

2022 Report

National Veterans Legal Services Program

Pro Bono Program

Lawyers Serving Warriors®



NVLSP
NATIONAL VETERANS LEGAL SERVICES PROGRAM

2022 Report of
The National Veterans Legal Services Program Pro Bono Program:
Lawyers Serving Warriors®



I am honored to share the 2022 Pro Bono Report of the National Veterans Legal Services Program's (NVLSP) Lawyers Serving Warriors® (LSW) pro bono project. This Pro Bono Report highlights our outstanding pro bono partners who have generously volunteered their time and efforts to help servicemembers, veterans, and their families. The commitment and enthusiasm of our pro bono partners is evident in the hours they have invested in serving our veterans. We are thrilled that in 2022, NVLSP's pro bono partners hit a record by generously donating over 73,000 hours in pro bono time to veterans, with an approximate value of over \$58 million dollars. Beyond the numbers, we recognize the life-changing impact our pro bono partners' work has on veterans and military families. We are profoundly grateful.

This report showcases NVLSP's appreciation for the outstanding legal work provided by law firms and corporate legal departments nationwide to enable servicemembers and veterans to obtain the benefits they deserve. We hope you will enjoy reading about the transformational effect of this exemplary pro bono work.

We look forward to continuing to work with our extraordinary pro bono partners.

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

Paul Wright
Executive Director
National Veterans Legal Services Program

2022 Report of
The National Veterans Legal Services Program Pro Bono Program:
Lawyers Serving Warriors®



In this report, we recognize with gratitude the pro bono partners who have answered NVLSP's call to join us in the pursuit of justice for veterans. This report aggregates success stories where numerous veterans finally received the disability benefits they earned through their military service and lists Lawyers Serving Warrior® pro bono volunteers. We acknowledge through this report that our accomplishments are possible only when we work together toward our common goal of ensuring that the government delivers to our nation's 18 million veterans and active duty personnel the benefits to which they are entitled because of disabilities resulting from their military service.

We appreciate that pro bono support takes many forms and that we are able to assist many more veterans together than we ever could on our own in collaboration with our pro bono partners. We celebrate all contributions that enable NVLSP to serve veterans, including initial case screening, administrative advocacy, federal litigation, and financial sustenance. We thank our pro bono volunteers for their legal work and dedication. We look back upon the cases of 2022 with knowledge that our mission carries forward to the future.

We are grateful to be part of a legal community dedicated to assisting veterans who have served our country. We hope these stories will inspire both new and existing volunteers to join us for many years to come in our quest for veterans to receive the benefits they have earned.

A handwritten signature in black ink that reads "Rochelle Bobroff". The signature is fluid and cursive.

Rochelle Bobroff
Director of Lawyers Serving Warriors®, Pro Bono Program of the
National Veterans Legal Services Program

NATIONAL VETERANS LEGAL SERVICES PROGRAM (NVLSP)

MISSION

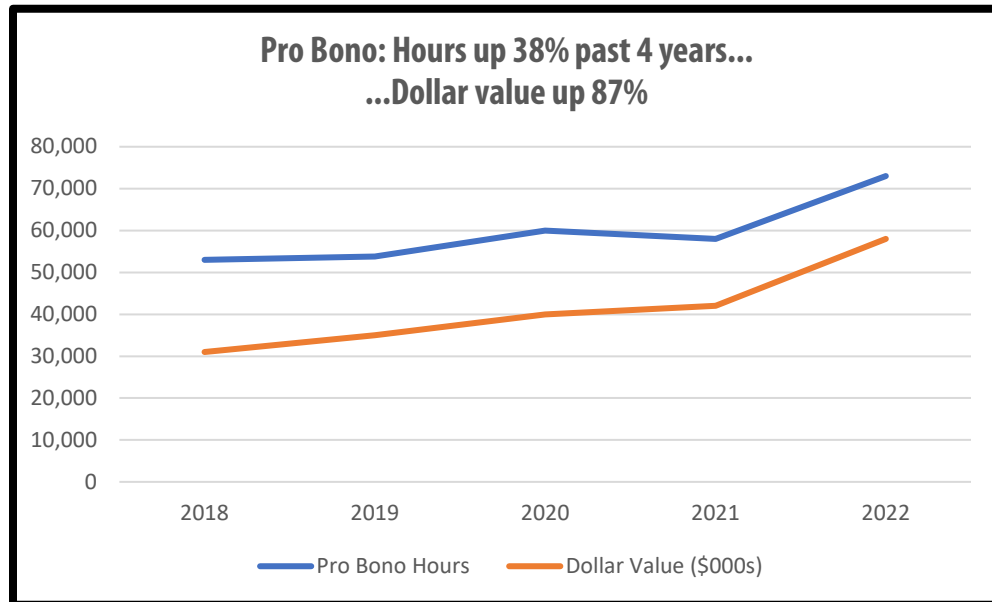
To ensure that the government delivers to our nation's 18 million veterans and active duty personnel the benefits to which they are entitled because of disabilities resulting from their military service to our country.



NVLSP Lawyers Serving Warriors®

2022 Pro Bono Report

Evolution of Pro Bono Hours Donated



NVLSP Lawyers Serving Warriors®

2022 Pro Bono Report

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NVLSP Lawyers Serving Warriors®
2022 Pro Bono Report

WHAT WE DO

The National Veterans Legal Services Program's Pro Bono Program - Lawyers Serving Warriors® (LSW) assists servicemembers and veterans with applications for disability benefits, both at the Department of Defense and the 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, volunteers submit a 5 to 10 page brief.

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.



NVLSP Equal Justice Work Fellow and Veteran Matthew Handley offers his insight on military medical retirement.

If unsuccessful, these cases may be appealed to federal court.

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 5 to 10 page brief and additional evidence that demonstrates the

veteran's disabilities satisfy the statutory definition of "combat-related."

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.

Discharge Upgrade File Reviews

Many veterans apply to NVLSP for free legal assistance to upgrade the characterization of their discharge. To help NVLSP in screening applicants to our discharge upgrade program, pro bono volunteers conduct "file reviews" on files for clients who have applied for NVLSP services, but are waiting for NVLSP to screen their case. NVLSP screens every applicant to our discharge upgrade program, looking to see if there is a meritorious argument to be made, before referring the matter to a pro bono partner. The pro bono discharge upgrade file review project tasks the volunteers with reviewing and analyzing the files of clients who have applied for a discharge upgrade so that NVLSP screening attorneys are able to review the files more quickly. This project is primarily administrative in nature and can be completed by attorneys or non-attorneys alike. Pro bono volunteers create a Word table or Excel spreadsheet cataloging the client files.

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.

Servicemembers' Group Life Insurance Traumatic Injury Protection Program (TSGLI)

In September 2022, LSW launched a pro bono assistance program for traumatically injured servicemembers and veterans seeking TSGLI benefits. This benefit provides short-term financial assistance to traumatically injured servicemembers and veterans in the form of lump sum payments from \$25,000 to \$100,000.

LSW's program – the first and only TSGLI pro bono assistance program in the country – provides free legal assistance and representation to TSGLI applicants filing initial claims or appeals.

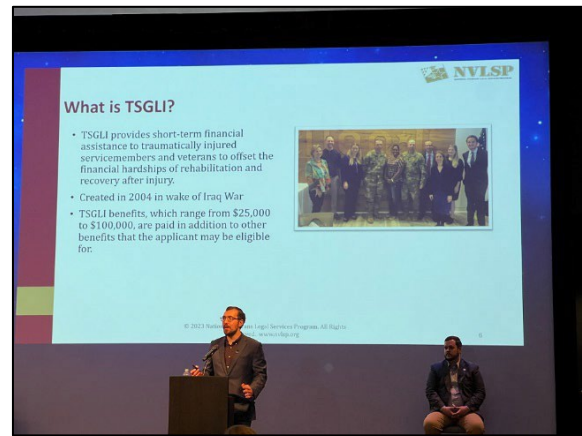
LSW volunteer attorneys assist traumatically injured servicemembers and veterans with obtaining medical and lay evidence, completing the claims and appeals forms, and drafting 10 to 15 page briefs demonstrating the applicant's entitlement to TSGLI benefits. Volunteers may also assist applicants with challenging denied claims directly in federal court, engaging in litigation to obtain improperly denied benefits.

Systemic Reform Projects, Amicus Briefs & Comments

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. Volunteers further assist NVLSP with appellate amicus briefs and comments on proposed regulations.

Equal Justice Works Fellowship

Lockheed Martin and Lavan-Harris Charitable Fund are sponsoring two LSW's Equal Justice Works Fellowships. Lockheed Martin's fellowship focuses on systemic issues in military medical retirement cases. The second Fellowship is dedicated to a new case type for LSW, The Servicemembers' Group Life Insurance Traumatic Injury Protection Program (TSGL), which provides financial assistance to servicemembers traumatically injured during their service.



NVLSP Equal Justice Works Fellow Zach Outzen details the TSGLI program.

VICTORY LAP

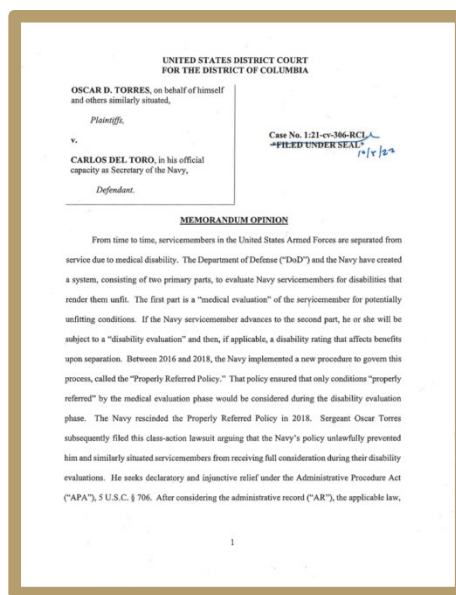
This section provides examples of how servicemembers and veterans were assisted through the dedicated work of our pro bono partners. These victorious decisions were issued in 2022.

MEDICAL RETIREMENT

Class Action

Mr. Oscar Torres served on active duty and in the reserves of the U.S. Marine Corps from August 29, 2007 until January 27, 2018, when he was honorably discharged from the military due to disability. The rigors of military service left Mr. Torres with disabling conditions of the back, shoulder, wrist, fingers and knees, ankles and hips as well as sleep apnea. He was referred into the Disability Evaluation System for review of these injuries. Yet, the Navy Physical Examination Board (PEB) deemed only his back condition and his sleep apnea to be “properly referred,” due to the Navy’s “Properly Referred Policy.” As a result, the PEB refused to consider whether Mr. Torres’ shoulder, wrist, finger, knee, ankle and hip issues rendered him unfit for continued military service. Mr. Torres was denied a military medical retirement and provided only a one-time lump sum disability severance payment. The “Properly Referred Policy” was enforced from September 12, 2016, until June 11, 2018. The Navy estimates that 3,776 U.S. Navy and Marine Corps veterans were denied military disability retirement as a result of this policy.

Barak Cohen, Thomas Tobin, and Donald Friedman of Perkins Coie LLP and NVLSP filed a class action lawsuit in the United States District Court for the District



On September 28, 2022, the United States District Court for the District of Columbia granted summary judgment in favor of a class of U.S. Navy and Marine Corps veterans who were wrongfully denied military disability retirement. The class action lawsuit was filed by the National Veterans Legal Services Program (NVLSP) and pro bono counsel Perkins Coie LLP on behalf of Oscar D. Torres and Navy and Marine Corps veterans.

of Columbia, on behalf of Mr. Torres and Navy and Marine Corps veterans. The lawsuit challenged the Navy’s use of the “Properly Referred Policy” to deny military disability retirement to Mr. Torres and other similarly situated servicemembers. A Sailor or Marine who is retired for disability is entitled to monthly retirement payments and military medical care (“Tricare”) for the servicemember, his or her spouse, and the servicemember’s children while they remain dependents. The lawsuit argued that the

Navy's failure to consider all of Mr. Torres' medical conditions pursuant to the Navy's "Properly Referred Policy" was arbitrary, capricious, unsupported by substantial evidence, and contrary to law.

On October 27, 2021, the Court certified the class. Then on September 28, 2022, the Court ruled in favor of the class of impacted veterans. The Court held that the policy "was unlawful in its effect on the physical evaluation board decisions for Mr. Torres and the class members." The Court vacated the Physical Evaluation Board decisions of each class member and remanded the matter for further proceedings consistent with the order. The government did not appeal the Court's ruling.

Individual Litigation

After six years of Marine Corps service, a service member was referred for disability processing in 2018 for knee pain. The PEB refused to consider his other disabling conditions. With only the knee pain considered by the PEB, he did not have a sufficient rating for medical retirement. **Covington** and NVLSP filed suit in the Court of Federal Claims. After a remand to the Board for Correction of Naval Records ("BCNR"), in December 2021, the Court concluded that the BCNR acted arbitrarily and capriciously. The Court ordered a second remand to the BCNR, which conferred a rating sufficient for medical retirement.

A Marine combat veteran served for seven years including two tours in Iraq, surviving a sniper shot, eight concussions, and more than twenty improvised explosive device ("IED") explosions. He was awarded the

Combat Action Ribbon and a Purple Heart for his distinguished service. When PTSD and other conditions prevented his continued service, the Navy rated his injuries at 10% disabling, denying a medical retirement. In contrast, the VA rated his PTSD at discharge at 50% disabling. With assistance from **Latham & Watkins**, the veteran requested administrative review of the Navy's findings by the Physical Disability Board of Review ("PDBR"), but was denied a higher rating. **Jake Ryan, Max Grant, Julie Miles** and **Grant Strothers** of **Latham & Watkins** and NVLSP appealed to the District Court for the District of Columbia. The Court remanded the case back to the PDBR. On remand, the PDBR found the PTSD unfitting, conferring an initial rating of 50% and then a permanent rating of 30%, sufficient to confer medical retirement.

An Army Health Care Specialist was awarded a Combat Medical Badge for his distinguished service in combat in Iraq in 2004. However, while subsequently serving in Italy, he was a passenger in a car accident that caused serious injuries. He



*NVLSP Director of Lawyers Serving Warriors®
Rochelle Bobroff leads Know Your Rights Session.*

was found unfit due to leg and shoulder injuries from the accident, but his Army disability rating was only 10%, short of qualifying for a medical retirement. Shortly after discharge, the VA gave these same leg and shoulder injuries a 40% rating. He applied on his own to the PDBR, but was denied any increase in the rating. **Kevin Gaunt** and **Michael Horne** of **Hunton Andrews Kurth** and NVLSP filed an appeal in the District Court for the District of Columbia. The Court remanded the case to the PDBR, which then rated his combined disabilities at 40%, providing a medical retirement.

Hearings for Service Members

A Navy Explosive Ordnance Disposal (EOD) Technician was pinned down behind enemy lines for several weeks, exposed to enemy fire on a daily basis. He incurred combat-related PTSD and was placed on the Temporary Disability Retirement list with a 50% disability rating from the VA. Even though the veteran's symptoms and VA rating for PTSD did not change, the Navy reevaluated his rating and found that the veteran's PTSD only merited a permanent 10% disability rating, which would render him no longer eligible for a medical retirement. **Joe Serino, Michael Jin,** and **David Fisher** of **Latham & Watkins** and NVLSP represented the former EOD Technician at a formal Physical Evaluation Board (PEB) hearing, preparing a digital evidence binder which demonstrated that the EOD Technician continued to merit a 30% rating. Upon reviewing the binder, the PEB stipulated that he continued to be unfit for PTSD, rated at 50%. He was placed on the Permanent Disability Retirement list with a finding that his PTSD was combat-related.

He then obtained Combat-Related Special Compensation (CRSC).

A Navy Flight Surgeon began seeking behavioral health treatment in 2015 following the death of two of his friends in a helicopter crash. He had been the first responder at the scene, and was also tasked with performing the autopsy of his friends. He experienced mental health symptoms, requiring inpatient psychological treatment for chronic suicidal ideations. He was diagnosed with PTSD and major depressive disorder. Despite his severe mental health symptoms, the Informal Physical Evaluation Board (IPEB) found him "fit" for duty, because his privileges to practice medicine were intact and he was performing research. **Jamie Isani-Zysk, Shannon Daily,** and **Jaime Bloxom** of **Hunton Andrews Kurth** and NVLSP represented the Surgeon at a formal PEB hearing, preparing an evidentiary binder. At the hearing, the Board stipulated that the Surgeon was unfit for his PTSD and depression, with a finding that his mental health condition was combat-related.

Board for Correction of Military Records Cases with Briefs

An Army Fire Support Specialist was physically assaulted by a senior ranking member of his company, and then he suffered retaliation when he tried to report the assault. Subsequently, he served on a combat deployment in Iraq in 2008, encountering small arms fire and Improvised Explosive Devices. Suffering from PTSD and depression, he attempted suicide twice. Yet, he was not afforded disability processing. Instead, he was administratively separated for a "condition, not a disability," specifically sleep walking.

Several years later, he applied for VA benefits and was service connected for PTSD, rated at 50% disabling. **Simon Saddleton** of **Sidley Austin** filed a brief at the Army Board for Correction of Military Records. The brief argued that the discharge was improper and set forth evidence that the veteran should be medically retired for PTSD. The Board's Advisory Opinion noted that there was no documentation of a sleep walking diagnosis in the veteran's military records. The Medical Advisor stated that a "long overdue referral" for disability processing was "clearly warranted." The Board concurred, and upon referral for processing, the veteran was awarded a medical retirement for his mental health condition, rated at 70% disabling.



NVLSP pro bono volunteer attorneys from McGuireWoods and Capital One meet with veteran at Discharge Upgrade Clinic in Richmond, VA.

