

2021 Report  
National Veterans Legal Services Program  
Pro Bono Program:  
Lawyers Serving Warriors®



**NVLSP**  
NATIONAL VETERANS LEGAL SERVICES PROGRAM

# 2021 Report of The National Veterans Legal Services Program Pro Bono Program: Lawyers Serving Warriors®



I am honored to share the 2021 Pro Bono Report of the National Veterans Legal Services Program's (NVLSP) Lawyers Serving Warriors® (LSW) pro bono project. This Pro Bono Report recognizes our pro bono partners who have generously contributed their time and effort to help service members, veterans, and their families. We are grateful for the dedicated support that has been demonstrated in the continued growth of our pro bono partners' efforts. In 2021, NVLSP's pro bono partners generously donated over 58,000 hours in pro bono time to veterans, with an approximate value of over \$42 million. This is the third consecutive year with over 50,000 hours in pro bono time contributed to LSW matters and time valued over \$30 million.

This report expresses NVLSP's sincere appreciation for the legal work provided by law firms and corporations nationwide to enable service members and veterans to obtain the benefits they deserve. We hope you will enjoy reading about the life-changing impact of these pro bono efforts.

As NVLSP enters its fifth decade of service to veterans, service members, and their families, we welcome the opportunity to continue working with our outstanding pro bono partners to seek justice for the brave members of our military who are denied their rightful benefits due to illnesses incurred as a result of their military service.

Thank you for your dedication and commitment!

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

Paul Wright  
Executive Director  
National Veterans Legal Services Program

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



The 2021 NVLSP Pro Bono Report celebrates the impactful victories achieved by NVLSP's pro bono volunteers. We cheer for the benefits veterans obtained, including health insurance from medical disability retirement, tax-free Combat-Related Special Compensation, discharge upgrades that lead to access to benefits and remove bars to employment, and VA disability compensation.

Just as importantly, we recognize the incredible contribution of every volunteer who represents a veteran client referred through NVLSP's Lawyers Serving Warriors® (LSW) pro bono program. While not every case may have a successful outcome, every volunteer delivers on NVLSP's promise to fight for veterans to receive the benefits that they have earned and are entitled to.

We further applaud all the volunteers who directly support NVLSP. Discharge upgrade file reviews and remote clinics facilitate screenings to identify meritorious cases. Our volunteers further assist NVLSP with appellate amicus briefs, comments on proposed regulations, development of educational materials for veterans, and research projects.

One day at a time, one case at a time, one volunteer at a time, we work together to achieve our common goals. We strive to remedy errors and injustices, to enforce government's duty to assist and compensate, and to overturn arbitrary and capricious decisions that unjustly deny veterans the benefits they desperately need. Together, we represented approximately 500 veterans in 2021, helping veterans with physical disabilities from the rigors of military service and mental disabilities from combat or Military Sexual Trauma.

Thank you for joining us on this journey.

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

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

## MISSION

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



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# WHAT WE DO

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

## **Military Medical Retirement**

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

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

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 cataloguing 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.

## **Systemic Reform Projects, Amicus Briefs, and 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.

# VICTORY LAP

This section provides examples of how service members and veterans were assisted through the dedicated work of our pro bono partners. These victorious decisions were issued in 2021.

## **Combat-Related Special Compensation**

An Army Specialist who deployed to Iraq from 2008 to 2009 experienced numerous explosions, including one that struck his vehicle and another near his vehicle. A sniper bullet missed him by inches. He was awarded a Combat Infantryman Badge. He was provided a military medical retirement for Post-Traumatic Stress Disorder (PTSD) caused by combat. He also was service connected by the VA for hearing loss and tinnitus, resulting from the noise of the explosions he encountered in Iraq.

**Shannon Llenza** and **Collin Smith** of **Microsoft** filed a brief in support of his application for Combat-Related Special Compensation (CRSC). He was awarded CRSC for his PTSD, hearing loss and tinnitus. His combat-related disability rating is 100 percent.

An Army Sergeant deployed to Afghanistan and served as the crew chief in a Black Hawk Helicopter. During night missions, he was frequently exposed to enemy fire and missiles, including one mission in which his helicopter was fired upon by an enemy anti-aircraft missile. He was provided a military medical retirement for headaches. He applied on his own for CRSC for his PTSD and tinnitus, but was denied. With the assistance of a brief from **Amanda Camelotto** of **DLA Piper** setting forth the medical evidence that his conditions were due to combat, he was awarded CRSC for his PTSD and tinnitus.

