



NVLSP

NATIONAL VETERANS LEGAL SERVICES PROGRAM

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Justice for Warriors Newsletter



FEBRUARY 2025

Dear Friends,

This year NVLSP remains steadfast in our commitment: to defend the rights of veterans and their families, and to secure the vital benefits they are eligible to receive due to disabilities resulting from their military service. This issue highlights key program updates, litigation developments, and upcoming educational opportunities. Thank you for your continued support—together, we continue to make life-changing impact for those who served our nation.

Sincerely,

Paul Wright,
Executive Director

NVLSP COMMENTS

NVLSP Submits Program of Comprehensive Assistance for Family Caregivers (PCAFC) Comments



On February 4, 2025 NVLSP submitted two comments on VA's proposed changes to the regulations governing the Program of Comprehensive Assistance for Family Caregivers (PCAFC): one individual comment expressing [NVLSP's views](#) and [one](#) co-signed with other organizations including the Elizabeth Dole Foundation, the Wounded Warrior Project, the Quality of Life Foundation, and Veteran Warriors. Both comments outline positive changes, remaining concerns, and suggested improvements to the new regulation. NVLSP recently launched the Family Caregiver Assistance Program, a dedicated initiative aimed at assisting veterans and their families in accessing the Department of Veterans Affairs (VA)'s Program of Comprehensive Assistance for Family Caregivers (PCAFC). Learn more about the new program [here](#).



NVLSP Comments on Proposed Addition of Part 81 to 38 CFR Chapter I

On December 2, 2024, NVLSP submitted [comments](#) in support of VA's proposal to create a new grant program that would fund organizations assisting veterans with discharge upgrade applications. NVLSP's comments supported the creation of this new program

and encouraged VA to broaden the scope of legal services contemplated by the program and amend its criteria for receiving assistance under the program to account for pro bono programs and programs that operate fully remotely.

LITIGATION UPDATES

Supreme Court Grants Review of 9,000+ Combat-Disabled Vets Denied Full Retroactive Compensation Case

Pro Bono Counsel Sidley Austin LLP

On January 17, 2025 the [U.S. Supreme Court recently granted the petition for certiorari in *Soto v. United States*](#), filed by pro bono counsel Sidley Austin LLP and NVLSP. The petition was filed on behalf of Mr. Simon Soto and a class of approximately 9,000 Army, Navy, Marine Corps, Air Force, and Coast Guard veterans who were granted Combat-Related Special Compensation (CRSC) by the military departments, but denied the full amount of retroactive CRSC because the military claimed that the Barring Act places a six-year ceiling on the amount it could pay in retroactive CRSC.

No. 24-320

IN THE
Supreme Court of the United States

SIMONA A. SOTO, *Petitioner,*
v.
UNITED STATES, *Respondent.*

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Federal Circuit

PETITIONER'S REPLY BRIEF

BARTON F. STICHEMAN ROCHELLE BOBBOFF RENEE BURBANK NATIONAL VETERANS LEGAL SERVICES PROGRAM 1100 Wilson Blvd Suite 900 Arlington, VA 22209	TACY F. FLINT J. SIMONE JONES* EMILY M. WEXLER ANSUR SHINGAL CAMILLE SANCHES SIDLEY AUSTIN LLP One South Dearborn Chicago, IL 60603 (312) 853-7000 tflint@sidley.com
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Counsel for Petitioner
December 3, 2024 * Counsel of Record

NVLSP Issues Updated FAQ for Navy, Marine Corps Veterans on *Springs v. Del Toro*

The Navy has begun issuing decisions to over 3,000 Navy



**Updated Springs Correction Board
Frequently Asked Questions**

January 2025

Disclaimer

This self-help guide provides general information only. It does not constitute legal advice. It also cannot substitute for advice from an attorney who knows the particulars of your case. Use the information in this guide at your own risk. We have made every effort to provide reliable, up-to-date information, but we do not guarantee its accuracy. The information in this guide is current as of January 2025.

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and Marine Corps veterans who are class members in litigation that challenged improper denials of medical retirement benefits. NVLSP issued an updated [Frequently Asked Questions](#) (FAQ) guide on January 10, 2025 for veterans who have been granted or denied relief and outlines benefits and costs associated with retroactive medical retirement.