In 2008, an Army Infantryman deployed to Afghanistan was struck by an Improvised Explosive Device ("IED") blast while in his vehicle. He sustained an injury to his back and also developed PTSD. He was referred for disability processing, but after conferring with a non-attorney advocate,

he signed a waiver. He was discharged at the end of his term of service. **Erin Drenning** and **Michele Harrington** of **Hogan Lovells** filed a brief at the Board for Correction of Naval Records (BCNR) asserting that the acceptance of the waiver was improper and without the waiver, the veteran should be awarded medical retirement for his PTSD and back condition. The BCNR referred the veteran for disability processing. A new PEB was convened which found his PTSD and back conditions unfitting, with a rating of 100% disabling for his PTSD, and an explicit finding that his PTSD was combat related. A Navy electrical/mechanical equipment repairman, 18 years of age, was deployed to a combat zone in the Persian Gulf for Operation Nimble Archer. Operation Nimble Archer, which took place in October of 1987, was a response to an Iranian missile attack on a Kuwaiti ship that had been escorted by the U.S. Navy. The operation involved sailing into waters heavily mined by the Iranian navy and taking action to disrupt Iranian oil production facilities. When the Operation commenced, the firing of hundreds of explosive shells caused the veteran's ship to violently rock, leading the veteran to fear that a counter-attack from the Iranian navy was imminent. Other sailors put hand-written wills inside of bottles and sent them out to sea. As they attacked oil platforms, they witnessed people on the oil platforms jumping and diving into open water to escape the Navy's missile attacks. Operation Nimble Archer was a success, and the targeted oil platforms were completely destroyed. Yet, the veteran experienced PTSD from this stressful deployment. He later was a passenger in a car crash, sustaining severe injuries to his

back. In 1988, he was sent to the emergency room after expressing suicidal ideations to a superior officer. He was not provided any subsequent treatment for his mental health symptoms. He self-medicated with drugs and alcohol and was then discharged with an Other than Honorable characterization of discharge. **Lucas Tomsich of Faegre Drinker** assisted the veteran at the Board for Correction of Naval Records (BCNR), obtaining an independent medical opinion linking the misconduct to the veteran's PTSD. The BCNR Advisory Opinion concurred, but the Board denied an upgrade. **Anthony Jankowski and Brian Coleman** with assistance from **Lucas Tomsich and Mark Sosnowsky of Faegre Drinker** and NVLSP represented the veteran in an appeal to the U.S. District Court for the District of Columbia. The Court issued a remand order, specifically instructing the BCNR to apply liberal consideration. On remand, the Board upgraded the veteran's discharge characterization from Other than Honorable to General (Under Honorable Conditions) and changed the narrative reason from "Misconduct" to "Secretarial Authority."

A Navy Lieutenant Junior Grade attending flight school was sexually harassed and violently assaulted. She became depressed, had difficulty sleeping, and developed an eating disorder. She was released from flight training due to poor performance. She sought assistance at a mental health clinic and was diagnosed with a Personality Disorder. She subsequently experienced a sexual assault at a military event while in an elevator with another service member. The perpetrator tried to deny it, but the assault was corroborated by elevator video footage. Her report of the assault led to

even worse hostility in her work environment, further aggravating her mental health difficulties and eating disorder. She was discharged due to a purported Personality Disorder. Following discharge, she was diagnosed by the VA with PTSD, anorexia and depression, not a Personality Disorder. **Hannah Cornett of Cozen O'Connor** filed a brief with the Board for Correction of Naval Records (BCNR) seeking a medical retirement for the veteran for PTSD, anorexia, and depression. The brief set forth that she was misdiagnosed with a Personality Disorder and that her compensable conditions were the result of the MST she experienced. A majority of the Board concluded there was sufficient evidence to change the veteran's discharge to reflect a medical retirement and that she developed PTSD from MST, highlighting the elevator video of the sexual assault. The majority found it likely that her mental health conditions caused her to be unfit, applying the 70% initial disability rating conferred by the VA post-discharge. Moreover, the veteran had been compelled to repay educational expenses of \$54,000 due to her administrative discharge. The majority decided that the recoupment of these expenses should be waived.

An Army Armor Crewman deployed to Iraq as part of Operation Iraqi Freedom, and experienced mortar attacks and IED explosions. He was awarded a Combat Action Badge for his engagement in combat. Following his deployment, he was diagnosed with PTSD, depression, and a Personality Disorder. The Army asserted that his PTSD existed prior to service and therefore administratively discharged him for a Personality Disorder. **Ben Ackerly of Hunton Andrews Kurth** filed a brief with the Army Board for Correction of Military Records (BCMR) seeking a medical



NVLSP Equal Justice Works Fellow Matt Handley and pro bono volunteers from Morgan Lewis and New Jersey Reentry Corporation with veteran at Philadelphia Discharge Upgrade Clinic.

retirement for PTSD. An Army Advisory Opinion concluded that there was insufficient evidence of a Personality Disorder and that the veteran should be provided a medical retirement. The Board referred the veteran's records to the Disability Evaluation System for further evaluation. The Physical Evaluation Board found that the veteran was unfit for combat from PTSD, rated at 50% disabling. The veteran was awarded a medical retirement. The volunteer is continuing to assist the veteran with an application for CRSC.

A Coast Guard Avionics Technician was raped by her direct supervisor. She subsequently experienced PTSD symptoms. After a few months, she could no longer cope with the mental health symptoms, and she reported the rape to a flight surgeon who referred her to a psychiatrist for a PTSD diagnosis. The psychiatrist found that she was exhibiting the symptoms of

PTSD, but he denied a PTSD diagnosis solely because her life was never threatened. Instead, he diagnosed her with an Adjustment Disorder. She was discharged with a narrative reason for separation of Personality Disorder. She struggled with her mental health for several years, then sought assistance from the VA. She was diagnosed by the VA with PTSD, rated at 50% disabling. **William Moccia** of **Gibson Dunn** filed a brief at the Department of Homeland Security Board for Correction of Military Records (BCMR) highlighting that the diagnostic criteria for PTSD do not require the traumatic event to be life threatening. Nevertheless, an Advisory Opinion continued to claim that the Adjustment Disorder diagnosis was appropriate, based on the absence of a life-threatening event. The volunteers responded to the Advisory Opinion, further demonstrating that she met the criteria for a PTSD diagnosis. The BCMR agreed that the PTSD diagnostic criteria do not require a life-threatening event. The Board referred the veteran for disability processing. The Physical Evaluation Board found that she was unfit due to PTSD, rated at 50% disabling, awarding a medical retirement.

DISCHARGE UPGRADES

Litigation

A Navy electrical/mechanical equipment repairman, 18 years of age, was deployed to a combat zone in the Persian Gulf for Operation Nimble Archer. Operation Nimble Archer, which took place in October of 1987, was a response to an Iranian missile attack on a Kuwaiti ship that had been escorted by the U.S. Navy. The operation involved sailing into waters heavily mined by the Iranian navy and taking action to disrupt Iranian oil

production facilities. When the Operation commenced, the firing of hundreds of explosive shells caused the veteran's ship to violently rock, leading the veteran to fear that a counter-attack from the Iranian navy was imminent. Other sailors put handwritten wills inside of bottles and sent them out to sea. As they attacked oil platforms, they witnessed people on the oil platforms jumping and diving into open water to escape the Navy's missile attacks. Operation Nimble Archer was a success, and the targeted oil platforms were completely destroyed. Yet, the veteran experienced PTSD from this stressful deployment. He later was a passenger in a car crash, sustaining severe injuries to his back. In 1988, he was sent to the emergency room after expressing suicidal ideations to a superior officer. He was not provided any subsequent treatment for his mental health symptoms. He self-medicated with drugs and alcohol and was then discharged with an Other than Honorable characterization of discharge. **Faegre Drinker** assisted the veteran at the Board for Correction of Naval Records (BCNR), obtaining an independent medical opinion linking the misconduct to the veteran's PTSD. The BCNR Advisory Opinion concurred, but the Board denied an upgrade. **Anthony Jankowski** and **Brian Coleman** of **Faegre Drinker** and NVLSP represented the veteran in an appeal to the U.S. District Court for the District of Columbia. The Court issued a remand order, specifically instructing the BCNR to apply liberal consideration. On remand, the Board upgraded the veteran's discharge characterization from Other than Honorable to General (Under Honorable Conditions) and changed the narrative

reason from "Misconduct" to "Secretarial Authority."



NVLSP Staff Attorney Abigail Reynolds Hosts Virtual Discharge Upgrade Clinic.

Discharge Review Board (DRB) Hearings

A Marine Corps Rifleman completed a "very tough, kinetic" wartime deployment to Afghanistan, during which his performance was "above average" under "way above average" pressure, according to his senior-enlisted. There were daily firefights and several Marines in the veteran's Battalion were killed or wounded in action. After his deployment, for the first time in his life, the veteran began to suffer from depression and anxiety, and he contemplated suicide. His motivation and performance declined and he had an unauthorized absence for six hours. During a meeting with a psychologist, he described his deployment experiences and reported feelings of depression, anxiety, lack of motivation, and trouble concentrating. The psychologist concluded he was exaggerating, diagnosed an adjustment disorder, and recommended an administrative discharge. The veteran was

then discharged with a General (Under Honorable Conditions) characterization for a Condition, Not a Disability. The veteran struggled after his discharge. He experienced difficulty maintaining employment and homelessness. He attempted suicide and was subsequently diagnosed with PTSD by the VA, rated at 70% disabling. **Timothy Pellegrino** and **Zach Warren** of **Williams & Connolly** represented the veteran at a virtual Discharge Review Board (DRB) hearing. They presented testimony from the veteran, a retired Master Sergeant who served with the veteran, and a medical expert. They also filed a brief arguing that the veteran's adjustment disorder diagnosis was incorrect; instead, the veteran had been suffering from symptoms of PTSD. Under the liberal consideration standard, the veteran's PTSD mitigated any misconduct. The DRB's decision states that the veteran's "documented PTSD diagnosis" as well as his combat service "warranted additional consideration." The DRB found there was a "nexus between his minor indiscretion and his mental/emotional stability." The Board upgraded his discharge to Honorable and changed his narrative reason for separation to "Secretarial Authority."

A Marine Corps veteran enlisted when he was 18 years old, and in 2004, less than a year into his service, deployed to Iraq in support of Operation Iraqi Freedom. He served as a team leader during his deployment. While serving in Iraq, he and his fellow servicemembers were the target of enemy fire, and the veteran witnessed many of his friends and fellow soldiers die or become dismembered. He was awarded a Combat Action Ribbon for his combat service. Following his deployment, he tested positive for cocaine, and he admitted

to using cocaine while on leave. He was discharged with an Other Than Honorable characterization of service and "misconduct" listed as his narrative reason for separation. Post-discharge, his parents noticed alarming changes in his behavior, including angry outbursts, and pleaded with him to seek professional help. He followed their advice and was diagnosed by a private psychiatrist with PTSD. He applied for a discharge upgrade in 2007 but was denied. **Albert Shay** of **Morgan Lewis** represented the veteran at the Naval Discharge Review Board (NDRB) in a telephonic hearing. He further submitted a supporting brief including a nexus opinion from the treating psychiatrist opining that the veteran's misconduct was due to his PTSD from combat. The Board ruled that an upgrade was merited, based on the testimony at the hearing, brief, and "pertinent information" from the psychiatrist that his PTSD from combat "negatively influenced his decision making." The Board also noted the veteran's good post-discharge conduct, "continued commitment to manage his mental health," and remorse. The Board upgraded the veteran's discharge to General (Under Honorable Conditions) and changed his narrative reason for separation to "Secretarial Authority."

A Marine Corps Machine Gunner deployed to Afghanistan where he frequently manned the vehicle-mounted machine gun and was exposed on top of the vehicle while the team lay suppressive fire to support the infantry during combat. His team leader accidentally shot and killed another machine gunner while they were cleaning their weapons. The veteran was subsequently designated as the team leader. He was awarded the Combat Action Badge

for this deployment, recognizing his service during active engagement in combat with the enemy. A few months after this deployment ended, he was assigned to deploy to Iraq. He attended a pre-deployment party and then tested positive for cocaine. He was discharged with an Other than Honorable characterization of service for drug use. He sought NVLSP's assistance shortly before the end of the 15-year period to apply to the Discharge Review Board (DRB). Therefore, NVLSP recommended proceeding directly to a hearing, rather than trying a records review first. **Ryan Becker** of **Hunton Andrews Kurth** represented the veteran at a hearing before the DRB. The volunteer argued in a brief and at the hearing that the veteran's combat service merited an upgrade. In addition, the veteran's 15 years of good post-discharge conduct and recent diabetes diagnosis further supported changing the discharge characterization. The DRB was persuaded, providing an upgrade to General (Under Honorable Conditions) with a narrative reason of Secretarial Authority. The DRB focused on the veteran's "successful combat deployment to Afghanistan," in which he "served as a Machine Gunner at a highly kinetic Forward Operating Base in Afghanistan." The DRB also recognized his good post-discharge conduct, including 15 years of employment, a family, and "participating in programs directed at improving communities and the lives of others." The DRB indicated that his remorse demonstrated "the values and resilience the service seeks of its veterans," and in consideration of these factors, granted the upgrade.

An Army Gunner deployed to Afghanistan in 2003 where he engaged in active ground

combat during patrols, earning the Combat Infantry Badge. When he returned from deployment, his pregnant wife had left him, taking their toddler son. He obtained leave and traveled to her to try to reconcile. She went into labor eight weeks premature, and the infant went into the neonatal unit. He found that his wife was in a fragile mental state, and he took care of his sons as they divorced. During this time, he did not return to the Army. He was later arrested and discharged with an Other than Honorable characterization due to his period of being Absent without Leave (AWOL). Post-discharge, he remarried, maintained steady employment as an Occupational Health and Safety Specialist, and obtained associates degrees. **Scott Rabinowitz** and **Jared Petermeyer** of **Skadden** represented the veteran at a telephonic hearing before the Discharge Review Board (DRB). They also submitted a brief highlighting the veteran's combat service, personal problems, and post-discharge achievements. The Board agreed that the discharge characterization "was too harsh, and therefore inequitable, when looking to the applicant's quality of service, to include combat service, the applicant's severe family matters that contributed to the basis for applicant's separation, and post service accomplishments." The veteran's discharge was upgraded to General (Under Honorable Conditions).

Board for Correction of Military/Naval Records and Discharge Review Board Cases with Briefs

A Navy Storekeeper serving in the late 1980s was raped by a senior Petty Officer who threatened to report the veteran as a homosexual if he reported the incident. At

that time, being openly gay was grounds for dishonorable discharge from the Navy. The veteran began experiencing symptoms of PTSD, including excessive sleepiness,



A veteran receives a personal consultation from NVLSP pro bono partner attorneys from Morgan Lewis and Comcast at a recent clinic.

which is a common symptom of PTSD. He was recommended for discharge due to his sleep disorder, but this recommendation was never acted upon. He deployed to the Middle East and witnessed the death of several shipmates while waiting to board in Israel. He self-medicated with alcohol and was recommended for substance abuse treatment, but the treatment was not provided. He went absent without leave, resulting in an Other than Honorable discharge for misconduct. While he initially struggled after discharge, he became an Emergency Medical Technician (EMT) in the mid-1990s. He reported that he considered his work as an EMT as a service to his community to compensate for failures he experienced in the Navy. In 2021, the VA diagnosed the veteran with PTSD from Military Sexual Trauma (MST), providing benefits despite his Navy discharge characterization. **Andrew Valentine and Nandan Padmanabhan**

of DLA Piper and William Beeson of RTX explained in an application to the Board for Correction of Naval Records (BCNR) that the VA's diagnosis of PTSD connected to military service is persuasive evidence that a condition existed during service that mitigates the misconduct. The veteran's treating psychotherapist submitted a letter opining that the veteran's discharge was directly related to the trauma of the sexual assault. The volunteers rebutted an unfavorable Advisory Opinion, and the Board upgraded the veteran's discharge to Honorable and changed his narrative reason for separation to "Secretarial Authority." The BCNR based its decision on the veteran's mental health condition and positive post-discharge conduct.

An Army Mechanic joined the United States Army in 1983, following in the footsteps of her two brothers. But her military service was derailed by sexual harassment and assault by her direct supervisor, whose abuse and continued threats led her to twice flee the base in fear for her life. When she returned the second time, she was discharged with an Other than Honorable discharge characterization. The veteran reached out to the VA but was precluded from receiving benefits due to a VA finding that her service was not honorable. She nevertheless received treatment from the VA, receiving a diagnosis of PTSD from sexual assault. **Covington** assisted the veteran with an application to the Army Board for Correction of Military Records (ABCMR). They asserted that the veteran's PTSD from Military Sexual Trauma (MST) mitigated and outweighed the misconduct, since the veteran had fled the base to protect herself from being attacked. An Advisory Opinion agreed that her PTSD from MST was a mitigating factor and recommended an upgrade to Honorable. The Board

concurred and granted the upgrade to Honorable, as well as changed the narrative reason for separation to “Secretarial Authority.”

A Marine Corps Food Service Specialist who served in the late 1990s was sexually assaulted by a senior Marine. She testified in his court-martial, but following her report of sexual assault, she was stigmatized by her peers. She sought mental health treatment based on the sexual assault, but she was cleared for duty, with no treatment plan. She began to self-medicate to alleviate her symptoms and then tested positive for marijuana. She was discharged with an Other than Honorable discharge characterization and a narrative reason for separation of “misconduct.” Post-discharge, she was diagnosed with PTSD from Military Sexual Trauma (MST). She applied for a discharge upgrade at the Naval Discharge Review Board (NDRB) approximately 10 years after discharge and was denied. **Bob Frink** and **Tricia Lee** of **Dechert** petitioned the Board for Correction of Naval Records (BCNR), advocating that the veteran’s misconduct was mitigated by the MST she experienced. The BCNR agreed, initially noting that the NDRB erred in its assertion that MST was not a justification for drug-related misconduct. An Advisory Opinion pointed out the in-service evidence of the sexual assault and concluded that the veteran’s behaviors were “associated with being an MST victim on active duty,” mitigating her misconduct. The Board found that no useful purpose was served by continuing her discharge characterization and changed the characterization to fully Honorable with a narrative reason for separation of “Secretarial Authority.”



NVLSP Staff Attorney Abigail Reynolds and NVLSP Director of CAVC Litigation Stacy Tromble attended Michigan Women Veterans Conference.