**Latham & Watkins** volunteers not only represented a Navy Seal in an Integrated Disability Evaluation System case to obtain a medical retirement, but also continued representation for CRSC benefits, with volunteer **Marilyn Guirguis** stepping in. The Seal had been exposed to numerous explosions from improvised explosive devices (IEDs) and rocket attacks in 2009 during combat in Afghanistan. Moreover, in June 2011, during the 2011 Yemen civil revolt, the SEAL was exposed to blasts from incoming mortar attacks while rescuing American citizens. He earned numerous awards, including a Bronze Star Medal with Valor and a Combat Action Ribbon. With the assistance of a detailed brief from the pro bono volunteer, the SEAL was awarded CRSC for PTSD with traumatic brain injury (TBI), headaches, a back condition, a knee condition and other conditions. His combat-related disability rating is 100 percent.

During combat, a Marine Corps Gunnery Sergeant located and destroyed enemy combatants by fire and maneuver. While conducting a night mobile operation in Helmand Province, Afghanistan, he encountered enemy gunfire from a vehicle driving across the desert. He pursued the vehicle, and as his vehicle navigated the rough terrain, it swerved to avoid an IED and came to a slamming halt. As a result, the 60-pound radio mount located behind the gunner position where he was seated broke loose from its mount, slamming into his head and knocking him unconscious.

He had a second incident in this deployment in which his vehicle hit a blind hill and went airborne. It landed with a hard impact, causing the radio mount to once again break loose and slam into the back of his head, again knocking him unconscious. These two accidents injured his back and lower extremities. He was awarded a Combat Action Badge. Following submission of a detailed brief by **Wilmer Hale** volunteers **Amy Doberman** and **Lauren Lifland**, he was approved for CRSC for several conditions, compiling a combat-related disability rating of 100 percent.

An Army Staff Sergeant served as an Armor Crewman and deployed three times in support of Operation Iraqi Freedom. While in Iraq, he experienced rocket-propelled grenade attacks, mortar attacks, IED attacks, convoy attacks, car bombs and sniper fire, earning a Combat Action Badge. He was provided a military medical retirement for PTSD with an explicit finding that this condition was caused by combat. **Kimberly Wilson** of **Verizon** submitted a thorough brief, and the veteran was awarded CRSC for his PTSD and tinnitus, with a combat-related disability rating of 100 percent.

An Army Attack Helicopter Crew Chief deployed to both Afghanistan and Iraq. He took part in combat air missions totaling over 1,000 hours of combat flight hours. On one mission in Iraq, the veteran and his aircrew were transporting soldiers back and forth to a location they were surveying for a new forward operating base, which involved repeated flights over enemy positions in the Sadr City area of operation. During this period of the conflict, Sadr City had some of the most high-intensity fighting and near-constant enemy attacks and activity at this time. They began to take fire from enemy positions on the ground

and narrowly avoided being shot down. They were not able to identify the enemy positions on the ground but still returned fire and used suppressive fire from enemy actions. The veteran was awarded a Combat Action Badge. He was provided a military medical retirement for a leg condition and service connected for PTSD with TBI from combat. With a brief from **David McSweeney** of **Hunton Andrews Kurth**, he was awarded CRSC for his mental health condition and tinnitus.

An Army Infantry Officer and Special Forces Communications Sergeant (Green Beret) participated in seven combat deployments throughout Iraq and Afghanistan, including sustained offensive urban combat operations during Operation Phantom Fury in Fallujah, Iraq from November 2004 to January 2005. During his three combat deployments to Herat, Logar, and Wardak Provinces in Afghanistan, he was constantly under pervasive threat of roadside IEDs, and was engaged in several direct small-arms, rocket, and indirect fire attacks with insurgents. As a result of his service and dedication, he was awarded, among others: Navy and Marine Corps Commendation Medal with Combat Valor "V" device, Navy and Marine Corps Achievement Medal with Combat Valor "V" device, Navy and Marine Combat Action Ribbon, and two Combat Infantryman Badges. He was provided a military medical retirement for PTSD.

