and Marine Corps policy of refusing to consider disabling conditions due to the "Properly Referred Policy," which resulted in the improper denial of medical retirement. Perkins Coie volunteers also accepted a Federal Circuit Amicus brief and a project drafting Combat-Related Special Compensation Frequently Asked Questions.

Thomas Ahmadifar
Pamela Anderson
Jeff Beuche
Randy Bridgeman
Alix Bromer
Stephen Brookman
Howard Cabot
Alex Canizares
David Chiappetta
Barak Cohen

Andrew Cross
Jason Day
Evan Day
Aaron Dickinson
Michael Dunning
Cassie Elrod
Aimee Ford
Julia Fox
Tim Franks
Raj Gangadean

Michael Glenn
Adam Hester
Charlyn Ho
Jon Jacobs
Jyoti Jasarasaria
Micah Kamoe
Sammy Kim
Cheryl Lardieri
Jill Louis
Adam Marchuk

Lou Mejia
Matt Mertens
Caroline Mew
Phil Morin
Zachary Newkirk
Maria Nugent
Ned Prusse
Aimee Raimer

Shelby Rampolo
Dan Ridlon
Jonathan Schulman
Rachel Shapiro
Elizabeth Sipes
Erica Smith
Brian Svoboda
Tommy Tobin

Geof Vance
Fab Vayra
Andrew Villier
Sean Wagnon
Michael Woolslayer
Betselot Zeleke

Reed Smith: 1 matter

LSW Pro Bono Contact: Chris Walters, Kathy Oviedo

Reed Smith accepted 1 military medical retirement case in 2020.

Melissa Geist
Julia Lopez

Kathy Oviedo
Edward Rogan

Shearman & Sterling: 4 matters

LSW Pro Bono Contact: Denise Karamian

Shearman & Sterling volunteers accepted 3 discharge upgrade cases and 1 Military Sexual Trauma case.

Matthew Behrens
Reuben Dacher-Shapiro
David Higbee

John Kurtz
Robert Lewis
Matt Modell

Adam Schwartz

Sheppard Mullin: 2 matters

LSW Pro Bono Contact: Daniel Brown, Abby Carrigan, Scott Maberry

A new LSW partner in 2020, Sheppard Mullin volunteers accepted 2 discharge upgrade matters.

Townsend Bourne

John Drdek

Lisa Mays

Sidley Austin: 41 matters

LSW Pro Bono Contact: Emily Wexler

Sidley is a leading LSW partner for all case types. Sidley accepted 10 appeals at the Court of Appeals for Veterans Claims and 4 matters at the Board of Veterans' Appeals. Sidley further accepted 11

Combat-Related Special Compensation cases, 5 discharge upgrade cases, 2 military sexual trauma cases, and 1 medical retirement administrative case. Additionally, Sidley accepted 6 medical retirement and discharge upgrade litigation matters. Sidley also assisted NVLSP with a Federal Circuit amicus brief and comments regarding the Caregiver Support Program.

Kathryn Alessi	Josh Fougere	William Ogden
James Arden	Michael Franzinger	Dustin Page
Justin Avellar	Lauren Henderson	Adriane Peralta
Blair Bradford Belsky	James Heyworth	John Plotz
James Bieke	Ellen Hunter	Hannah Rozow
George Brooks	Jaime Jones	John Ruth
Banks Bruce	Lauren Cranford Katzeff	Paula Salazar
Chris Childers	Ross Kloeber IV	Allison Schmitt
Joseph Coniglio	Andrew Langford	Benjamin Schoener
Brian Cook	Kelly Lazaroff	Kyle Shires
Dennis Coughlan	Timothy Li	Andrew Shoyer
Robert Charles Davidson	Mike Mann	Meghan Weinberg
Drew Domina	Peter Mardian	Matt Wholey
Tyler Domino	Travis Miller	Corey Winer
Joseph Dosch	Christopher Mills	Richard Young
Aaron Flyer	Patrick O'Keefe	

Skadden, Arps, Slate, Meagher & Flom: 1 matter

LSW Pro Bono Contacts: Anna Frances Coleman, Jim Perry, Don Salzman, Scott Rabinowitz

Volunteer attorneys from Skadden accepted 1 discharge upgrade case.

Paige Braddy

Jim Perry

Step toe & Johnson: 8 matters

LSW Pro Bono Contacts: Paul Lee, Harmony Jones

A leading LSW partner for matters before the Board of Veterans' Appeals, Step toe & Johnson accepted 7 cases at the Board of Veterans' Appeals, and 1 case at the Court of Appeals for Veterans Claims.

Henry Ard
Shaun Boedicker
Shawn Davisson

Kelly Eberspecher
Dane Jacques
Steven Ross

Derek Smith
Anna Targowska
Joe Tursi

Troutman Pepper: 2 matters

LSW Pro Bono Contacts: Tim Bado, Nick Ramos

A returning LSW partner in 2020, Troutman Pepper accepted 2 cases at the Board of Veterans' Appeals.