A Marine Corps Intelligence Specialist deployed twice to Afghanistan and once to Iraq, earning many medals. He flew drones that blew up people and buildings. When he returned from deployment, he was unable to control his weight for the first time in his four years of service. He was discharged with a General (Under Honorable Conditions) characterization and a narrative reason for separation of “Unsatisfactory Performance.” Post-discharge, the VA diagnosed him with PTSD from his combat service, initially rated at 30% and later increased to a rating of 100%. **Zachary Epstein** and **Kristin Jones** of **Troutman Pepper** assisted the veteran before the Discharge Review Board (DRB). Their brief explained that PTSD causes disordered eating behaviors and obesity; PTSD results in documented symptoms that prevent weight loss, including anxiety and depression that limit the ability to exercise, as well as poor sleep habits and overeating. The brief advocated

for the application of liberal consideration to view the veteran's misconduct as mitigated by his PTSD. The Board agreed that there was a "nexus between his misconduct and his mental/emotional stability due to PTSD." The Board further noted the veteran's deployments in support of Operation Enduring Freedom and Iraqi Freedom. His discharge characterization was upgraded to Honorable and his narrative reason for separation changed to "Secretarial Authority."

An Army Soldier suffered a stress fracture to her hip during basic training in 2004 and was sent to the Physical Rehabilitation Training Program to heal. While there, she was sexually assaulted by a supervising sergeant. Following the Military Sexual Trauma (MST), she engaged in multiple episodes of self-mutilation. She was diagnosed with Adjustment Disorder with Mixed Anxiety and Depression and discharged 1½ months later. Her characterization of discharge was General (Under Honorable Conditions), with a narrative reason for separation of "unsatisfactory performance." In 2017, she sought benefits from the VA for PTSD from MST, but her claim was denied for lack of documentation of a nexus to her service.

Carla Martin of Faegre Drinker agreed to assist the veteran with a discharge upgrade and VA benefits. The firm obtained an independent in person medical examination from a psychiatrist. The doctor concurred with the military diagnosis of Adjustment Disorder with Mixed Anxiety and Depression, and the psychiatrist opined that the veteran's mental health condition was due to the MST she experienced in service. The volunteer wrote a brief to the Board for Correction of Military Records (BCMR) arguing that the MST and resulting

mental health difficulties mitigated any misconduct and further pointing out that the military failed to follow its procedures for an adjustment disorder with its rapid discharge. An Advisory Opinion concurred and recommended an upgrade to an Honorable discharge, but the three Board members unanimously denied relief. Nevertheless, the Deputy Assistant Secretary responsible for reviewing Board decisions disagreed and granted an upgrade to Honorable, changing the narrative reason for separation to "Secretarial Authority." Success was further obtained on the VA side, with the VA awarding service connection for Other Specified Trauma and Stressor Related Disorder, rated at 30% disabling.

A Navy Field Medical Service Technician began experiencing depression and anxiety during his service. He sought mental health treatment and was provided some therapy. His treating psychologist recommended an administrative separation based on his adjustment disorder diagnosis. Even though he had good performance grades and no recorded misconduct, he was discharged with a General (Under Honorable Conditions) characterization of discharge. Post-discharge, the VA determined that his anxiety and depression were connected to his military service, conferring a 30% disability rating. **Daniel Morris** and **Michael Bahar of Eversheds Sutherland** filed a brief with the Naval Discharge Review Board (NDRB) arguing that he should have a fully honorable discharge, since his performance was good and he had no misconduct. The Board noted he had good performance grades, a Good Conduct Medal, and no misconduct in service. The NDRB found that the General characterization of discharge was not

equitable and upgraded his characterization to fully Honorable.

A Marine Corps Rifleman deployed on a ship in the 1990s received a call from his wife stating that she was having an affair and had attempted suicide. He became distraught and attempted suicide himself. Despite good performance evaluations, he was counseled for poor performance due solely to his suicide attempt. He was given several weeks to improve his performance, but before the period elapsed, he was processed for an administrative separation due to a Personality Disorder. He was recommended for a fully Honorable discharge based on his good performance grades, but was nevertheless discharged with a General (Under Honorable Conditions) characterization with a narrative reason for separation of "Personality Disorder." Following his discharge, the VA found that he did not have a Personality Disorder, but rather had an adjustment disorder due to marital stress. **Jeffrey Freeman** and **Kenneth Guerra** of **Finnegan, Henderson, Farabow, Garrett & Dunner** filed a brief before the Board for Correction of Naval Records (BCNR) advocating that the narrative reason should be corrected because it was based on an incorrect medical diagnosis of Personality Disorder. The brief further argued that the discharge characterization should be upgraded to Honorable in view of his exemplary service and pre- and post-discharge conduct. The Board was persuaded, finding that the veteran had not been given a reasonable time to receive treatment and be reassessed. The Board agreed with the VA that he did not suffer from a Personality Disorder. The Board upgraded the discharge characterization to Honorable and changed

the narrative reason to "Secretarial Authority."



NVLSP, McGuireWoods, and Capital One partnered for a discharge upgrade clinic in Richmond, VA.

A Navy veteran began her service as an Operations Specialist and then was assigned as a lead petty officer during shore duty. She was later assigned to a ship where she operated shipboard warfare operations navigation systems; provided strategic plotting for warfare areas, weapons control and navigation; and interpreted and evaluated radar presentations and tactical situations and made recommendations to senior leadership. Yet, early in her service, she had been raped by a superior officer, becoming pregnant and delivering a child. After several years of good service, she missed a few hours of work and refused an order to

return early from leave. She was discharged with a General (Under Honorable Conditions) characterization and a narrative reason of "Misconduct (Serious Offense)." **Jessica Farmer** and **Benjamin Genn** of **Holland & Knight** filed a brief with the Naval Discharge Review Board (NDRB) documenting her treatment for PTSD from Military Sexual Trauma (MST). The brief emphasized her four years of good service, including a long deployment at sea, and her promotion. The NDRB did not find mitigation from the MST, but nevertheless, the NDRB concluded that her misconduct was minor. The NDRB noted that her performance scores were in line with Honorable service and she earned a Good Conduct Medal. The NDRB granted all requested relief and upgraded her discharge characterization to Honorable and changed her narrative reason for separation to "Secretarial Authority."

A Navy Seaman who enlisted in the 1980s at the age of 17 was sexually assaulted aboard the ship by several hooded sailors. Due to his feelings of shame, he did not report the Military Sexual Trauma (MST). He began to suffer from PTSD from MST, and his performance declined. He was directed to be administratively separated for several instances of misconduct such as falling asleep on watch and being in an unauthorized location, with an intended characterization of General (Under Honorable Conditions). However, his discharge certificate erroneously listed Other Than Honorable as the discharge characterization, barring VA benefits. In 2018, he reported the MST to a VA psychologist. In 2019, he was diagnosed by the VA with PTSD from MST, but service connection was granted only for treatment purposes, due to his discharge

characterization. **Larry Slovinsky** of **King & Spalding** accepted the matter for an application to the Board for Correction of Naval Records (BCNR). The firm's brief argued that the veteran's non-violent misconduct was mitigated by his PTSD from MST. The firm submitted a letter from a VA clinical psychologist opining that there was a nexus between the veteran's MST and misconduct. The brief asserted that under the liberal consideration standard, the veteran deserved an upgrade. The Board agreed and granted an upgrade to Honorable, as well as removing the narrative reason for separation of "misconduct."

An Army soldier served an initial period of enlistment in the 1980s, receiving accolades, medals, and an honorable discharge. He reenlisted and was sexually assaulted on base, causing him to suffer PTSD from the Military Sexual Trauma (MST). After a deployment overseas, he went absent without leave for more than 40 days and then was discharged with an Other than Honorable characterization. He reported the MST to a chaplain and then the VA starting in 2015. He was initially denied VA benefits, but he appealed and was awarded benefits for PTSD from MST in 2021. **Michael Pearson** and **James John Lomeo** of **Kirkland & Ellis** filed a brief at the Board for Correction of Military Records (BCMR) advocating for an upgrade based on PTSD from MST. In addition to submitting the VA records of diagnosis and treatment, the firm provided a nexus opinion from an independent psychologist linking his misconduct to the PTSD from MST. The brief sought an upgrade under the liberal consideration standard. The Board was convinced, upgrading his

discharge to General (Under Honorable Conditions).

An Army veteran enlisted as a Clerk Typist in the Woman's Army Corps in 1971, when she was just nineteen, to honor her older brother who was killed in the Vietnam War when she was sixteen. She excelled early in her military service and was promoted. A few months into her service, she married a fellow service member who was physically and sexually abusive, brutally beating her and threatening to kill her if she told anyone. She also experienced Military Sexual Trauma (MST) during a group rape attempt. She sought help from her command, the police, and a psychiatrist, but no one assisted her. After a beating from her husband that left her nearly dead, she went Absent Without Leave (AWOL) for 1½ months. Upon her return, she was discharged with an Other than Honorable characterization and her rank reduced to the lowest enlisted grade. Following her discharge, she worked as a nursing assistant, truck driver, and school bus driver. In 2016, the VA determined that her service was honorable for VA purposes and awarded benefits for PTSD from MST, rated at 70% disabling. **Carrie Mobley of McGuireWoods** submitted a brief to the Board for Correction of Military Records (BCMR) detailing the veteran's traumatic experiences and arguing for an upgrade under the liberal consideration standard. The Board concurred, finding that her misconduct was mitigated by her PTSD from MST. The Board upgraded her discharge to fully Honorable, with a narrative reason of "Secretarial Authority," and further restored her rank.

Within 3 months of joining the Marines at the age of 17, the veteran was bitten by a brown recluse spider, an injury that has

never fully healed and for which he would eventually undergo 13 painful operations, including skin grafts and debridement procedures. His injury and the resulting physical and deep emotional stress that lingered from it wore on the veteran. He felt symptoms of depression, was placed on suicide watch, and was diagnosed with "adjustment disorder" three years into his service. Through this time, the veteran was written up for minor instances of misconduct such as smoking in the barracks or condoning underage drinking in which he did not himself participate (either indirectly or directly). Based on his leg injury and mental health conditions, he was recommended for medical discharge from the Marines in July 1998, but his commanding officer denied his medical discharge and began processing him for administrative separation for alleged misconduct instead. The veteran was ultimately separated under an "Other Than Honorable" discharge five months before his four-year end of service date. Since his discharge, he has been formally diagnosed by both civilian and VA licensed psychiatrists and psychologists with PTSD directly caused by his service-connected leg injury. He completed a prestigious dual-MBA program and then became the CEO and co-founder of a tech company. The veteran upgraded his discharge in 2014 to a General discharge. **Tanya Manno of Paul, Weiss, Rifkind, Wharton & Garrison** assisted the veteran with an application to the Board for Correction of Naval Records (BCNR) arguing that the subsequent DOD Guidance mandated an upgrade to fully Honorable under the liberal consideration standard. The brief explained that his misconduct was mitigated by PTSD. In addition, his post-discharge accomplishments merited an upgrade. The Board found an injustice in the General

discharge characterization and that the PTSD mitigated his misconduct. The veteran's discharge characterization was upgraded to Honorable, and his narrative reason for separation was changed to "Secretarial Authority."



An Army veteran had been drafted into the Army in 1968 at the age of 21 and quickly sent to Vietnam as an infantryman. In 1969, the veteran and his unit were assigned to a search and destroy mission in a Vietnam village. Upon entering the village, his unit encountered hostile fire and the veteran was struck in his right hand. He was able to get to a medic, who began treating his wound. The veteran asked the medic for a cigarette, and while he was reaching for it, the medic was killed by enemy fire. The veteran was later awarded the Purple Heart for this combat injury. When he returned home, he found a world he did not recognize. While the veteran was fighting in Vietnam, his wife had left him and taken their two children with her. He was also met with hostility from his friends and others in the community, who disapproved of the Vietnam War. Although there was no name for it at the time, the veteran also struggled with symptoms of PTSD. He went Absent Without Leave (AWOL), resulting

in an Other than Honorable discharge characterization. In 2017, the veteran sought assistance at a Vet Center, where he was formally diagnosed with PTSD and then connected with NVLSP in 2019 at a Vet Center Resource Fair. **Perkins Coie** volunteers **Daniel Ridlon** and **Kelly Soldati** filed a brief on the veteran's behalf at the Board for Correction of Military Records (BCMR), arguing for liberal consideration of his PTSD from combat. The brief asserted that the veteran's combat service and almost 50 years of suffering from PTSD outweighed his discharge and merited an upgrade. The Board was persuaded, "finding sufficient evidence of an in-service mitigating psychiatric condition as a mitigating factor for the misconduct that led to his discharge." The veteran was upgraded to a General (Under Honorable Conditions) characterization.

A Navy Aviation Electrician's Mate overcame a difficult childhood to excel as a sailor. However, she began to experience mental health symptoms and sought treatment. She was diagnosed with a compensable mental health condition and placed under psychiatric care. Subsequently, she tested positive for cocaine on a drug test and was discharged with an Other than Honorable characterization. Post-discharge, she obtained a Bachelor of Science in electrical engineering and maintained employment at an aerospace defense products supplier, further pursuing a Master's degree. She married and has a son. Having grown up homeless, she meets with students who are having problems in their lives and shares her experiences. **Ben Aigboboh** and **Robert Magielnicki** of **Sheppard Mullin** filed a brief with the Board for Correction of Naval Records (BCNR), arguing that the

veteran's mental health condition mitigated her misconduct. The brief further set forth the obstacles the veteran had overcome and her exemplary post-discharge conduct. An advisory opinion acknowledged that the veteran had an in-service mental health diagnosis but asserted that the misconduct was not mitigated. The volunteers responded with a rebuttal, convincing the Board that the misconduct was indeed a "causative factor" for the misconduct. The Board further was persuaded by the brief's recitation of the veteran's difficult childhood and "impressive educational and career achievements." Her discharge was upgraded to General (Under Honorable Conditions).

A Marine Corps Field Radio Operator sought mental health treatment in the early 1990s for depression, anxiety, and suicidal ideation stemming from difficulties dealing with his sexual preference. He had been told by fellow service members that "his kind wasn't wanted" and to be careful while he slept. He sought mental health treatment, requesting that the doctor not disclose his admission that he was gay. Yet, the doctor put that the veteran was gay in his file. The veteran was then discharged under the "Don't Ask, Don't Tell" policy in effect at that time, with the veteran's discharge certificate indicating "Homosexual Admission." After his discharge, the VA was openly unwelcoming in view of the reasons for his discharge and denied him benefits for his diagnosed mental health condition. In 2019, the veteran decided to return to the VA for mental health treatment and other services upon hearing that there had been changes and that the organization was now much friendlier to veterans in his situation. He was awarded VA benefits for PTSD from

sexual harassment, rated at 70% disabling. **Nathaniel Love** and **Mary Hannon** of **Sidley Austin** filed a brief at the Board for Correction of Naval Records (BCNR) advocating for revision of the narrative reason based on changes in DOD policy. The brief noted that the veteran still continued to fear discrimination any time he needed to produce his discharge certificate to take advantage of various services and benefits provided to veterans. The brief highlighted that there were no aggravating factors for the veteran's discharge, which was based solely on his sexual preference. The Board was persuaded and removed the stigmatizing narrative reason from his discharge certificate.

In the early 1990s, a Navy veteran was sexually assaulted on his ship by his shipmates, including his supervisor. When he reported the assault, he was told the incident was normal hazing. He turned to alcohol as a coping mechanism to combat the isolation he felt after his sense of trust and camaraderie had been violated by the shipmates who sexually assaulted him. When he was late to work, he was referred to an alcohol counselor. The veteran informed his alcohol counselor of the sexual assault. The counselor ignored the report of sexual assault and recommended the veteran for alcohol treatment, which he attended. The veteran later deployed to Somalia and served as a gunner, where he witnessed people shot and killed. He began to experience symptoms of PTSD, leading to the purchase of steroids to try to become stronger before his next deployment. His use of steroids was discovered, resulting in an Other than Honorable discharge. While he was initially homeless after discharge, he

turned his life around, including founding a non-profit to help low income individuals obtain affordable housing. In 2019, the VA granted service connection for treatment purposes for PTSD from Military Sexual Trauma (MST). **Parul Bhatia** of **Shearman & Sterling** filed a brief with the Board for Correction of Naval Records (BCNR) arguing for an upgrade based on PTSD from MST mitigating the misconduct. The brief also pointed out the numerous awards the veteran earned during his exemplary service and his significant post-discharge achievements. The Board was persuaded by the veteran's credible statement about the sexual assault, which it found was corroborated by the VA. The Board further identified his "community volunteerism" and rehabilitation treatment as warranting relief. The veteran was upgraded to a General (Under Honorable Conditions) discharge characterization, with a narrative reason for separation of "Secretarial Authority."

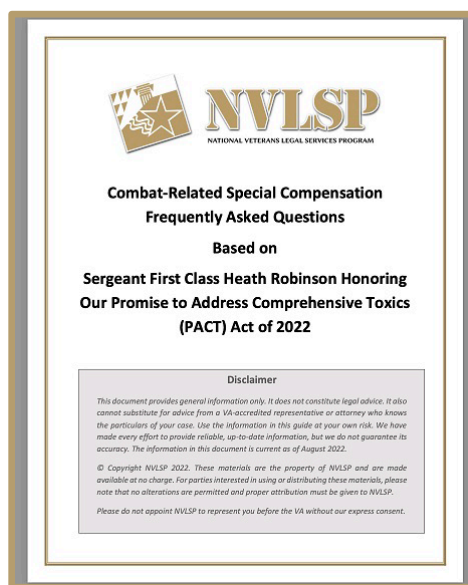
An Army Light Wheeled Vehicle Mechanic deployed to Iraq and Kuwait as part of Operations Desert Spring, Enduring Freedom, and Iraqi Freedom. While deployed, he was responsible for fixing and maintaining the vehicles in the company. He was subject to frequent mortar and rocket attacks while traveling with convoys. He also participated in "countless funerals in the middle of the desert for fallen Iraqi troops." He reflected on his experience, stating: "Anyone can prepare for combat. No one can prepare for the loss it brings." After his deployment, he experienced symptoms of PTSD, including nightmares and insomnia. He self-medicated with alcohol, staying up late drinking. He then failed to report to work

on time. He was discharged with a General (Under Honorable Conditions) characterization. Post-discharge he was diagnosed with PTSD, initially by a private provider, and then in 2016, the VA granted service connection for PTSD, rated at 30% disabling. **Emma Skelton** and **Nicole Valco** of **Latham & Watkins** filed a brief at the Army Discharge Review Board (ADRB) seeking an upgrade based on liberal consideration for the veteran's PTSD. The brief highlighted the awards the veteran received for his combat service, including the Army Presidential Unit Citation for a unit that demonstrated exceptional heroism in action against an armed enemy. The brief explained that veteran's behavior changed due to combat trauma and his misconduct was mitigated by his PTSD. The Board agreed that his failure to report to work was mitigated by his PTSD, noting his meritorious combat service. His discharge characterization was upgraded to fully Honorable.