**Jesselyn Pe** and **Nathan Sheers** of **Paul Hastings** succeeded in obtaining CRSC for his PTSD, hearing loss and tinnitus, due to his combat service. He was also approved for CRSC for his shoulder injury which was caused by hazardous service in airborne operations. The decision was subsequent to the August 2021 VA regulations which presumed that asthma, sinusitis and rhinitis were caused by exposure to particulate matter for veterans who served in the Gulf

War. He obtained CRSC for all three of those conditions. His combat disability rating is 80 percent.

An Army Staff Sergeant whose duties included Health Care Specialist, functioned as the Recon Platoon Medic while deployed to Iraq. He conducted patrols in southwest Mosul and was regularly exposed to combat operations involving IEDs and other explosive devices. In February 2005, the veteran was on patrol with another soldier when their platoon was attacked by enemy forces with explosive devices, severely injuring his fellow soldier from the blasts. The veteran attempted to treat the soldier's injuries, but sadly the injuries were too grave, and the soldier died in the veteran's arms. On another occasion, the veteran was so close to an explosive device that the blast knocked the veteran off his feet and caused him to roll and break his ankle. He was awarded a Combat Medical Badge. He was provided a military medical retirement for physical disabilities. With a brief from **Robert Davidson** and **Banks Bruce** of **Sidley Austin**, he received CRSC for his PTSD, migraines, bilateral feet and ankle conditions, and tinnitus.

An Army Staff Sergeant deployed in Iraq as a vehicle driver. While driving an M114 High Mobility Multipurpose Wheeled Vehicle ("Humvee") in Iraq, an IED detonated in his vicinity. Shrapnel hit his upper left arm, below the elbow. Nevertheless, while the blast occurred, he handled the vehicle and maintained himself and his duties. The gunner of the Humvee was pronounced killed in action at the scene. The Staff Sergeant was later transported for medical treatment. He was awarded the Purple Heart for injuries from this incident as well as a Combat Action Badge. His combat experience caused him to suffer PTSD, migraines, painful shrapnel wound scars, left elbow tendonitis, a left

shoulder strain, left ulnar neuropathy and tinnitus. After submission of a brief from **Perkins Coie** volunteer **Olivia Radics**, he received CRSC for all these injuries.

A Navy Second Class Petty officer who served as a Hospital Corpsman deployed to Afghanistan. He was blown off a roof due to the backblast from the launch of a rocket-propelled grenade against enemy combatants attacking their position. He was provided a military disability retirement for Depression with Anxiety, also diagnosed as PTSD, and Lumbar Disc Bulge. The Navy acknowledged that his injuries were incurred in a combat zone but did not find them to be combat related. He applied for CRSC but was denied. **Haley High**, **Matthew Lloyd**, and **Lauren York** of **Akin Gump Strauss Hauer and Feld** filed an appeal with the Navy's Office of the Judge Advocate General's (JAG) and successfully obtained a JAG determination that the injuries were combat-related. The volunteers then sought reconsideration of the denial of CRSC. The veteran was awarded CRSC with a combat-related disability rating of 90 percent.

## **Discharge Upgrades**

A Navy Second Class Petty Officer who served as a Communications Officer found his bunkmate dead by suicide in their private bathroom while deployed in support of Operation Iraqi Freedom. He experienced depression, anxiety, quick anger, and insomnia, and he turned to heavy alcohol use as a response to the recollection of hearing missiles fire from his ship and reliving the death of his bunkmate. He tested positive for cocaine and was discharged with a General (Under Honorable Conditions) characterization of discharge and a narrative reason of "Misconduct." Post-discharge, the VA determined that he suffered from PTSD

stemming from his bunkmate's suicide, and the VA has rated this condition as 100 percent disabling. He applied on his own for an upgrade but was denied. **Kevin Glenn of DLA Piper** submitted a brief to the Board for Correction of Naval Records arguing that the veteran's PTSD mitigated his misconduct. The Board agreed, stating that the veteran's minor misconduct was mitigated by his PTSD. The Board upgraded his discharge to Honorable and further changed the narrative reason to "Secretarial Authority." The veteran is now eligible for all VA benefits.