Ben Deniger

Andrea Wortze

VMware: 18 matters

LSW Pro Bono Contact: Stephanie Nelson

A leading partner for LSW's discharge upgrade file review project, VMware accepted 18 discharge upgrade file review matters.

Audrey Borisov
Padma Choudry
Danielle Coleman
Ali Emadi

Alyssa Kelley
Elaine Manzanilla
Kate McMenamy
Karen Moir

Stephanie Nelson
Roy Nolasco
Christi Reinhardt

Wells Fargo: 15 matters

LSW Pro Bono Contacts: Abigail Cerra, Michael Gravink

A new LSW partner in 2020, Wells Fargo volunteers assisted NVLSP with conducting a virtual clinic for 14 injured Special Operations service members with their partner McGuireWoods. Wells Fargo volunteers also assisted NVLSP with creating a glossary of commonly used terms and acronyms for Integrated Disability Evaluation System (IDES) pro bono volunteers.

Paul Duhamel
Alida Ferraro
Chieko Higaki

Katherine Porter Ragusa
Phillip Sasso
Jennifer Scafe

Sarah Wells
Mark Wierman

White & Case: 12 matters

LSW Pro Bono Contacts: Matt Frutig, Dan Shults

A leading partner at the Board of Veterans' Appeals, White & Case accepted 12 BVA matters.

Barr Benyamin
Raoul Cantero
Julian Canzoneri
Peter Carney
Adam Chernichaw
Matthew de Bari
Alex Dilley
Dana Foster

Andrew Hammond
Ryan Hopkins
Farhad Jalinous
Matthew Kabak
James Langlois
Adrian Leal
T.J. McElhinney
Sean Murray

Lauren Papenhausen
Petr Polasek
David Riesenberg
Edward So
Gilles Teerlinck
Isaac Tendler
Sheila War

Williams & Connolly: 6 matters

LSW Pro Bono Contact: Liam Montgomery

Williams & Connolly accepted 1 appeal at the Court of Appeals for Veterans Claims, 1 Federal Circuit amicus brief, and 4 discharge upgrade matters, partnering on one of those matters with Johnson Controls.

Mahmood Ahmad (Johnson Controls)
Sarah Bacot
Marta Chlistunoff

Shayon Ghosh
Lane Heard
Anna Hrom
Liam Montgomery

Kennan Poteat III
Dave Ryan
Dan Shanahan
William Stewart

WilmerHale: 20 matters

LSW Pro Bono Contacts: Chris Herrling, Leigh Hillebrand

WilmerHale is a leading LSW partner for cases involving VA benefits appeals and Combat-Related Special Compensation. WilmerHale accepted 5 appeals at the Court of Appeals for Veterans Claims and 2 cases at the Board of Veterans' Appeals. WilmerHale also accepted 13 Combat-Related Special Compensation cases.

Mahlet Ayalew
Samantha Becker
John Butts
Yeve Chitiga
Tim Cho
Matthew Costello
Rachel Dober
Amy Doberman
Lori Echavarria
Micah Fielden
Dan Gallagher
Robert Greffenius

Jared Grubow
Mike Heyison
Steven Horn
Peter Kolovos
Samuel Leifer
Lauren Lifland
Meredith Loretta
Bill McElwain
Bill McLucas
Lucas Moskowitz
Michael Mugmon
Alex Nemptzow

Catherine Owens
Barish Ozdamar
Cristina Salcedo
Howard Shapiro
Kellie Shlifer
Gilbert Smolenski
Erik Swabb
Jose Valenzuela
Amy Wigmore
Nora Xu

Winston & Strawn: 12 matters

LSW Pro Bono Contact: Greg McConnell, Tara Moss

Winston & Strawn accepted 11 cases at the Board of Veterans' Appeals and 1 medical retirement case.

Patrick Bannon

Cole Beaubouef

James Bentley

Jordan Bucci
William Egler
Todd Ehlman
John Kalyvas
Jason Lipkin

Rich McCarty
Mike Melbinger
Christopher Monahan
Mike Nutter
Mark Rizik

Dan Shapiro
Cynthia Suarez
Paul Victor

NVLSP STAFF

EXECUTIVE TEAM

Rochelle Bobroff

Pro Bono Director

Patty Briotta

Director of Communications

Renee Burbank

Director of Litigation

Ana Reyes

Director of Development

Richard Spataro

Director of Training and Publications

Stacy Tromble

Director of Court of Appeals for Veterans Claims Litigation

Paul Wright

Executive Director

Jeffrey J. Zanghi

Director of Finance

STAFF

Ronald Abrams

Special Counsel

Adrian Adrias

Accountant

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