A Marine Corps Rifleman deployed to Iraq in 2006 and experienced two IED blasts to his Humvee within minutes. He lost consciousness while nine others were killed. He was awarded a Purple Heart and Combat Action Ribbon for his engagement with the enemy. Unfortunately, he experienced PTSD and a traumatic brain injury (TBI) as a result of these experiences. He self-medicated with drugs and alcohol. After a positive urinalysis test for drugs, he was then discharged with an Other than Honorable characterization. **Tom Jarvis** and **Garrett Windle** of **Winston & Strawn** filed a brief with the Naval Discharge Review Board (NDRB) advocating that the veteran's discharge should be upgraded based on mitigation from his PTSD. The Board was convinced,

finding a nexus between his “medical condition and self-treatment with illicit drugs and alcohol.” The Board stated: “Given the Applicant’s heroic actions in combat, his personal sacrifice, and his significant diagnosis of PTSD and TBI the NDRB determined that a full upgrade to Honorable was warranted.”

Combat-Related Special Compensation (CRSC)



Based on the Sergeant First Class Heath Robinson Honoring Our Promise to Address Comprehensive Toxics (PACT) Act of 2022, NVLSP issued the frequently asked questions (FAQs) to address the changes to entitlement to CRSC.

A Marine Corps Staff Sergeant deployed to Iraq, where he experienced artillery and mortar fire. As preparation for combat, he maintained a heavy combat training schedule that included intense martial arts combat training. He was awarded a Gold Star for “superior performance of his duties while serving as martial arts instructor.” His medical records documented that this combat training caused back injuries with radiculopathy. **Abdie Santiago** and **Bruce Oakley** of **Hogan Lovells** assisted the

veteran with a CRSC application. The veteran was awarded CRSC for his back condition and radiculopathy under the category of conditions simulating war and for his tinnitus due to an instrumentality of war. His combat-related disability rating is 60%.

An Army Chief Warrant Officer 2 was medically retired after serving as a counterintelligence agent. He deployed to Iraq three times between 2005 and 2009 during which he engaged in direct combat. He received the Defense Meritorious Service Medal in recognition of his service while attached to Joint Special Operations Command. His service in Iraq and training stateside resulted in three combat-related injuries: Post-Traumatic Stress Disorder, left upper extremity cubital tunnel syndrome, and tinnitus. **Bill McLucas** and **Erik Swabb** of **WilmerHale** assisted the veteran with a CRSC application. After the Army denied his claim, **WilmerHale** appealed to the Army Board for Correction of Military Records. After a multiyear effort, the Board awarded CRSC for all three of his combat-related injuries under the direct result of armed conflict or instrumentality of war categories. With an overall combat-related disability rating of 60%, the veteran now receives a monthly CRSC payment of \$1,400. He also received \$97,000 of CRSC backpay that the Army owed him. An Army Sergeant who served as an Information Management Officer as well as a patrolman applied for CRSC on his own and was approved only for Irritable Bowel Syndrome at 10%. His PTSD and back claims were denied, due to the lack of a combat award. **Patrick Park** of **DLA Piper** requested reconsideration of the denial, filing a brief highlighting the Physical Evaluation Board’s (PEB) determination that the veteran’s PTSD was

caused by combat stressors. The brief further stressed that the PEB found the back condition was caused “when the door of a mine resistant ambush protected vehicle slammed on his back while deployed to Afghanistan.” The veteran was awarded CRSC on reconsideration for his PTSD as due to armed conflict as well as his back, migraines, and radiculopathy as caused by an instrumentality of war. His total combat-related disability rating is 100%.

An Army Lieutenant Colonel retired after 28 years in Special Forces and Infantry, participating in many combat engagements. He deployed to Iraq as part of Operation Iraqi Freedom. During this deployment, he led combat operations in Samarra, Mosul, Najaf, Baghdad, and Tal Afar. He received a Combat Infantryman Badge and a Bronze Star Medal in recognition of his active ground combat experience during this time. He also served as a combatives instructor, which resulted in several injuries. For example, during a combatives training, the veteran’s opponent pulled him forward causing the veteran to land on his left elbow. After seeking emergency medical attention, he was diagnosed with joint separation in his left shoulder with a fractured clavicle. **Rachel Dober** and **Michelle Silva** of **WilmerHale** and **WilmerHale** alum **Samantha Becker** assisted the veteran with a CRSC application. The CRSC board granted benefits, under the direct result of armed conflict category, for the veteran’s mental health condition, traumatic brain injury (TBI), and tinnitus based on his combat medals. His shoulder and back conditions were awarded CRSC due to simulating war in combatives training. He obtained benefits for rhinitis and irritable bowel

syndrome under the instrumentality of war category, as these conditions are related to exposure to burn pits. His overall combat-related disability rating was 70%.

An Army Infantry Sergeant was serving in Iraq when the Islamic Republic of Iran attacked Al Assad Airbase with multiple intercontinental ballistic missiles. The veteran was assigned to the Quick Reaction Force and was dispatched to an entry control point during a lull in the attack to identify and assist any civilian casualties. Shortly after arriving, the missile attack resumed. Several missiles landed within fifty meters of the veteran’s position. Three to four of the missiles detonated near him throwing him off his feet due to the concussive force of the blast. Following the attack, the veteran was directed to evacuate casualties and clear unexploded ordnance. The veteran was evacuated several hours following the attack based on his medic’s assessment that he suffered a concussion. He was awarded a Purple Heart and an ARCOM with C device for the injuries he sustained during the missile attack. The **Wilkie Farr** team of **Weston Eguchi**, **Nicholas Chanin**, **Francesca Campione**, and **Courtney Cullen** filed an initial CRSC application for the veteran. He was awarded CRSC for his PTSD and tinnitus, under the direct result of armed conflict category, based on his combat award and for his migraines as due to an instrumentality of war. His combat-related disability rating is 90%.

An Army National Guard Combat Engineer Sergeant deployed to Afghanistan and Kuwait. During his deployment to Afghanistan, the veteran was frequently exposed to rocket and mortar fire. He applied on his own for CRSC for tinnitus

and sinusitis and was denied. **Nick Ramos** of **Troutman Pepper** filed a reconsideration request for those conditions as well as an initial application for asthma, rhinitis, and bilateral hearing loss. The brief highlighted new VA regulations granting presumptive service-connection for asthma, rhinitis, and sinusitis, due to exposure to burn pits during Gulf War deployments. The brief also submitted evidence documenting that the veteran's hearing loss and tinnitus qualified for CRSC under the instrumentality of war category based on the noise associated with his military tasks and indirect fire. The veteran was awarded CRSC for all requested conditions, with a combat-related disability rating of 90%, as incurred through an instrumentality of war.

An Army Sergeant deployed to Afghanistan in 2015 as a member of the Quick Reaction Force, serving in over 200 mounted and dismounted patrols in Kabul. These patrols included over 35 guardian angel missions as lead vehicle for 122 miles of travel and six missions providing security for explosive ordnance disposal. The veteran further coordinated security for 30 Coalition and U.S. Advisors on over 50 missions. While on these missions, the veteran was constantly exposed to life-threatening and traumatic circumstances including vehicle-borne improvised explosive devices and mortar fire, with explosions hitting vehicles within his convoy and near his own vehicle. **Nic Schmidt** and **Gary Eisenberg** of **Perkins Coie** filed an initial CRSC application for the veteran. He was approved for TBI, PTSD, and migraines as a direct result of armed conflict and for tinnitus as an instrumentality of war, with a total combat-related disability rating of 90%.



NVLSP Equal Justice Works Fellow Matt Handley presents a Know Your Rights training.

A Marine Corps Sergeant deployed to Afghanistan shortly after September 11, 2001, and to Kuwait during the initial invasion into Iraq in 2003, where he engaged in firefights and encountered mortars. He was awarded the Combat Action Ribbon (Kuwait). He then returned to Iraq in 2004, where he encountered IEDs and mortars. His final deployment was to Afghanistan in 2010. **Lauren Kitces** and **Brenna Jenny** of **Sidley Austin** compiled an application for CRSC for the veteran. He was awarded CRSC for his mental health conditions, along with his back, elbow, and shoulder conditions as a direct result of armed conflict. He was also awarded CRSC for tinnitus as incurred through an instrumentality of war. His total combat-related disability rating is 100%.

An Army Staff Sergeant deployed to Afghanistan in 2013 with an Infantry Division where he was part of the Quick

Reaction Force and conducted route clearance for IEDs. He also completed Ranger School earning his Ranger Tab and earned his parachutist and air assault badges. While serving with Special Forces, the veteran jumped in over 80 airborne training operations. This included hard landings, which resulted in ongoing back pain and migraines. He also struck his head on the side of an airplane, which exacerbated his traumatic brain injury (TBI). **Josh Christensen** of **Paul Hastings** assisted the veteran with a CRSC application. His TBI, migraines, and back conditions were awarded CRSC on the basis of hazardous service. His irritable bowel syndrome, tinnitus, and radiculopathy received CRSC as due to an instrumentality of war. His total combat related disability rating is 100%.

An Army Sergeant serving as a Cavalry Scout initially suffered a back injury from a bad parachute jump and subsequently aggravated his back condition during combat operations involving “avoiding numerous IED explosions” and “jumping in holes with gear” during his service as part of Operation Iraqi Freedom between 2006 and 2007. He was awarded a Combat Action Badge for his engagement with the enemy. **Jim Fishkin** and **Dennis Schmelzer** of **Dechert** filed a CRSC application for the veteran. He was awarded CRSC for his back condition as due to hazardous service and for radiculopathy as secondary to this condition. He was awarded benefits for his mental health condition and tinnitus based on his combat award. His total combat-related disability rating is 80%.

An Army Sergeant First Class serving in the Infantry deployed to Iraq from 2006–07

in support of Operation Iraqi Freedom. While in Iraq, the veteran and his unit were hit with small arms fire, grenades thrown over walls, and explosives tied to trees. He received the Combat Infantryman Badge for being engaged with direct fire with enemy combatants. In 2008–09, the veteran redeployed to Iraq. His vehicle was hit with a 50 pound Explosively Formed Penetrator, and the veteran lost consciousness for approximately one minute. The veteran deployed to Afghanistan from 2011–12. In one engagement, the veteran was stranded on a rooftop for approximately fifteen 15 minutes, during which time he was pinned down by incoming enemy fire. On another occasion, the veteran’s vehicle hit an IED which ripped through the vehicle, causing the veteran to take shrapnel and overpressure to his legs. After these deployments, the veteran entered Jumpmaster School. On one occasion, during a simulated combat jump, the veteran oscillated to the ground because the aircraft was going too fast. He faceplanted on that jump, after which he was immediately transported to the emergency room where he was diagnosed with a TBI. He was later diagnosed with trigeminal neuralgia and degenerative arthritis of the cervical spine, also as a result of that hard landing. **Bonnie Glatzer** of **Nixon Peabody** filed a CRSC application for the veteran. He was approved for CRSC for his PTSD, TBI, and tinnitus as a direct result of armed conflict based on his combat award. He was approved for migraines and arthritis due to hazardous service (Airborne Operation). He was approved for fibromyalgia and irritable bowel syndrome due to an instrumentality of war. His total combat-related disability rating is 100%.

An Army Master Sergeant deployed 6 times, during which he was knocked unconscious by IEDs several times. He conducted over 200 combat patrols in Iraq and led over 250 combat patrols in Afghanistan. He received the Combat Action Badge for his service. The veteran suffered at least 13 TBI producing incidents, mostly from blasts experienced while engaged in his duties as a combat engineer. In one incident in 2004, in a blast that killed at least 20 other service members, the veteran received a severe concussion, nosebleed, and bit his tongue. Treatment for that injury required opening his skull to relieve pressure on his brain. **Jim Thatcher** and **Faisal Akhter** of **Microsoft** assisted the veteran with an application for CRSC. He was approved for PTSD, TBI, and tinnitus as a direct result of armed conflict based on his combat award. His back conditions, migraines, and scars were approved as incurred through an instrumentality of war. His total combat-related disability rating is 100%.

An Army Sergeant First Class who served in the Infantry was involved in the initial invasion of Iraq and participated in several patrols where he was engaged in direct combat with the enemy. During his second tour in Iraq, an IED detonated and launched his vehicle through the air. While performing his Infantry duties during his tours in Iraq, the veteran was engaged in constant firefights, engaged with the enemy daily, and experienced explosions occurring “all the time.” His awards included the Combat Infantryman Badge. **Kasey Erb** of **McGuireWoods** filed an application for CRSC for the veteran. He was awarded CRSC for his PTSD as a direct result of armed conflict based on his combat award. He was also awarded CRSC

for obstructive sleep apnea and bilateral facial motor nerve conditions which the VA had found to be secondary to his PTSD. His total combat-related disability rating is 90%.

A Marine Corps First Sergeant served as a Rifleman, Infantry Unit Leader, and Marine Combat Instructor, before being promoted to First Sergeant. In 2004, he participated in Operation Phantom Fury during the assault of the city of Fallujah in Al Anbar Province in Iraq. At the time of Operation Phantom Fury, Fallujah was “an insurgent stronghold in the heart of Iraq” that required “marines and soldiers of the expeditionary force [to clear] the city, block-by-block, house-by-house, room-by-room.” The veteran was in close proximity to over one thousand explosions and was regularly engaged in firefights, killing enemy combatants, and working to clear the city of insurgents. The veteran returned to Iraq in 2006 for his second combat deployment in support of Operation Iraqi Freedom. Throughout this deployment, the veteran led over 160 dismounted combat patrols and 50 mounted combat patrols in Haqlaniyah, Iraq; executed 15 joint US Marine Corps/Iraqi Army combat patrols; located and recovered 5 IEDs prior to detonation; and, detained 25 anti-Iraqi Forces in Haditha. The veteran regularly engaged in firefights and was in close proximity to blasts, explosions, and airstrikes during the course of this deployment. The veteran was awarded the Navy and Marine Corps Commendation Medal with Combat “V” for his actions in Iraq in 2006. **Tony Upshaw**, **Caroline Iovino**, and **Alex Spisak** of **McDermott, Will & Emery** filed a CRSC application for the veteran. The veteran was awarded CRSC for numerous conditions based on armed conflict including PTSD, shoulder, elbow, hip, knee

and back conditions. CRSC for tinnitus was granted as due to an instrumentality of war. His total combat-related disability rating is 100%.

In 2018, a Navy Special Warfare Combatant-Craft Crewman experienced a bow plunge of his boat at 50 miles per hour off the coast of Iran, submerging him and the craft underwater and causing him to suffer a TBI with ensuing migraines. **John Miller and Elizabeth Prewitt of Latham & Watkins** assisted him through the Disability Evaluation System, resulting in the veteran obtaining a medical retirement. The team then filed an initial application for CRSC, obtaining a 60% combat-related disability rating for the veteran's migraines, right ankle, and tinnitus under conditions simulating war. Continuing with reconsideration, and joined by **Andrew Moosmann and Jamie Garcia**, the veteran obtained CRSC for his mental health condition, bringing his total combat-related disability rating to 80%.

An Air Force Master Sergeant deployed four times, including to Iraq in 2008, Afghanistan in 2010 and 2012, and the United Arab Emirates in 2015. During these deployments, the veteran was exposed to toxic burn pits on a regular basis. While on the ground at Al Dhafra Air Base in the United Arab Emirates in 2015, he began to experience symptoms of follicular lymphoma. When he returned from deployment, he was diagnosed with lymphoma. He applied for CRSC on his own in 2019, citing his exposure to burn pits as a causative factor of his lymphoma, but his application was denied. **Craig Leen, Cole Wilhelmi and Catherine Johnson of K&L Gates** assisted the veteran with his CRSC application. Their brief highlighted that on August 10, 2022, President Joe Biden signed into law the

Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 (the "PACT Act"). In passing the PACT Act, Congress recognized the critical need to expand healthcare services and disability benefits for veterans who were exposed to burn pits and other toxins during their course of service to the country, but, like the veteran, have no possible way to establish direct causation to a medical certainty. Among other things, the PACT Act establishes a presumption of service-connection with respect to a number of diseases, including lymphoma cancer of any type, that became manifest in "covered veterans" who served in countries such as Iraq, Afghanistan, and the United Arab Emirates during the Gulf War. Following submission of this argument, the veteran was awarded CRSC for his lymphoma with a combat-related disability rating of 100%.

An Army Sergeant First Class serving as a Special Forces Engineer deployed to Afghanistan and experienced extensive exposure to blasts including mortars and an IED strike of a nearby vehicle. He was awarded the Combat Infantryman Badge and the Bronze Star for this deployment. He experienced PTSD, TBI, and migraines from these blasts. In addition, he suffered from retinal detachment when a simulated bullet hit his eye during a training, necessitating surgery. **Jamie Isani of Hunton Andrews Kurth and Maggie Martin of Capital One** filed an initial application for CRSC for the veteran. He was awarded CRSC for his PTSD, TBI, migraines, and tinnitus as a direct result of armed conflict based on his combat award. The CRSC Board awarded benefits for both retinal detachment and rhinitis, a PACT Act condition, as incurred through an instrumentality of war. His total combat-related disability rating is 80%.



NVLSP Director of Lawyers Serving Warriors® Rochelle Bobroff appeared on pro bono partner WilmerHale's In the Public Interest podcast discussing the work of the pro bono program.