A Navy Advanced Shipboard Firefighter earned high performance marks, but after seven years of stellar service, he experienced depression and was hospitalized for suicidal gestures due to problems with personal relationships and financial debt. Despite his excellent performance grades and lack of any misconduct, he was quickly separated with a General (Under Honorable Conditions) characterization for a personality disorder. Post-discharge, he was diagnosed by the VA with a depressive disorder which was later corrected to a diagnosis of bipolar disorder. He was successfully employed as an engineer. His initial pro se attempts to remove the stigmatizing personality disorder characterization from his discharge certificate were unsuccessful. **Michael Hoffman and Charles Gall of Hunton Andrews Kurth** submitted a detailed brief to the Board for Correction of Naval Records with evidence of his exemplary performance, subsequent mental health diagnosis of bi-polar disorder, and good conduct following discharge. The brief argued it was unjust to continue punishing the veteran when the circumstances that led to his discharge were symptoms of his then-undiagnosed bipolar disorder. In its decision, the Board explicitly stated that the veteran had been

"incorrectly diagnosed with a personality disorder." Based on his lack of misconduct and his performance in service, the Board upgraded his discharge to fully honorable and changed the narrative reason to Secretarial Authority.

An Army Food Service Specialist deployed twice to Iraq, earning a Combat Action Badge and the Navy and Marine Corps Medal (the highest non-combat award for heroism). He suffered PTSD from his combat experiences and started drinking to address his symptoms. While stationed in Louisiana, the veteran was pulled over by police under suspicion of driving under the influence. He was taken to booking, where he was called racial slurs and degraded by the police officers. He began to have an anxiety attack and was transported to the emergency department by Military Police. He was charged with Driving Under the Influence of alcohol (DUI). He was subsequently discharged with an Other Than Honorable discharge characterization and a narrative reason of Misconduct (Serious Offense). Post-discharge, he participated in the VA's PTSD Recovery and Alcohol Dependence Programs. He returned to school and received a degree in computer technology. He became employed as an information technology administrator. **Richard Noland and John Zerwas of Eversheds Sutherland** submitted a brief to the Discharge Review Board (DRB) arguing that his PTSD mitigated his misconduct. The Board was persuaded that he used alcohol to self-medicate his PTSD symptoms, mitigating the misconduct. The Board further acknowledged that he experienced "racial discrimination" during his arrest by police in Louisiana. His discharge was upgraded to General (Under Honorable Conditions). He is now eligible for VA disability benefits for his PTSD and other conditions from his service.

During basic training, a Marine witnessed a drill sergeant sexually assault another Marine in the barracks. The Marine was also experiencing some personal difficulties with his family members and had difficulty adapting to Marine life. Although he sought treatment for anxiety, he did not receive any. His immaturity and poor judgment led him to use another Marine's credit card to order pizza and purchase video games. His punishment included confinement in the Navy brig, during which time he was sexually assaulted. He was given a Bad Conduct discharge characterization. Post-discharge, he was diagnosed with PTSD from Military Sexual Trauma (MST). He received treatment and began to turn his life around. He obtained a Bachelor's degree and Master's Degree in Business Administration. He was successful in employment, rising to become Chief Operating Officer in charge of health clinics. He also worked as an adjunct professor. He further became very active in his church. **Charles Thebaud Jr.** and **Grant Eskelsen** of **Morgan Lewis & Bockius** participated in a hearing and submitted a brief to the Board for Correction of Naval Records (BCNR) cataloguing his extensive post-discharge accomplishments. Even before the outcome, it was a great accomplishment to have this case call for a hearing, as the BCNR rarely ever grants hearing requests. The Board found that he "had an adverse experience in the Marine Corps, yet has overcome these obstacles and become a productive member of society, and largely on his own without a support system at the time of discharge." The Board decided to grant clemency based on his post-discharge conduct and upgraded his discharge to General (Under Honorable Conditions).

A Marine Corp veteran attended an in-person clinic at the New York office of

Paul, Weiss, meeting with Joseph Bial of Paul, Weiss and David Chametzky of Pfizer. The veteran had served at Camp Lejeune from 1984 to 1986. He was discharged with an Other Than Honorable characterization of service due to a few instances of misconduct. He now suffers from Non-Hodgkin's lymphoma, a cancer of the immune system that is aggressive and life-threatening. After treatment with chemotherapy, his cancer went into remission, but he is tested every six months for a recurrence. The Camp Lejeune Families Act of 2012 lists fifteen conditions, including Non-Hodgkin's lymphoma, that are presumed to be related to exposure to the contaminated water at Camp Lejeune. Yet, the veteran could not access VA benefits for this condition, due to his discharge characterization. **Pamela Anderson** of **Perkins Coie** filed a brief at the Board for Correction of Naval Records seeking a discharge upgrade for the veteran. The Board was persuaded to upgrade his discharge to a General (Under Honorable Conditions) characterization. The Board noted his post-service record of accomplishments and service to his community, the character references attesting to his integrity and contributions to his community, his battle with cancer, the non-violent nature of his misconduct, his youth and immaturity at the time of the misconduct, his remorse and acceptance of responsibility, and the passage of more than 34 years. With this upgrade, he can access VA benefits for the conditions caused by his service.