Dechert and NVLSP Appeal Denial of Medical Retirement to Fourth Circuit Pro Bono Counsel Dechert LLP

On January 2, 2025, Dechert LLP and NVLSP filed a [brief](#) in the U.S. Court of Appeals for the Fourth Circuit in *Thompson v. Austin*, appealing the denial of medical retirement to Ms. Carissa Thompson. Ms. Thompson sustained a severe back injury in 2003 but continued serving in extreme pain until her medical separation in 2005. Despite the VA later rating her condition at 40% disabling, the military assigned only a 10% rating—below the threshold for medical retirement. As a result, she was denied retirement benefits, including monthly payments and military medical care.

USCA4 Appeal: 24-2050 Doc: 14 Filed: 01/02/2025 Pg: 1 of 53

No. 24-2050

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

CARISSA THOMPSON,
Plaintiff-Appellant,

v.

LLOYD J. AUSTIN, III, FRANK KENDALL, III, and
PHYSICAL DISABILITY BOARD OF REVIEW
Defendants-Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND, CIVIL ACTION NO. 8:23-CV-02568-DKC

OPENING BRIEF OF APPELLANT CARISSA THOMPSON

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Pro Bono Counsel for Appellant Carissa Thompson

January 2, 2025

Case: 24-2306 Document: 17 Page: 1 Filed: 12/06/2024

No. 24-2306

**United States Court of Appeals
for the Federal Circuit**

WILLIAM OLAS BEE,
Plaintiff-Appellant,

v.

UNITED STATES,
Defendant-Appellee.

Appeal from the United States Court of Federal Claims
No. 1:21-cv-01970-PSH, Judge Philip S. Hadji

BRIEF OF APPELLANT

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December 6, 2024

Counsel for Plaintiff-Appellant William Olas Bee

NVLSP Appeals Denial of Medical Retirement for Combat Veteran to Federal Circuit Pro Bono Counsel Latham & Watkins

NVLSP filed a [brief](#) in the U.S. Court of Appeals for the Federal Circuit in *Bee v. U.S.* on December 6, 2024, appealing the denial of medical retirement to Mr. William Bee in December. Latham & Watkins serves as co-counsel alongside NVLSP. Despite sustaining Post-Traumatic Stress Disorder (PTSD) and a traumatic brain injury (TBI) from a combat-related explosion, Mr. Bee was reassigned to non-operational roles instead of being medically retired. NVLSP argues the Board failed to apply the correct fitness standard and did not give proper consideration to his service-connected disabilities.

NVLSP IN THE NEWS

On January 31, 2025 NVLSP Co-Founder and Special Counsel, Bart Stichman, was interviewed by CBS News' Podcast: Eye on Veterans in an episode titled, "[Denied full combat back pay, a Marine's case is headed to Supreme Court.](#)" The episode focuses on the

implications of *Soto v. United States*. The U.S. Supreme Court recently granted the petition for certiorari in the case filed by pro bono counsel Sidley Austin LLP and NVLSP.



WEBINAR SCHEDULE

NVLSP continues its dedication to veterans law education by growing its webinar schedule in an effort to educate more veterans advocates on strategies for securing disability benefits for their clients. Experienced NVLSP attorneys will lead discussions on the following topics:



- Revisions of VA Decisions Based on Clear and Unmistakable Error (February 26, February 27)
- Maximizing VA Benefits (March 25, March 26, March 27)
- Secondary Service Connection (April 22, April 23, April 24)

NVLSP also has a [comprehensive library](#) of over 40 previously recorded webinars that are available at your convenience.

Webinar topics include:

- VA Accreditation Training: Attorney and Agent Practice before the VA
- Navigating the VA's Modernized/AMA Review System
- VA Benefits Based on National Guard and Reserve Service
- How Involvement with the Criminal Justice System Impacts VA Benefits
- And many more!

For more information on NVLSP's Training and Publications program [watch this video](#).

NVLSP's Training and Publications program also offers: [in-person training](#), the [Online Basic Training Course](#), the [Veterans Benefits Manual](#), and the [VA Benefit Identifier App](#).

WAYS YOU CAN HELP

We hope this newsletter inspires you to become more active with NVLSP. If you want to help NVLSP do more for our veterans, here are a few suggestions.

1. You can follow us on [X](#), connect with us on [LinkedIn](#), and like us on [Facebook](#).



2. Help us promote our free [App](#) for veterans.
3. Tell a friend about [NVLSP](#).

We look forward to connecting with you again soon!

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