Military Sexual Trauma VA Benefits

An Engine Mechanic reported that he was sexually attacked by his first sergeant in the early 1960s. He recounted that he fought back but was hit in the head and knocked unconscious. In 2016, after over 50 years of symptoms of PTSD and depression, he reported his MST experience to a private psychiatrist, who diagnosed him with PTSD and depression. In 2017, he began mental health treatment at the VA, and the VA provider linked his PTSD diagnosis to the MST. Nevertheless, the VA denied service connection for his PTSD, stating there was a lack of objective evidence that his PTSD was caused by the reported in-service stressors. **Thomas Fleming, Davin Renner Laskin, Jordan Martin and Ben Sharp of Kirkland & Ellis** filed a supplemental claim, submitting new evidence including a new medical exam by a psychologist providing a PTSD diagnosis. Additionally, their brief set forth the extensive documentation in the veteran's military and medical records of behavioral and medical changes shortly after the sexual assault, constituting markers of MST. The brief argued that the evidence established a valid service connected claim,

pursuant to the legal standards. The VA granted service connection for his PTSD with a 70% disability rating.

A Navy Deck Seaman participated in a mentorship program, choosing as her mentor a sailor with eight years of seniority over her. A few months later, at a party, she had one drink but had no further memory of the evening. She was told by a friend that she had sexual contact with the mentor. The friend further relayed that the veteran had been so intoxicated that she could not stand up and had to be carried out. The veteran realized that the mentor drugged her and raped her while she was intoxicated. The mentor bragged about the sexual encounter to other service members in the mess hall, though he omitted that she had been raped. As a junior sailor, she was too embarrassed and ashamed to admit she had no recollection of the event. She began to experience depression, but was advised by a military doctor to keep quiet about her depression to avoid staining her military record. Several years after her discharge, she sought service connection for PTSD from Military Sexual Trauma (MST). Initially, the VA examiner opined that her PTSD was due to the MST. However, after urging by the VA, the examiner concluded that a diagnosis of PTSD could not be supported because there was purportedly no evidence in the file of a marker to corroborate the occurrence of the MST. The examiner noted that buddy statements could potentially verify changes in her behavior and serve as a marker. **Emily Wexler and Garrett Lance of Sidley Austin** filed a supplemental claim, submitting statements from the veteran's sister and longtime friend corroborating marked changes in the veteran's behavior after she was raped. The brief explained

that the veteran's testimony is consistent with the use of date rape drugs and that the statements from the veteran's sister and friend provided corroboration of the MST. The VA awarded service connection for PTSD due to MST and depression, assigning a rating of 100%.

In the early 1990s, an Army ammunition specialist was raped by her staff sergeant while on guard duty in her battalion headquarters in Germany. Her staff sergeant threatened to kill her if she ever told anyone. Terrified of the repercussions, she remained silent for decades. She suffered from severe anxiety and panic attacks. In 2013, she applied for VA benefits for PTSD from Military Sexual Trauma (MST). The VA denied her application based on a lack of documentation in her service records. **Michael Jaeger** of **Faegre Drinker** filed a supplemental claim with a new mental health opinion from a mental health practitioner. The report of the mental health practitioner concluded that the MST was "the etiology of her presenting symptoms and diagnosis of PTSD." The brief explained how this new and material medical evidence satisfied the elements needed for service connection. The VA granted service connection for PTSD, with a 70% disability rating.

Near the end of basic training in 2007, an Army service member suffered stress fractures to her hips and foot. She was transferred to the rehabilitation platoon where she was repeatedly sexually assaulted, but she did not report the assaults. She was discharged due to her stress fractures. In 2015, she applied for service connection for PTSD due to Military Sexual Trauma (MST). Her claim was denied, based on a lack of evidence of the

assault in her military records. She applied again in 2017, and a VA medical examiner found that her PTSD likely originated from childhood sexual abuse but was aggravated by the sexual assault during her service. Nevertheless, the claim was denied due to a lack of in-service documentation of the assault. She requested reopening the denial and was given another exam in 2018, but her claim was again denied. **Adrianne Waddell** and **Mark Davis** of **Holland & Knight** sought a Higher-Level Review of the denial. Their brief argued that the 2017 medical examination finding of aggravation from the MST was sufficient corroboration, pursuant to caselaw. In January 2022, the VA granted service connection for her PTSD from MST with a 70% rating and an effective date back to 2015.

MISCELLANEOUS

For years, VA denied insured veterans reimbursement for out-of-pocket payments incurred as a result of emergency medical care provided at non-VA facilities, in violation of the Emergency Care Fairness Act of 2010. In 2022, the U.S. Court of Appeals for the Federal Circuit reversed a grant of mandamus to Amanda Wolfe and a class of similarly situated veterans who had been denied reimbursement, but also agreed with the class that the regulation was unlawful. In the wake of that decision, the team at **Sidley Austin** who had assisted in Ms. Wolfe's class action case, **Mark B. Blocker**, **Kara L. McCall**, **Brooke Boll**, and **Sean Griffin**, promptly filed a petition on behalf of Ms. Wolfe and another veteran, Joshua Kimmel, directly challenging the regulation in the Federal Circuit. The court granted the petition, invalidated the rule, and ordered VA to publish a revised rule within 120 days. VA

complied and issued a new interim final rule on February 22, 2023.



Veteran consulting with NVLSP pro bono volunteer attorneys from McGuireWoods and Capital One at Richmond, VA Discharge Upgrade Clinic.

Perkins Coie represented NVLSP, Iraq and Afghanistan Veterans of America, Paralyzed Veterans of America, Veterans of Foreign Wars, and Vietnam Veterans of America as *amici curiae* before the Supreme Court in *Torres v. Texas Department of Public Safety*. Volunteers **Alec W. Farr**, **Kerensa Gimre**, and **Megan McLean** submitted a brief in support of Le Roy Torres, who was discriminated against by his state employer based on his service-related disability. The brief explained the importance of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), and how the anti-discrimination rights in that law fit within the full range of benefits Congress has provided to veterans. At oral argument, the justices referred to the brief multiple times, demonstrating the importance and value of the amicus brief to the Court's decision-making, and in June 2022 the Court granted Mr. Torres's petition, ensuring that USERRA remedies are available against state government employers.

In 2020, VA made extensive changes to its eligibility requirements for the Program of Comprehensive Assistance for Family Caregivers, which led to thousands of seriously disabled veterans and their caregivers being told they would be removed from the program and stop receiving critical monthly stipends. **Timothy Q. Li** and **Mike Franzinger** at **Sidley Austin** filed a challenge to the rule on behalf of Veteran Warriors, a non-profit organization that assists veterans and their caregivers. The U.S. Court of Appeals for the Federal Circuit granted the challenge in part, and struck down a provision that imposed new requirements for veterans to prove eligibility on the basis of requiring supervision, protection, or instruction. Because VA's eligibility assessments did not explain why veterans became ineligible under the new rule, VA determined that the Federal Circuit's decision required the agency reassess all caregivers and veterans in the program prior to 2020, and extended eligibility for all such participants until at least September 30, 2025.

Board of Veterans' Appeals (BVA) Remand

An Army sergeant served on active duty from 1974 to 2000, including service in Korea and multiple tours of duty within Germany. In 1994, while stationed in Germany, the veteran was injured while in the field wearing full combat gear. He was transferred to the emergency room for treatment and was given pain medication. He was told that the weight of his load bearing equipment compressed his spine and possibly twisted his neck. This injury caused disc protrusion in his spine. In addition, the veteran served in multiple

positions in Army postal units, where he would lift hundreds of bags of mail on a daily basis. He developed shoulder bursitis as a result of his service. He was further diagnosed by the VA with glaucoma and tinnitus. **Amy Doberman** and **Elese Hanson of WilmerHale** filed a brief at the BVA advocating that the veteran should be awarded Total Disability based on Individual Unemployability (TDIU). They argued that the evidence amply supported a finding of TDIU as the veteran was unable to secure substantially gainful employment due to his service connected disabilities. The records showed that his service connected disabilities caused him to experience limitations in walking, bending, twisting, standing, sitting, and driving, and these limitations affected his occupational functioning. The brief explained that when the Board determines whether a claimant is entitled to TDIU, it is required to consider the individual veteran's education, training, and work history. In this case, the veteran worked in either physically demanding roles, such as his role at the aluminum company and his role in the Army's postal service, or in administrative roles that required minimal to no use of a computer. His technology skills would not permit him to be gainfully employed in an office or administrative position today. The veteran was awarded TDIU and received a retroactive payment of over \$138,000.

A veteran served on active duty from August 1965 to August 1973, deploying to several Royal Thai Air Force Bases. He was exposed to Agent Orange from acting as an air traffic controller, logging over 1,500 hours for pilots flying combat missions. He also was exposed to Agent Orange when planes were taking off and landing across the perimeter of the bases. When Agent

Orange was sprayed, the spray went onto the aircraft, dried, and the baked agent came off when the propellers started running. In addition, he would also occasionally walk over areas sprayed by Agent Orange and recalled one experience where he was misted with an Agent Orange spray while playing softball. He sought service connection for diabetes and other conditions based on his exposure to Agent Orange. **Frank Gooch III of Cozen** filed a brief at the BVA, setting forth the legal criteria for service connection based on lay testimony. The brief further noted that the veteran served at the perimeter of the Thai Air Force Base, and the VA Manual permits a presumption of exposure for veterans whose duties were at or near the perimeter. The brief argued that the veteran provided credible lay evidence showing he was stationed "near the air base perimeter" of one of the Royal Thai Air Force Bases, and therefore the veteran met the requirements for presumptive service connection. The BVA was persuaded, granting service connection for all requested conditions. The veteran received \$95,823.85 in retroactive benefits.

Matthew Rowan and **Larry Slovensky of King & Spalding** assisted a veteran who was denied service connection for sleep apnea. First, the brief advocated for direct service connection based on a medical nexus opinion, opining it was more likely than not that the veteran's sleep apnea began in service. This opinion was based on the veteran's report that during his service he experienced excessive daytime somnolence, difficulty sleeping, waking up choking for air, and being told by fellow service members that he snored loudly and stopped breathing while on active duty. Second, the brief argued that the veteran's

sleep apnea should be granted service connection as secondary to his allergic rhinitis and sinusitis. The VA's denial was based on a VA examiner finding it less likely than not that the sleep apnea was a secondary condition. The brief asserted that the VA examination was inadequate and emphasized that the private medical opinion contained a thorough and well-supported positive nexus opinion. Third, the brief explained that the veteran's sleep apnea was aggravated by weight gain caused by his service connected rhinitis and sinusitis. The BVA granted service connection for sleep apnea, as secondary to the veteran's sinusitis, and aggravated by his weight gain. The BVA was convinced by the brief that the VA exam was of little probative value, while the private exam was of great probative value. The veteran was granted a rating of 50%, effective June 23, 2009, receiving approximately \$125,000 in retroactive benefits.

A US Marine Corps veteran served for 8 years as a welder. He then worked for a private company as a precision robotics welder of nuclear components for military applications. The VA granted service connection for carpal tunnel syndrome a few years after his service, which worsened with his continued work as a welder. When he left employment as a welder, he was unable to secure any other gainful employment. **Alex Dilley** and **Peter Carney** of **White & Case** filed a brief advocating that the veteran be found eligible for Total Disability based on Individual Unemployability (TDIU). The brief set forth extensive evidence that his inability to work was due to his service connected carpal tunnel syndrome. The brief explained that the veteran had worked as a precision robotics welder of nuclear

components for nearly his entire career. His line of work required the use of his dominant hand and required him to lift and operate machinery with a degree of care to ensure the safety of himself and others. Even if the veteran had sought employment as a welder in a field that requires less precision, the record demonstrated that his carpal tunnel syndrome prevents him from securely holding and gripping the tools necessary to complete this type of work. The brief further argued that due to his limited education and advanced age, he could not obtain substantially gainful employment. The BVA awarded TDIU, and the veteran received a back award of approximately \$90,000.



NVLSP Staff with pro bono partners McGuireWoods and Capital One at Discharge Upgrade Clinic in Richmond, VA.

A veteran served on active duty in 1983 and in the Reserves until 1995 during the Peacetime and Gulf War era. He injured his back working as a cook. Following his discharge, the veteran worked as a truck driver and then as a sales consultant. He was service connected for several conditions, including low back strain, depression, and sleep apnea. He was unable to work after 2011 due to his numerous conditions, but the VA denied Total Disability based on Individual

Unemployability (TDIU). **Chris Brolley of Troutman Pepper** filed a brief at the BVA arguing that the VA had failed to consider the veteran's 12th grade education and limited work history in determining whether his disabilities precluded him from obtaining gainful employment. The brief highlighted lay evidence from the veteran that he was unable to take care of himself and began having outbursts at work because of his deteriorating mental health. He went on short-term disability leave from his job due to his extensive injuries (back and neck pain, memory loss, etc.) and then was granted long-term disability benefits. The brief explained that the veteran's depression symptoms and low back disability symptoms, in conjunction with his high school education and work history as a truck driver and sales consultant, prevented him from securing substantially gainful occupation. The Board awarded TDIU, and the veteran obtained retroactive benefits of over \$63,000.

In 2021, **Nancy Brownstein of Davis Wright Tremaine** represented a survivor of military sexual trauma in a BVA Remand matter to increase the veteran's Post-Traumatic Stress Disorder (PTSD) disability rating. The veteran's PTSD rating was increased from 10% to 70% for an earlier timeframe and the veteran's current rating was increased from 50% to 70%. After a second remand from the CAVC, **Davis Wright Tremaine's K.C. Halm** agreed to further represent the veteran. This time, the brief argued for a 100% rating. The brief asserted that the Board erred by relying on Global Assessment Functioning ("GAF") scores to rate the veteran's disability. The VA revised its rating schedule for mental disorders to conform with DSM-5 standards effective August 4, 2014; and VA advised

that these new standards would apply to all claims save those pending before the Board, the Court, or the Federal Circuit as of that date. The Board agreed, assigning a 100% rating for PTSD back to 2012. The veteran received back pay of over \$75,000.

A veteran dislocated his finger while serving in the Air Force in 1967. He filed a claim in 2011 for service connection for pain in his finger which the VA denied based on a lack of medical records documenting ongoing pain between the end of his service and the filing of the claim. **Teague Donahey of Holland & Hart** filed a brief at the BVA arguing that the Board should reopen the issue of service connection for the veteran's left index finger condition and find that the disability is service connected. The brief explained that the veteran had submitted new and material evidence concerning the continuity of his symptomatology which demonstrated entitlement to service connection. The Board agreed that new and material evidence was received and reopened the claim for the left index finger disability. After a new medical examination, the veteran's finger condition was granted service connection, and the veteran received a back payment of approximately \$12,000.

A Vietnam veteran was service connected for type II diabetes mellitus with diabetic neuropathy and for Parkinson's Disease. Both diseases were service-connected due to the veteran's presumed exposure to herbicide agents while serving in Vietnam. After the veteran was found dead by his wife, the original death certificate noted that the veteran died of natural causes. However, an amended death certificate indicated that his immediate cause of death

was Chronic Obstructive Pulmonary Disease (COPD). His surviving spouse sought VA Dependency and Indemnity Compensation (DIC). Because COPD was not a service-connected condition, the VA initially denied DIC. **Tom Woolsey** and **Laz Zamora** of **Hogan Lovells** represented the surviving spouse at the BVA and obtained an independent medical opinion which stated that the veteran's service-connected diabetes—diabetes that had worsened to include diabetic neuropathy—contributed to his respiratory decline and ultimate death. The brief argued that the veteran's service connected disabilities—both which involved active processes affecting vital organs—contributed to his death because the resulting debilitating effects and general impairment of health rendered him materially less capable of resisting the effects of his COPD that caused his death. The Board awarded entitlement to service connection for DIC benefits. The surviving spouse obtained approximately \$87,000 in a retroactive award plus an ongoing monthly benefit.

In 1998, the VA discontinued special monthly compensation (SMC) for a veteran for loss of use of a creative organ. **Andrew Bethune** of **Orrick** filed a brief at the BVA arguing that the 1998 VA decision committed a clear and unmistakable error. First, the VA failed to correctly apply extant VA regulations by not reviewing the entire record and by finding that the veteran's ability to procreate forecloses SMC. Second, the VA committed an undebatable error because its failure to correctly apply extant VA regulations created a fatal flaw in its 1998 Decision. Finally, the VA's error manifestly changed the outcome of its 1998 Decision because

proper application of extant VA regulations would have continued SMC. The BVA agreed, ruling that the December 1988 rating decision discontinuing SMC was clearly and unmistakably erroneous and the 1998 decision was revised to reflect the continuance of SMC benefits effective April 1, 1999. The veteran received over \$27,000 in retroactive benefits.

US Court of Appeals for Veterans Claims (CAVC)

The veteran served in the Army as a military police officer and was deployed to Vietnam. He participated in the Battle of Ia Drang where he flew in helicopters and provided machine gun support. During the battle, he was involved in arms fire and mortar attacks and saw both his fellow soldiers and enemy combatants deceased. In the aftermath of the battle, he was required to handle prisoners and corpses. Post-discharge, he was service connected for Post-Traumatic Stress Disorder (PTSD). However, the Board of Veterans' Appeals (BVA) denied a ruling in excess of 50% for his PTSD and further denied Total Disability based on Individual Unemployability (TDIU). **Sydney Corry, Belle Harris, Scott Andrzejewski, Richard Cunningham** of **Kirkland & Ellis** and **NVLSP** appealed the denial to the CAVC. First, the brief argued the BVA failed to provide adequate reasons or bases for its decision because it failed to consider material, favorable evidence, and thus failed to apply a holistic analysis of the veteran's PTSD. Second, the BVA failed to provide adequate reasons or bases for its rating decision when it mistakenly treated the increased rating as a checklist of symptoms, rather than an illustrative list. Third, the Board failed to provide adequate reasons or

bases for its conclusion that the veteran was able to secure or follow substantially gainful employment by starting his own business out of his home. The Court held the Board failed to adequately address evidence of the veteran's suicidal ideation. Further, the Court held that the Board failed to explain why no attention was paid to the veteran's intermittent passive suicidal ideation, even when suicidal ideation alone may cause occupational and social impairment with deficiencies in most areas. Regarding TDIU, the Court held that the Board's justification—that despite the veteran's limitations, he could maintain employment by having his own repair shop—failed to address whether the veteran was capable of performing the mental and physical acts of employment.

The veteran served in the United States Navy from August 2004 to April 2010. The rigors of her tour of duty permanently strained her left knee, culminating in a diagnosis of degenerative joint disease. The veteran received service connection for her left knee disability, but she repeatedly was denied just compensation, being erroneously limited to a 10 percent rating for her left knee instability and limitation of flexion/extension. **Covington** and NVLSP filed a brief at the CAVC arguing for a higher rating. The brief argued that the BVA erred by failing to satisfy its statutory duty to assist and relying on VA examination reports that were inadequate for rating purposes. Those reports failed to assess the severity of the veteran's disability during flare-ups and failed to discount the ameliorative effects of medications and orthotic devices. The Court held that the Board provided an inadequate statement of reasons or bases, because the BVA did not make a finding as

to the adequacy of the medical examinations. The Court held that the BVA erred by failing to explain whether the veteran's VA medical examinations were adequate in terms of assessing the functional limitation of her left knee during a flare-up.

An Army veteran served honorably on active duty, including combat service, from 1992 to 1996 and from 2004 to 2005, earning several awards. Post-discharge, he was service connected for a trauma-related mental health disorder, and he sought a higher rating for his psychiatric condition. The BVA denied him an initial rating above 30%, instead granting him a staged rating of 50% effective as of the date of a later private medical examination. **Joseph Mueller, Mark Hanin, and Lydia Turnage of WilmerHale** and NVLSP assisted the veteran in appealing the BVA's decision at the CAVC. The brief argued that the BVA's decision was erroneous in multiple respects because it made findings contradicted by clear record evidence; ignored material evidence supporting a higher disability rating; failed to provide adequate reasons or bases for the starting date of the 50% rating; and failed to assess the impact of the veteran's symptoms on his overall occupational and social functioning, as required by law. The Secretary of Veterans Affairs conceded most of these arguments in his opposition brief. The Court ultimately remanded the entirety of the decision to the BVA for readjudication, finding that the Board erred by failing to assess the severity, frequency, and duration of the veteran's symptoms and resulting impairment, and by failing to discuss potentially favorable evidence.

A United States Army veteran served on active duty from May 1983 to February 1992. He served during the Persian Gulf War, for which he received the Combat Infantry Badge and Bronze Star. The veteran received service connection for right hip and bilateral knee disabilities, but he was improperly limited in the ratings for these conditions. **Stephanie Crawford** and **Mark Remus** of **Crowell & Moring** and NVLSP represented the veteran at the CAVC. The brief argued that the Board erred by failing to ensure the VA fulfilled its duty to assist when it relied on VA medical examinations that were insufficient to assess the veteran's limitations due to right hip and bilateral knee conditions. Specifically, the Board failed to ensure that the veteran was afforded medical examinations that accounted for the regulatory factors and to ensure the examinations complied with the Board's prior remand instructions. The Court held that the Board failed to address the adequacy of VA examination reports, making only an unsupported finding that the examinations complied with the prior remand order.

The veteran served on active duty as an artillery specialist in the United States Army from September 1967 to September 1969, including service in Vietnam. It is presumed that he was exposed to herbicides

such as Agent Orange during this active duty service in Vietnam. The veteran sought entitlement to service connection for hypertension as a result of herbicide exposure during service in Vietnam, but this claim was denied. **Jaclyn Marasco** and **Shane Anderson** of **Faegre Drinker** and NVLSP appealed to the CAVC. The brief argued that the BVA erred in relying on two the inadequate VA exams, which were based on the wrong causation standards, and otherwise provided an inadequate statement of reasons or bases for its reliance on the VA examinations to support its denial of service connection for hypertension. The Court agreed and held that the BVA erred by failing to adequately assess a report issued by the National Academy of Science (NAS), which purposefully refuses to state its findings in terms of cause and effect due to its congressional mandate. Thus, the BVA improperly relied on VA examiners' conclusions that the veteran's hypertension was less likely than not caused by Agent Orange exposure because the 2018 NAS report from the National Academy of Science did not establish cause and effect between Agent Orange and hypertension. Further, the Court held the BVA also erroneously used the absence of a statement regarding cause and effect in the 2018 NAS report as substantive negative evidence against causation.

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NVLSP's Lawyers Serving Warriors® (LSW) pro bono program extends our heartfelt appreciation to all LSW partner law firms and corporations that accepted cases, projects, limited scope opportunities, and staffed clinics in 2022. With this pro bono support, LSW provided full representation to 488 veterans and servicemembers and clinic services to 199 veterans and servicemembers in 2022. LSW partners accepted 223 discharge upgrade file review limited scope matters and 22 projects in 2022. Below we list the names of volunteers who accepted matters in 2022 and provide a summary description of the matters accepted by LSW partner firms and corporations.

Accenture: 5 matters

LSW Pro Bono Contact: Julia Gilfillan

Accenture accepted 5 discharge upgrade file review matters.

Akerman: 4 matters

LSW Pro Bono Contacts: Gina DelChiaro, Giselle Burke

A new LSW partner in 2022, Akerman accepted 4 CRSC cases.

Brittanie Browning
Steve Chudnow
Michael Hess

Trish MacAskill
Phil Slinkard
Rob Weitzel

Akin: 4 matters

LSW Pro Bono Contacts: Emily Heger, Lauren Connell, Paul Butler, Steven Schulman

Akin accepted 2 cases before the Board of Veterans' Appeals, 1 CRSC case, and 1 discharge upgrade case.

Adriana Campos-Korn

Danny Chasin

Therese Detablan
Ryan Ellsworth
Merrill Godrey
Alexis Marion

Haley High
Brad Warner
Lauren York

Amazon: 1 matter

LSW Pro Bono Contacts: Lloyd Chee, Julie Friar

Amazon accepted 1 discharge upgrade file review matter.

Taylor Hicks

Aon: 1 matter

LSW Pro Bono Contacts: Peter Banick, Erin Brotzler

Aon accepted 1 CRSC matter.

Fred Hnat
Frank LaVaglia

Ballard Spahr: 4 matters

LSW Pro Bono Contact: Lisa Swaminathan

Ballard Spahr accepted 3 discharge upgrade cases and 1 CRSC case.

Christopher T. Cognato
Brendan K. Collins
Kyle A. DeThomas
Patrick J. George*
Robert S. Gutierrez

Braelyn D. Jones*
James E. Mills*
Marc S. Segal
Elizabeth L. Schilken
Roger D. Winston

Bank of America: 23 matters

LSW Pro Bono Contact: Vince Doa

Bank of America partnered with Bradley to interview 20 veterans at a remote discharge upgrade clinic. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases. Bank of America partnered with Bradley for full representation on 3 discharge upgrade cases.

Angel Berry
Kathryn Caimi
Elisa Davis

Vincent Doa
Christopher Fregiato
Pamela Grotsky

Joseph Heeter
David Holliday
Aaron Longo
Monica Marchildon
David Masterson
Andrew McMillan
Wendy McKnight
Cassandra Thomas Roberts

Geoff Saxe
Megan Scholz
Leigh Snelling
Robert Stewart
Debbie Story
Greg Volk
Thomas Yang

Blank Rome: 1 matter

LSW Pro Bono Contacts: Kathy Ochroch, Krystal Kane

Blank Rome accepted 1 Military Sexual Trauma matter.

Patrick Collins

Bradley: 24 matters

LSW Pro Bono Contact: Tiffany Graves

A new LSW partner in 2022, Bradley partnered with Bank of America to interview 20 veterans at a remote discharge upgrade clinic. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases. Bradley partnered with Bank of America for full representation on 3 discharge upgrade cases and accepted 1 additional discharge upgrade case.

Keith Anderson
Kaylie Becker
Leah Campbell
Maria Carisetti
Buddy Cox
Anna Craft
Britney Crawford

Dennis Daniels
John Goodman
Tiffany Graves
Christy Hancock
Amanda Hutson
Christine Levi
Ginny Light

Shelby Lomax
Dana Lumsden
Robert Maddox
Jon Patterson
Grant Premo
Elizabeth Sauer

Capital One: 21 matters

LSW Pro Bono Contact: Brent Timberlake

Capital One accepted 2 CRSC matters and partnered with Hunton for a virtual clinic interviewing 19 Special Operations servicemembers seeking brief service and advice regarding medical retirement, IDES, and Combat-Related Special Compensation.

Barret Diefenderfer
Maya Glaser
Maggie Martin

David Mialaret
Katlyn Miller
Nickel Pylant

Graham Rollins
Danielle Sands
Alesia Sharman

Chevron: 2 matters

LSW Pro Bono Contact: Andrea Hogan

Chevron accepted 2 Combat-Related Special Compensation cases with partner Latham & Watkins.

Sean Dwyer
Carlos Hanze

Cisco: 25 matters

LSW Pro Bono Contact: Shoshone Moore, Graham Allan, Pablo Castro

Cisco partnered with Covington to interview 25 veterans at a remote discharge upgrade clinic. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases.

Graham Allan
Xiao Chang
Andy Chen
Tina Chin
Sri Daita
Lynn Easterling
Victoria Fernandez
Bernie Gaffney
Melissa Gaul
Nancy Johnson
Gaelle Lamande

Dan Lang
Daniel Luk
Stacie LeGrow
Caren Neydavoud
Krishna Pathiyal
Tom Philbick
Jon Schwartz
Mike Serra
Mary Ann Stathopoulos
Trich Van Gorder
Tanya Vasilev

Clifford Chance: 7 matters

LSW Pro Bono Contacts: Diana Mitchell, Timothy Cornell, Jordan Passmore

Clifford Chance accepted 7 cases before the Board of Veterans' Appeals.

Timothy Cornell
Megan Hackett
David Harris
David Michnal

Dennis Morrisroe
Jordan Passmore
Sung Shin

Covington & Burling: 59 matters

LSW Pro Bono Contacts: Kelly Voss, Jorge Escobedo

Covington hosted two virtual discharge upgrade clinics, partnering with Optum to interview 15 veterans and partnering with Cisco to interview 19 veterans. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases.

A leading LSW partner for discharge upgrades, Covington volunteers accepted 17 discharge upgrade cases (with 6 involving Military Sexual Trauma) for full representation. Covington further accepted 1 IDES matter, 1 Combat-Related Special Compensation matter, 3 appeals at the Court of Appeals for Veterans Claims, and 2 medical retirement litigation matters. Covington also accepted a project supporting the development of an NVLSP discharge upgrade self-help manual regarding VA benefits for veterans who have received a discharge upgrade.

Jay Alexander
BJ Altvater
Shara Aranoff
Daniel Auten
Stephanie Barna
Sean Bender
Dan Bernick
Ben Block
Simeon Botwinick
Ian Carrico
Peter Chen
Alex Chinoy
Ali Cooper-Ponte
Chris Denig
Rujul Desai
Ron Dove
Nora Eccles
Ashden Fein
Jason Fowler
Scott Freling
Kevin Glandon
Gina Gonzales
Tim Greszler
Jasjit Grewal
Nick Griepsma
Matt Harden

Erin Hastings
Jeff Huberman
Tyler Jankauskas
Jocelyn Jeziorny
Emile Katz
Ben Kramer
Joe Kresse
Denny Kwon
David Leapheart
Andrew Leff
Amy Leiser
Jeffrey Lerner
Web Leslie
Scott Levitt
Henry Liu
Will Mastrianna
Patrick Mattina
Alak Mehta
Nick Mendez
Emma Merrill
Krysten Rosen Miller
Marienna Murch
Matt Nicholls
Nicole Patolai
Matt Phelps
Jason Reinecke

Monty Roberson
Aly Sandler
Teena Sankoorikal
Sarah Schuler
Liz Sharkey
Nick Singhvi
Brooke Stanley
Michael Stern
Einar Stole

Daniel Suleiman
Andrew Timmick
Shanelle Van
Seema Vithlani
Mike Wagner
Scott Weidenfeller
Eugene Yoon
Jad Zhazem
Jacob Zuberi

Cozen O'Connor: 43 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 41 cases. Cozen further accepted 1 appeal at the Court of Appeals for Veterans Claims and 1 discharge upgrade file review matter.

Josephine Bahn
Marla Benedek
James Billings-Kang
Beatrice Bottini
Todd Buck
Kristina Cherevas
W. Blake Coblentz
Rikisha Collins
Michael Connolly
Hannah Cornett
Kenneth Cushing
James D. Dendinger
Michael A. DeRosa
Matthew DiCianni
Christopher Dodson
Jason Domark
Pam Dorian
Samuel Edelstein
Gregory Eisenstark
Jessica Erickson
Eliza Jane Estrella
Ashley Gomez-Rodon
Frank Gooch
Abigail Green
Brett Greving
Paul Hallgren

Robert Hawkins
Matthew Howell
Charles J. Jesuit
Christopher Josten
Stephen Kempa
Dakota Knehans
Matthew Lewitz
Aaron Lukas
David Margulis
Stephen Miller
Steven Millman
Samuel Mogensen
Amanda Nelson
Nicole Perkin
Kamille E. Perry
Vincent P. Pozzuto
Neil Quartaro
Evelyn Riley
Ralf Rodriguez
Valerie Rojas
Keri Schaubert Ph.D.
Abby Sher
Kathryn Sobotta
Joshua Stein
Julie L. Trester
William Vandiford

Rachel Wenger
Benjamin Wilkoff

Hongling Zou

Crowell & Moring: 3 matters

LSW Pro Bono Contacts: Susie Hoffman, Tiana Russell, Anita Stephen

Crowell & Moring accepted 1 medical retirement litigation matter and 1 discharge upgrade case. Crowell also accepted a project drafting and filing comments on behalf of NVLSP with the VA regarding proposed changes to the Schedule for Rating Disabilities of the Digestive System.

Katie Clune
Christian Curran
Steve McBrady
Josh Pond
Savanna Williams
Charles Baek

Amanda Berman
Cliff Elgarten
Skye Mathieson
Issac Schabes
Stephanie Crawford

Davis Wright Tremaine: 6 matters

LSW Pro Bono Contacts: KellyAnne Brophy, Rachael Morgan

Davis Wright Tremaine accepted 4 CRSC matters and 2 matters at the Board of Veterans' Appeals.

Melissa Burgess
K.C Halm
Leo Liu
Andy Lorentz

Brett Sears
Barry A. Stulberg
Jordan E. Thompson
William Wu

Dechert: 17 matters

LSW Pro Bono Contact: Suzie Turner

Dechert accepted 6 Combat-Related Special Compensation cases, 5 discharge upgrade cases, 2 medical retirement administrative appeals, 1 appeal at the Court of Appeals for Veterans Claims, and 1 Military Sexual Trauma VA claim. In addition, Dechert drafted public comments on a VA interim final rule impacting caregivers and a research memo on federal court review of DoD decisions.

Alexander Andrews
Chiara Apichi

Jonathan Blaha
Casey Braden

Craig Brown
Jessica Bula
Jooyoon Chang
Gene Cheval
Chris Christian
Kim Church
Laura Ciabarra
David Cosgrove
Chris Duerden
Jeffrey Edwards
Emma Ellis
Steven Engel
Travis Escobar
Bob Frink
Phil Garber
Eric Glickman
Griffin Hamilton
Josh Hess
Kristen Imbesi
Insung Kim
Spencer Krantz
Tricia Lee
Howard Levine
Yanyu Mao

Kelly Mathews
Katarina McClellan
Guen Park
David Pelaez
Mark Perlow
David Peters
Adam Ratner
Seth Ray
Andrea Reid
Evan Reid
Nate Richardson
Robert Robertson
Casey Roush
Anthony Rydelek
Jeffry Saavedra
Sam Scarritt-Selman
Jake Schanne
Shyam Shanker
Jennifer Swan
Devin Swaney
John Timperio
Jeremy Weyman
Naz Zilkha

DLA Piper: 114 matters

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

DLA Piper is a leading LSW Combat-Related Special Compensation partner, accepting 19 CRSC cases. DLA is also a leading LSW partner for discharge upgrade matters, accepting 18 discharge upgrade matters (with 3 involving Military Sexual Trauma) for full representation. DLA hosted 2 virtual discharge upgrade clinics, interviewing a total of 36 veterans, with their partners T-Mobile and RTX. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases. DLA accepted 36 discharge upgrade file review matters. DLA further accepted 1 appeal at the CAVC and 2 medical retirement cases. DLA volunteers also accepted a project researching professional legal ethics in Puerto Rico and medical retirement research as to whether the deferential standard should apply to the Physical Disability Board of Review (PDBR).

Ashleigh Angeletti
Margaret Austin

Tracy Block
Mary Grace Braun

Amanda Camelotto
Bryan Card
Whitney Cloud
Mikaela Colby
Melissa Coombes
Madeline Cordray
Clayton Culler
William Diggs
Adam Dubin
Alexis Elder
Ehab Elsonbaty
Ashley Escudero
Anna Finger
Jim Fischer
David Freeman
Jean Gabat
Drew Gallagher
Tonya Gauff
Emily Goodwin
Andrew Grant
Emily Green
Grace Guan
Ben Guez
Michael Haworth
Sarah He
Laura Hoey
Reema Holz
JoJo Hwang
Pam Hwang
Adrian Jimenez
Elizabeth Jonas
Peter Karanjia
Katarina Kingston
David Lacker

Lupe Laguna
Jennifer Lee
Katie Lee
Devorah Lewin
Joel Lin
Xingshuo Liu
Donna Look
Nick Luciano
Scott Luftig
Dan Lynch
Omkar Mahajan
Stephen Matthews
Dan Moench
Shelby Nace
Lachlan Nichols
Neil Pakrashi
Jasmine Penny
Stephanie Pfaff
Anjana Puri
Kenneth Rowles
Brian Seibert
Joe Small
Jenna Stewart
Ryan Sugg
Jennifer Swearingen
Joanna Sykes-Saavedra
Catherine Thomas
Lana Turpie
Josh Wan
Scott Weber
John Wei
Rob Williams
Samara Yousif
Patricia Zapata

Eversheds Sutherland: 3 matters

LSW Pro Bono Contacts: Aileen Crowson, Rich Noland

Eversheds Sutherland accepted 3 discharge upgrade matters (1 involving Military Sexual Trauma).

Mary Kate Nicholson
Maggie Pope
Abbie Sprague

Maria Stratienko
Regis Worley

Faegre Drinker Biddle & Reath: 15 matters

LSW Pro Bono Contacts: Candace Whitaker, Megan McKinney

Faegre Drinker accepted 5 CRSC matters, 4 appeals at the Board of Veterans' Appeals, 3 medical retirement administrative appeals, 1 discharge upgrade matter, and 2 medical retirement litigation matters.

Shane Anderson
Oktai Asaturyan
Scholastica Baker
Nicole Brett Campbell
Ted Budd
Mary Devlin Capizzi
Matthew Clark
Elizabeth Collins
Eva Fitzhugh
Eric Friedman
Lindsey Folcik
Lexi Fuson
John Gilmore
Susan Haag
Jeff Hedlund
Doug Heffner
Pam Hollen
Ross Johnson
Jenna Lawson
Shaun Lemmon
Elizabeth Little

RoxAnn Mack
Jaclyn Marasco
Kip McDonald
Christopher McGillen
Jacob Mendoza
Sean Metherell
Bethany Mihalik
Oderah Nwaeze
Josh Peterson
Sarah Pheasant
Robin Rank
Janet Steiner
Nicholas Stevens
Kit Thayer
Theresa Tischer
Jake Torkeo
Dona Trnovska
Charles Westerhaus
Jill Zender
Nathaniel Zylstra

Finnegan, Henderson, Farabow, Garrett & Dunner: 1 matter

LSW Pro Bono Contacts: Elizabeth Ferrill, Thomas Sullivan

Finnegan accepted 1 discharge upgrade matter.

Dan Jordan

Deanna Smiley

Hogan Lovells: 20 matters

LSW Pro Bono Contacts: T. Weymouth Clark, Joe Cavanaugh

Hogan Lovells accepted 1 matter at the Board of Veterans' Appeals, 6 administrative medical retirement appeals, 6 Combat-Related Special Compensation cases, and 5 medical retirement litigation matters. Hogan also accepted two projects. Hogan first drafted comments on behalf of NVLSP on the VA's proposed rule aimed at revising the Schedule for Rating Disabilities for Ear, Nose, Throat, and Audiology Disabilities, and Respiratory System. Hogan volunteers also assisted with medical retirement research regarding the proper venue for appealing final agency decisions to district court under the Administrative Procedure Act.

Aaron Crane
Aaron Levitats
Abdie Santiago
Alexander Woo
Alvin Lindsay
Andrea Fraser-Reid
Ashley Ifeadike
Benjamin Weber
Bert J. Lao
Bothwell Graham
Bruce Oakley
Chris Fitzpatrick
Clay Schmitt
Conner Griffith
Connie M. Potter
Craig Smith
Dave Massey
David Foster
David Gibbons
David Locasio
David Willner
Derek Lee Centola
Eli Mekonen
Emily Jenkins
George Salter
Ivan Gonzalez
Jen Bevilacqua
Jocelyn Hassel
John Castle
Jonathan Stulberg

Julie Schindel
Justin Bevilacqua
Komal Nigam
Lauren Olmsted
Lauren S. Colton
Laz Zamora
Lee Whitesell
Liz Och
Matt Bakios
Matt Marchiori
Mike Atalla
Mike Dohmann
Molly Berg Mulligan
Natalie Granda
Norm B. Coleman
Parik Dasgupta
Peter Bautz
Rachael Sakurai
Rachel Buff
Rianna Modi
Russell C. Slanover
Sarah W Keller
Scott Rosenbach
Steve Bruns
Ted Ellett
Ted Essex
Thomas Hunt
Thomas Woolsey
Tom McGovern
Will Crawford

Holland & Hart: 3 matters

LSW Pro Bono Contact: Teague Donahey

Holland & Hart accepted 3 matters at the Board of Veterans' Appeals.

Teague Donahey

Zack McCraney

Holland & Knight: 1 matter

LSW Pro Bono Contact: Gordon Griffin

Holland & Knight accepted 1 discharge upgrade case.

Erin Estevez

Hunton Andrews Kurth: 63 matters

LSW Pro Bono Contacts: Kevin Gaunt, Maeve Malik, Toni Poole

Hunton Andrews Kurth is a leading LSW partner for Combat-Related Special Compensation, discharge upgrade, and medical retirement cases. Hunton Andrews Kurth accepted 17 Combat-Related Special Compensation cases, 3 medical retirement administrative cases, 2 medical retirement litigation appeals, 1 IDES matter, and 2 TSGLI cases. Hunton also accepted 3 discharge upgrade matters and interviewed 15 veterans at a virtual discharge upgrade clinic. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases. Hunton also partnered with Capital One for a virtual clinic interviewing 19 Special Operations servicemembers seeking brief service and advice regarding medical retirement, IDES, and Combat-Related Special Compensation. In addition, Hunton Andrews Kurth accepted a research memo on servicemember removal from the Temporary Disability Retired List (TDRL).

Ben Ackerly

Britt Anderson

Arjana Balaj

Clay Bennett

Lauren Berkebile

Tim Biller

Jaime Bloxom

Ann Bozza

Karma Brown

Greg Bruno

Aaron Carroll

Grant Cokeley

Shannon Daily

Javier De Luna

Kate Eberhardt

Liliana Fiorenti

Michael Fitzpatrick

Kevin Gaunt

Drake Genna

Brendan Harney

Ashley Harper

Jae Lynn Huckaba

Jamie Isani
Andrew Kasnevich
Libby King
Chloe Kwon
Jordan Latham
Jaclyn Lee
Patrick Macher
Maeve Malik
Eric Markus
Wally Martinez
Asha McCorvey
William Merone
Michael Messonnier
Eric Murdock
Leslie Okinaka
Anna Page
Reuben Pearlman
Ryan Pedraza
Kate Perkins
Katie Pickens
Shawn Patrick Regan

Doris Rodriguez
Carley Ruival
Jennifer Scherschel
Caitlin Scipioni
Conor Shary
Beth Sherwood
Kevin Small
Samantha Smart
Nick Stellakis
Allison Tanton
Andy Tapscott
Rhea Thakore
James Tsimis
Shauna Twohig
Josh Venne
Evan Weisberg
Tom White
Kevin Whitham
Lexi Williams
Jennifer Wuebker

Jones Day: 1 matter

LSW Pro Bono Contacts: Amy Zywicki, Miguel Eaton

Jones Day accepted 1 matter at the Board of Veterans' Appeals.

Jason Keefus

K&L Gates: 8 matters

LSW Pro Bono Contact: Brian Koosed

K&L Gates accepted 5 cases at the Board of Veterans' Appeals and 2 CRSC cases. K&L Gates also provided a pro bono team to assist NVLSP in supporting the legislative efforts regarding the PACT Act.

Jessica Cohn
Nick Ersoy
Catherine Johnson
Matthew Manning

Craig Leen
Dana Parker
Chelsie Rimel
Yuki Sako

Paul Stimers
Andrew Tabler
Maeve Tibbetts

Michael Waller
Spencer Warkentin
Cole Wilhelmi

Katten Muchin Rosenmann: 1 matter

LSW Pro Bono Contact: Joe Fiorill

Katten Muchin Rosenman accepted 1 case at the Board of Veterans' Appeals.

Abigail Johansen
Nicholas McGuire

Corey Peterson
Brett Seifarth

King & Spalding: 5 matters

LSW Pro Bono Contacts: Radha Manthe, Josh Toll, Larry Slovensky

King & Spalding accepted 3 cases before the Board of Veterans' Appeals and 2 discharge upgrade cases.

Allexia Arnold
Stephen Baskin
Jennifer Maddrey
Matt Rowan

Mark Sentenac
Larry Slovensky
Andrew Stakelum

Kirkland & Ellis: 9 matters

LSW Pro Bono Contacts: Jacqueline Haberfeld, Kate Barry, Emily Sullivan, Amy Heaton, Sarah Lemar, Ashley Heubner, Ruth Dominguez, Alison King

Kirkland accepted 1 Military Sexual Trauma VA claims case, 3 cases at the Court of Appeals for Veterans Claims, 2 administrative medical retirement appeals, and 1 discharge upgrade case involving Military Sexual Trauma. Kirkland further accepted 1 discharge upgrade litigation matter. Additionally, Kirkland accepted a project supporting the development of an NVLSP manual that would include evidence-based best practices for working with veterans impacted by PTSD and other mental health conditions.

Brooksany Barrowes
Dean Brower
Brigham Cannon
Chad Crowell
Joshua Davenport
Daniel Donovan

Lucie Duvall
Ross Fiedler
Melissa Gainor
Julius Gamble
Amber Harezlak
Ian Jelsma

Kim Kelly
Robert Kimmitt
Jacob Klapholz
Mary Mazzello
Alyssa McClure

Andrea Murino
Lauren Valentor
Michael Quinn
Jordan Young

Latham & Watkins: 23 matters

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

A leading LSW partner for medical retirement, Latham provided full representation for 2 service members going through the Integrated Disability Evaluation System process, 5 veterans seeking review of the denial of medical retirement before a Board for Correction of Military Records, and 2 veterans seeking review of the denial of medical retirement at the Physical Disability Board of Review. Latham accepted 5 medical retirement cases for appeal to court.

Latham further accepted 5 Combat-Related Special Compensation cases, 1 discharge upgrade case, 1 TSGLI case, 1 appeal at the Court of Appeals for Veterans Claims, and 1 appeal at the Board of Veterans' Appeals.

Andrew Ambruoso
Lucas Balchun
Jack Barber
AJ Blair
Melanie Blunschi
Savannah Burgoyne
Ian Bushner
Mia Cabello
Sheridan Caldwell
Rachel Cohen
Michael David
Blake Davis
John Doyle
Diana Doyle
David Fischer
Nigel Frank
Leah Freidman
Jaime Garcia
Adam Goldberg
Brian Golde
Jason Gott
Joseph Hansen
Carolyn Hudson

Thomas Humphrey
Bradley Hyde
Kehaulani Jai
Michael Jin
Helen Kirkby
James Ktsanes
David Kuiper
TJ Li
Richard Lowry
Kailen Malloy
Nancy McLellan
Rachel Mitchell
Andrew Moosmann
Andrej Novakovski
Giri Pathmanaban
Byron Patton
Michelle Penzer
Natalie Pita
Matthew Powell
Elizabeth Prewitt
Linda Qiu
Kavya Rajasekar
Bert Reiser

Adrianna Robakowski
Drew Roberts
Joe Serino
Amanda Stanzione

Darryl Steensma
Ben Stollman
Jason Webber

Mayer Brown: 5 matters

LSW Pro Bono Contact: Jennifer Cheung

Mayer Brown accepted 5 discharge upgrade file review matters.

Tim Dondanville
Michael Jaeger
Jefferson Lai

Jon Schlotterback
Girindra Selleck

McCarter & English: 4 matters

LSW Pro Bono Contact: Michelle Pallak

A new LSW partner in 2022, McCarter & English accepted 4 discharge upgrade matters.

Jessica Bowman
Dayna Chucta
Kathleen Ehrhard
John Isacson

George Kendall
Anne Roebel
Shawn Smith

McDermott Will & Emery: 6 matters

LSW Pro Bono Contacts: Elizabeth Lewis, Rosie Washington-Chambers, Marshall Jackson Jr.

McDermott Will & Emery accepted 3 CRSC matters and 3 discharge upgrade matters (with 1 involving Military Sexual Trauma).

Sam Ashworth
Rachel Crooks
Marci Dillon
Ryan Forman
Todd Harrison
Caroline Iovino

Halle Landsman
Kamal Sleiman
John Song
Alex Spisak
Tony Upshaw

McGuire Woods: 47 matters

LSW Pro Bono Contacts: Michael Podberesky, Angie Zimmern, Drew Austria

McGuireWoods with their partner Wells Fargo conducted a two-day virtual clinic for 22 injured Special Operations service members. McGuireWoods also partnered with TD Bank for a virtual discharge upgrade clinic. 14 veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases.

McGuireWoods further accepted 6 discharge upgrade cases, 1 case before the Board of Veterans' Appeals, and 4 Combat-Related Special Compensation cases.

Drew Austria
Ilene Bailey
Kelly Bauer
Dylan Bensinger
Edwin Brooks
Jeff Chapman
Jeffrey Chapman
Paul Chappell
Alec Covington
Joe Crittenden
Jared DeBona
Thomas DeSplinter
Todd Dressel
Kyle Dudney
Kasey Erb
Joe Florczak
Joy Fuhr
Jon Harmon
Trish Hosmer
Joshua Jamieson
Salwa Kamal
Evelyn Kim

Mark Kinghorn
Kristen Lee
Kyle Luebke
John Michael Maclan
Jocelyn Mallette
Jessica Maupin
Rob McFarland
Gabriel Milunas
Branden Moore
Jeanne Noonan
Brett Nuttall
Krunal Patel
David Powell
Nicholas Purtell
Lowrie Reniger
Rachel Robertson
Joseph Sheerin
Kim Stouffer
Jamie Temple
Efrain Vera
Timothy Whittle

Microsoft: 6 matters

LSW Pro Bono Contacts: John Duncan III, Bill Hayden, Adrian Palma, Mohana Bhirangi, Beth Henderson

Microsoft accepted 4 Combat-Related Special Compensation cases, 1 discharge upgrade case, and 1 discharge upgrade file review matter.

Hallie Balkin
Jenn De Herr
John Duncan III
William Hwang
Tania Koles

Annelise Martin
Adrian Palma
Jessika Rovell
Megan Yoshimura

Morgan, Lewis & Bockius: 31 matters

LSW Pro Bono Contacts: Rachel Strong, Namita Mani, Andrea Fitantes, Alison Sclater

Morgan Lewis staffed a virtual discharge upgrade clinic with Entergy, interviewing 13 veterans. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases.

A leading LSW partner for discharge upgrades, Morgan Lewis accepted 11 discharge upgrade cases (with 2 involving Military Sexual Trauma) for full representation, 2 cases before the Board of Veterans' Appeals, 3 Combat-Related Special Compensation cases, and 1 amicus brief at the Court of Appeals for Veterans Claims. Morgan Lewis also drafted NVLSP comments on the VA's proposed rule aimed at revising the Schedule for Rating Disabilities for Mental Disorders.

Brendan Anderson
Bernie Archbald
Dana Bach
Dana Baiocco
Motunrayo Bamgbose-Martins
Cory Barry
Joscxdeph Benoist Paul
Kevin Biron
Lincoln Bisbee
Timothy Burke
Danielle Burt
Debra Carfora
Giovanna Cinnelli
Lindsay Craft
Will Cravens
Grant Eskelsen
Christopher Felton
Michael Fleming
Kandis Gibson
Bryan Goff
Sheri Graham
Filip Grzelak
Courtney Haley

Nathan Hall
Thomas Harman
Lisa Hazelton
Eileen Ho
Charles Horn
Zehra Jafri
Matthew Kasner
Michael Kenneally
Christian Kozlowski
Andrea Laprade
Janice Logan
Michael Lyons
Rebecca McDougall
John McGuire
Eamonn Moran
Caitlen Moser
Sandra Moser
Greg Mottla
Fiona Murphy
James Nelson
Kenneth Nunnenkamp
Meagan Nydegger
Chidima Osuchukwu

Monica Parry Lea
Patrick Rehfield
Jackson Robinson
Kathy Sanzo
Phil Sarid
Jason Scherr
Nathan Shapiro
Al Shay

Dan Skees
Eden Sung
Kristi Thielen
Derek West
Jonathan Wilcon
Kate Zheng
Austin Zuck

National Football League: 10 matters

LSW Pro Bono Contact: Dolores DiBella

A new LSW partner in 2022, the NFL partnered with Paul, Weiss to conduct 10 discharge upgrade virtual clinic interviews. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases.

David Bayer
Michael Buchwald
Thomas Cioce
Travis Clark
Dolores DiBella
Marie Francois
Lisa Friel

Todd Jones
Rachel Margolies
Medeaner Robinson
Andrew Smith
Alison Wagner
Nancy Wygand

Nixon Peabody: 10 matters

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

Nixon Peabody accepted 9 Combat-Related Special Compensation cases and 1 litigation matter.

Myra Benjamin
Tom Brett
Matt Costello
Keith Edeus
Giselle Enchill
Jessica Jewell
Peter Krusiewicz

Gordon Lang
Stephen LaRose
Erik Lindstedt
Mark Lytle
Robert McManigal
Chanel Powell
Amanda Przybycien

OpenText: 2 matters

LSW Pro Bono Contact: Brian Pinnell

A new LSW partner in 2022, OpenText accepted 2 discharge upgrade file review matters.

Brian Pinnell

Orrick: 2 matters

LSW Pro Bono Contact: Rene Kathawala

Orrick accepted 2 appeals at the Board of Veterans' Appeals.

Andrew Bethune

Chris Childers

Paul Hastings: 15 matters

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

Paul Hastings accepted 11 Combat-Related Special Compensation matters, 2 administrative medical retirement appeals, and 2 discharge upgrade matters.

Nick Bassett

Brad Bondi

Dave Coogan

Bill DeGrandis

John Gasparini

Kari Hall

Ray Hernandez

Matt Herrington

Eric Keller

Gabe Khoury

Kefei Li

Peter Lindsay

Josh Lopez

Bill McCue

Mark Metrey

John Michels

Nika Montenero

Mike Murray

Jesselyn Pe

James Razick

Laurel Loomis Rimon

Caroline Roberts

Jesse Schley

Neil Schumacher

Jessica Shannon

Zachary Silvers

Allan Soobert

Brian Stief

Karin Thrasher

Paul, Weiss: 26 matters

LSW Pro Bono Contacts: Emily Donohoe, Jeremy Benjamin, Tanaz Moghadam, Kennady Wade

Paul, Weiss hosted a virtual discharge upgrade clinic with the NFL, serving 10 veterans. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases. Paul, Weiss further accepted 3 discharge upgrade matters (1 involving Military Sexual Trauma) and 2 appeals at the Board of Veterans' Appeals. Paul, Weiss also accepted 11 discharge upgrade file review matters.

Mintewab Abebe
Matt Battaglia
Joe Bial
Lyudmila Bondarenko
Jenna Cantarella
Nicole Cobb
Linda Dragas
Frederica Fainelli
Adam Fischer
Yan Gershfeld
Nicholas Glademans
Steven Gluck
Lisa Gluckman
Carol Hobson
Chris Hopkins
Madeline Ilibassi
Stephani Johnson
Alexander Jones
Dan Kang

Jay Kaplan
Richard Kennedy
Jessie Kleinman
Chafik Leblata
Will Marks
Elizabeth McColm
Bryant Mendel
Kevin Miri
Kayo Naruse
Claudia Novod
Charles Pesant
Ryan Rodriguez
Rachel Rosenberg
John Rowland
Alexandra Stancu
John Tegelman
Jennifer Truman
Jeremy Veit
David Wuchenich

Perkins Coie: 105 matters

LSW Pro Bono Contacts: Julie LaEace, Sara Malan, Alex Canizares

Perkins Coie accepted 10 Combat-Related Special Compensation cases, 3 discharge upgrade cases, and 1 medical retirement administrative appeal. Perkins Coie is a leading partner for discharge upgrade file reviews, accepting 89 in 2022. Perkins Coie also wrote an NVLSP Supreme Court amicus brief.

David Aaron
Akua Asare-Konadu
David Baltazar
Patrick Basinski

Tessa Bell
Kaycie Benesch-Rupp
Susan Betcher
Michael Bleicher

Alix Bromer
Andrew Chen
Afzal Chowdhury
Andrew Cross
Norton Cutler
Amelia Davis
Aaron Dickinson
John Dillow
Andrew Dufresne
Matthew Dybas
Mary Emerson
Alec Farr
Julia Fox
Gabriella Gallego
Megan Geitz
Holli Giffin
Michael Glenn
Michelle Han
Moni Holmes
Coimbra Jackson
Simon Joassin
Chris Kelley
Wonji Kerper
Ethan Kerstein
Sam Klein
LeAnn Johnson Koch
Arthur Kolios
Charles Lee
Kira Loehr

Graeme Bushart
Megan McClean
Maddie McFee
Karen McGaffey
Caroline Mew
Kakoli Mitra
Jassiem Moore
Serena Nakano
Selena Ng
Michael Nguyen
Cory Owan
Mira Park
Kon Petrov
Olivia Radics
Nic Schmidt
Adrienne Sturm
Michael Swick
Jonathan Tietz
Joshuah Turner
Rae Utterback
Gia Velasquez
Tom Vogt
Ji Wang
Mallory Webster
Zoe Wood
Wei Yuan
Betselot Zeleke
Anthony Zurcher

RTX: 9 matters

LSW Pro Bono Contacts: Justin Hendrix, Jo-Ellen Vendetti, Wendie Wigginton

RTX accepted 2 discharge upgrade matters and 7 discharge upgrade file review matters.

Jonathan Banasihan
Melissa Coombes
Donna Dorbuck

Serena Forrest
Justin Hendrix

Reed Smith: 1 matter

LSW Pro Bono Contacts: Chris Walters

Reed Smith accepted 1 medical retirement litigation matter.

James Hultquist
Lucas Liben
Alex Mahfood

Shearman & Sterling: 26 matters

LSW Pro Bono Contact: Kit Chau

Shearman & Sterling volunteers accepted 4 discharge upgrade cases and 22 discharge upgrade file reviews.

Jordan Briggs
Niko Chagias
John Cove
Joe Granzotto
Trey Hebert
Efren Lemus

Jake Lortz
Adam Schwartz
Gene Stroz
Dillon Tan
Katherine Teng

Sheppard Mullin: 8 matters

LSW Pro Bono Contacts: Abby Carrigan, Daniel Brown, Townsend Bourne

Sheppard Mullin volunteers accepted 8 discharge upgrade matters.

Ben Aigboboh
Meaghan Allen
Townsend Bourne
Dan Brown
Audrey Crowell
Lily Damalouji
Kameron Dodge
Steve Kornitzsky

Chris Lawrence
Christopher Loveland
Betsey Luxenberg
Robert Magielnicki
Patrick Quine
Katherine Boy Skipsey
Ximena Solano Suarez

Sidley Austin: 78 matters

LSW Pro Bono Contact: Emily Wexler

Sidley is a leading LSW partner for all case types. Sidley accepted 10 discharge upgrade cases (with 1 involving Military Sexual Trauma), 11 Combat-Related Special Compensation cases, 1 Military Sexual Trauma VA claims case, 1 appeal at the Court of

Appeals for Veterans Claims, 1 appeal at the Board of Veterans' Appeals, and 7 medical retirement litigation appeals.

Sidley hosted a virtual discharge upgrade clinic with its partner Celanese, serving 16 veterans. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases. Sidley and partner Meta (Facebook) joined together for 10 discharge upgrade file reviews and Sidley with partner JP Morgan Chase further partnered for 20 discharge upgrade file review matters. Sidley additionally provided assistance to NVLSP's Nehmer Agent Orange class action team.

Margaret Allen
Kelsey Annu-Essuman
Barret Armbruster
Nagdev Ash
Azad Assadipour
Philip Aurentz
Bruce Banks
Alice Bell
Jonathan Blackburn
Brooke Boll
Scott Border
Tayler Bragg
Anne Brooksher-Yen
Doug Chiu
Jin Cho
Ernesto Claeysen
Christina Claxton
Sean Commons
Robert Conlan
Brian Cook
Melissa Craig
Thomas Cramer
Jerry Cummins
Miles Curry
Lauren Cuyvers
Robert Charles Davidson
Tess deLiefde
Kaitlyn Denny
Andy Dykstra
Ida Ebeid
Peter Edgerton
Bill Evanoff
Aimee Fagan

Ryan Fink
Aaron Flyer
Riana Freedman
Amisha Gandhi
Lisa Gilford
James Gilmartin
Karen Goldstein
Katherine Gomer
Conor Gordon
Connor Grant-Knight
Sophie Green
Thomas Guzman
Daniel Henry
Kevin Hess
Alexander Hirshfeld
Emily Hughes
Gregory Jacobs
Jahanzeb Jahania
Louis Jennings
Thomas Johnson
Simone Jones
Dina Kang
Jocelyne Kelly
Gerard Kelly
Benjamin Kelton
Kil Hyun Kim
Joshua Kim
Kendell Lee
Jennifer Lee
John Levi
Tiffanie Limbrick
Jackson Long
Ashleigh Lussenden

Gabriella Lyons
Imani Maatuka
Elizabeth Marino
Greg Marrs
Kristina Martinez
Imani Matuka
Kayleigh McNelis
Alex Meyer
Joseph Micallef
John Misceovich
Alec Mitrovich
Stephanie Murphy
Alexandra Mushka
Glenn Nash
Matt Nelson
Sean Nuernberger
Renee Pesiri
Natalie Piazza
Alyssa Pompei
Nikita Ponomarev
Sujit Raman
Annabeth Reeb
Penny Reid
Aaron Rigby
Caitlan Rocha
Chandler Rognes

Alice Sarvi
Yasmeen Sayyah
Nicholas Sgroi
Eve Lise Shabto
Taylor Shuman
David Sillers
Danielle Sismour
Owen Skelding
Kyle S. Smith
Rachelle Soderstrom
Celia Spalding
Spencer Stephens
Brian Stretch
Zachary Strongin
Alex Theodosakis
Valerie Truong
Robert Uhl
Robert Velevis
Christina Vo
Olivia Walseth
Alvin Wang
Melissa Wang
Emily Wexler
Nicholas Willingham
Stephanie Yang

Skadden, Arps, Slate, Meagher & Flom: 7 matters

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

Volunteer attorneys from Skadden accepted 5 discharge upgrade case cases (with 1 involving Military Sexual Trauma). Skadden volunteers also drafted a research memo on whether a veteran's surviving spouse would be entitled to an exemption of taxation of the total appraised value of the veteran's residence home in Texas and a research memo on affording complete relief to veterans in correcting their military records to reflect a medical retirement.

Paige Braddy
Jennifer Bragg
John Endresen

Carl Erdmann
Joseph Larkin
David Passarelli

Jim Perry
Scott Rabinowitz
Jacob Rahavi
Jeff Romero
Libby Rudolf

Eric Sensenbrenner
Joel Thompson
Nancy Wuamett
Rob Ziff

Steptoe: 5 matters

LSW Pro Bono Contacts: Paul Lee, Harmony Jones

Steptoe accepted 3 cases at the Board of Veterans' Appeals and 2 Combat-Related Special Compensation cases.

Henry Caldwell
Shawn Davisson
Kelly Eberspecher
Ryan Evans

Dane Jaques
Samantha McCarthy
Bill Toth

Sullivan & Cromwell: 2 matters

Sullivan & Cromwell accepted 2 discharge upgrade cases (with 1 involving Military Sexual Trauma).

Wil Gould

Terence Kim

Andrea Tokheim

Taft: 1 matter

LSW Pro Bono Contact: Monica Fennell

A new LSW partner in 2022, Taft accepted 1 discharge upgrade matter.

Joe Hendlin
Trent Sandifur

TD Bank: 13 matters

LSW Pro Bono Contact: Stacey Spevak

TD Bank partnered with McGuireWoods to conduct 13 discharge upgrade virtual clinic interviews. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases.

Ann Bowen
Jacqueline Carle
Jean Troast Day

La-Donna Lawrence
Deirdre Mcinerney
Susan Pearl-Geisling

Gus Pelagatti
Mary Ellen Rogers

Stacey Spevak

T-Mobile: 20 matters

LSW Pro Bono Contact: Michelle Painter Lama

T-Mobile partnered with DLA Piper to conduct 19 discharge upgrade virtual clinic interviews. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases. T-Mobile also partnered with DLA Piper for full representation on 1 discharge upgrade case.

Chuck Baxter
Max Caldwell
Erin Evans
Valerie Fairwell
Danielle Garten

Mary Hull
Chris Jordan
Michelle Painter Lama
Kristen Spitaletta
Carole White-Connor

Troutman Pepper: 15 matters

LSW Pro Bono Contacts: Tim Bado, Nick Ramos, Daniela Lerner, Sara Richman, Terri Hendley

Troutman Pepper accepted 6 Combat-Related Special compensation cases, 5 discharge upgrade cases, 1 case at the Board of Veterans' Appeals, 1 TSGLI case, and 1 litigation matter. Troutman Pepper also accepted a Freedom of Information Act project regarding the standard TSGLI Certification Worksheet and accompanying checklists.

Zie Alere
Tim Bado
Steve Boughton
Christopher Brolley
Madeleine Cane
Alyssa Cavanaugh
Robert Claiborne
Kelly Cournoyer
Reuben Dacher-Shapiro
Kyle Deak
Megan Dowty
William Droze
Jason Evans

Melanie Griffith
Alexander Hill
Jim Horne
Robert Jenkin
Kristin Jones
Michael Jordan
Spencer Krantz
Alison McCarthy
Trenton McGuirt
Matthew Morris
Derek Nagel
Daniel Prichard
Nick Ramos

Sara Richman
Jessica Ring
Nicholas Schuchert
S.R. Sidarth

Trey Smith
Ryan Strasser
James Washburn

VMware: 4 matters

LSW Pro Bono Contact: Stephanie Nelson

VMware accepted 4 discharge upgrade file review matters.

Danielle Coleman
Elaine Manzanilla
Karen Moir

Weber Gallagher: 2 matters

LSW Pro Bono Contact: Brad Baldwin, Kristin Fox

A new LSW partner in 2022, Weber Gallagher accepted 2 discharge upgrade matters.

Brad Baldwin
Kathleen Devlin
Sherri Dougherty

Ryan McBride
Keanna Seabrooks

Wells Fargo: 22 matters

LSW Pro Bono Contacts: Michael Gravink

Wells Fargo volunteers assisted NVLSP with conducting a 2-day virtual clinic for 22 injured Special Operations service members with their partner McGuireWoods.

Geoff Beckham
Heather LoBue
Brian Troutman

White & Case: 12 matters

LSW Pro Bono Contacts: Matt Frutig, Dan Shults, Alex Eguiluz

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

Rashad Abdallah
Taylor Akerblom
Alec Albright
Donte Bronaugh
Matt Brown
Raoul Cantero
Claire Delelle
Dana Foster
Paul Friedland
Steven Gee
Michael Goldstein
Farhad Jalinous

Douglas Jasinski
Ron Kendler
Chad Klitzman
Dominic Litz
Lauren Lundy
Katharine Pearce
David Pezza
Serena Rwejuna
Zachary Smith
Isaac Tendler
Grayson Weeks

Williams & Connolly: 12 matters

LSW Pro Bono Contact: Liam Montgomery

Williams & Connolly accepted 9 discharge upgrade matters and 1 appeal at the Court of Appeals for Veterans Claims. Williams & Connolly volunteers also wrote two NVLSP Supreme Court amicus briefs.

Perry Austin
Daniel Boger
Bill Burke
Atticus DeProspo
Michael Fishman
D. Shayon Ghosh
Lindsay Hannibal
Anna Johns Hrom
Andrew Lemens

Liam Montgomery
Madison Needham
Timothy Pelligrino
Jessica Ryen
Ashwin Shandilya
Danielle Sochaczewski
Zach Warren
Haley Wasserman
Jamie Wolfe

Wilkie Farr: 13 matters

LSW Pro Bono Contacts: Stacey Kushlefsky, Jordan Diamond

Willkie Farr accepted 12 Combat-Related Special Compensation cases and 1 medical retirement administrative appeal.

Kevin Ahmed
Krystyna Blakeslee
Ariel Blask
Amanda M. Burke

Connor Burns
Nicholas Chanin
Courtenay Cullen
Weston Eguchi

Ryan Kahn
Jason Kelly
Logan Kenney
Tyler Kuhn
Rikki Lavine
David Levine
Isabella Lipshutz
Adam Lorenzana
William Montemarano
Annie Moody

Charlene Ni
Justin Park
Michael Rieger
Ryan Peloquin
Kendra Robbins
Stacey Ruiz
Ciara Sisco
Maria Taktajian
Cassandra Vangellow
Elizabeth Wayne

WilmerHale: 22 matters

LSW Pro Bono Contacts: Erin Marie Meyer, Leigh Hillebrand

WilmerHale is a leading LSW partner for cases involving Combat-Related Special Compensation and appeals. WilmerHale accepted 13 Combat-Related Special Compensation cases, 7 appeals at the Court of Appeals for Veterans Claims, and 1 case at the Board of Veterans' Appeals. WilmerHale also assisted LSW with research regarding the Physical Evaluation Board's definition of a "combat-related injury" and potential legislative advocacy avenues.

Stephanie Avakian
Chris Babbitt
Ashley Bashur
Samantha Becker
Matthew Beville
Mike Bongiorno
Jeannette Boot
David Bowker
Mark Cahn
Salvatore Daniele
Madeeha Dean
Rachel Dober
Amy Doberman
Lori Echavarria
Erin Farrel
Micah Fielden
Jennifer Graber
Lee Greenfield
Erik Halverson
Mark Hanin
Elese Hanson
Steven Horn

Kat Jones
Michael Katz
Sean Kenny
Leon Kenworthy
Omar Khan
Jason Kipnis
Barbara Kirschten
Jonathan Knight
Peter Kolovos
Erin Ladd
Yoon-Young Lee
Sam Leifer
Lauren Lifland
Alina Lindblom
Ben Loble
Meredith Loretta
James Mansfield
Martin McCormack
William McLucas
David Mlaver
Jaclyn Moyer
Joseph Mueller

Alex Nemtzow
Anne Patej
Disha Patel
Ed Powell
Tom Oates
Grant Rowan
John Ruth
Cristina Salcedo
Alan Schoenfeld
Howard Shapiro
Kellie Shlifer
Michelle Silva
Gilbert Smolenski
Joshua Stern

Emily Summit
Erik Swabb
Kyle Swan
Jennifer Thompson
Gavin Tullis
Lydia Turnage
Matt Vigeant
Nora Xu
Jon Weingart
Monika Weisman
Amy Wigmore
Karis Yi
Todd Zubler

Winston & Strawn: 6 matters

LSW Pro Bono Contacts: Greg McConnell, Tara Moss, Maria Kutnick

Winston & Strawn accepted 6 cases at the Board of Veterans' Appeals.

Bradley Coburn
David Dalke
Rich McCarty

Tyler McGaughey
Barry Shelton
Scott Thomas

NVLSP STAFF

EXECUTIVE TEAM

Paul Wright Executive Director
Rochelle Bobroff Director of Lawyers Serving Warriors®, Pro Bono Program of NVLSP
Patty Briotta Director of Communications
Renee Burbank Director of Litigation
Ana Reyes Director of Development
Rafael Resto-Olivo, Director of Human Resources & Operations
Richard Spataro Director of Training and Publications
Stacy Tromble Director of Court of Appeals for Veterans Claims Litigation
Jeffrey J. Zanghi Director of Finance

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Adrian Adrias Accountant
Amy Borgersen Appellate Attorney
George Burtsev Office Manager
Margaret A. Costello Staff Attorney
Masha Danilenko Development Associate
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Melinda Fuentes Legal Assistant
Amy Fulmer Staff Attorney
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Louis George Special Counsel
Samantha Greenstein, Staff Attorney
Thomas Herthel Of Counsel
Christine Cote Hill Special Counsel
Rosalee Hoffman Senior Appellate Attorney
Alexis Ivory Senior Staff Attorney
Paige James Legal Assistant
Cynthia Johnson Staff Attorney
Ryan Kelley Staff Attorney
Ann Kenna Staff Attorney
Brianna LeFrere Legal Assistant
Esther Leibfarth Senior Managing Attorney
Ashlyn McCall Staff Attorney
Lane McCall IT Manager
Anita Meador Paralegal

Kenneth Meador Appellate Attorney
Erin Mee Senior Pro Bono Coordinating Attorney
Caitlin M. Milo Senior Appellate Attorney
Jessica Moore Legal Assistant
Christopher Murray Senior Managing Appellate Attorney
Angela Nedd Senior Paralegal
Anita Nigam Ritchie Appellate Attorney
Nnamdi Okoli Staff Attorney
Heather Olson, Appellate Attorney
Zach Outzen Equal Justice Works Fellow
Andrew Penman Appellate Attorney
Grace Paul Appellate Attorney
Rebecca Pierce Appellate Attorney
Dorrie Popovski Paralegal
Jeffrey Price Appellate Attorney
Abigail Reynolds Staff Attorney
Andrew Risk Paralegal
Carlie Steiner Appellate Attorney
Bart Stichman Co-Founder and Special Counsel
Elizabeth Tarloski Staff Attorney
Dale Ton Appellate Attorney
Alie Venuti Senior Staff Attorney
Lora Vineberg Staff Attorney
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