A Navy Operations Specialist witnessed a jet crash aboard the ship on which he was stationed. Although he had high performance evaluations for several years, he developed anxiety and depression after witnessing the crash and his performance deteriorated. Rather than providing mental health treatment, he was misdiagnosed

with Personality Disorder, a lifelong condition not considered a disability, and quickly separated from the Navy. Post-discharge, he was examined by the VA and found to have no psychiatric disorder. A few years later, the VA provided service-connection for anxiety and depression. Several notes in his VA medical files explicitly stated that he did not have a personality disorder. Nevertheless, the narrative reason for discharge on his discharge certificate of listed “Personality Disorder” and prevented him from working in law enforcement or for the FBI. He earned a Master’s Degree and is employed by the government. **Lisa Mays** and others at **Sheppard Mullin** filed a detailed brief at the Naval Discharge Review Board seeking removal of the stigmatizing language from his discharge certificate. The Board was persuaded and changed his narrative reason for separation to Secretarial Authority.

**Matt McCubbins** of **Faegre Drinker Biddle & Reath** represented an Army veteran who spent nine months in Vietnam when he was 18 years old, serving in a combat unit that provided maintenance for an air base. Bombs were regularly dropped on the airbase where he was stationed. He also was subjected to incoming mortar fire at another duty station in Vietnam. When he returned stateside, he encountered racist behavior directed at him as an African American. He experienced anxiety, but could not communicate his pain. His family observed extreme changes in his behavior, including that he no longer socialized and neither shaved nor showered. Unable to cope with his military responsibilities, he went absent without leave. He surrendered to authorities and was given an Other than Honorable discharge characterization. In 2006, he was diagnosed with PTSD from his combat service. A few years later, he was diagnosed with prostate cancer, which

likely resulted from exposure to Agent Orange in Vietnam, and he applied for VA benefits for this condition. Despite a presumption that prostate cancer was caused by Agent Orange for veterans who served in Vietnam, the VA denied benefits due to his discharge characterization. The pro bono volunteer filed a brief at the Board for Correction of Military Records with extensive documentation of the veteran’s diagnosis of PTSD from combat. The brief advocated an upgrade based on the veteran’s PTSD mitigating his misconduct. An Army Medical Advisor agreed, concluding that his PTSD was a mitigating factor. The Board granted an upgrade to a General (Under Honorable Conditions) discharge characterization, which will enable him to receive benefits for his cancer and mental health conditions.

An Army Hawk Fire Control Crewman experienced hazing attacks during basic training and a deployment to Germany, including physical assaults and the threat of rape. He went absent without leave to escape his tormentors and was discharged with an Other than Honorable discharge characterization. **Eugene Elrod** and **Kehaulani Jai** of **Latham & Watkins** obtained an independent medical opinion from a psychologist in NVLSP’s medical legal partnership who opined that the veteran was likely suffering from PTSD at the time of his service and that PTSD directly contributed to his decision to go absent without leave. This medical opinion was submitted to the Army Board for Correction of Military Records in a request for an upgrade. The Board found evidence of in-service mitigating factors and concluded that the veteran’s PTSD mitigated the misconduct. The veteran’s discharge was upgraded to fully Honorable, making him eligible for VA disability compensation and other VA benefits.

A soldier had honorably and faithfully served in the Army as Military Police with no difficulties for almost seven years until he had family troubles due to the threat of his wife and children's possible deportation. As a result, the veteran began to experience depression. While deployed to Iraq, he attempted suicide. When he returned from Iraq, he was diagnosed with a Personality Disorder by an Army Psychiatrist who was later removed from his duties for allegedly intentionally misdiagnosing soldiers' mental state. The soldier was administratively discharged, and his discharge certificate listed Personality Disorder as the narrative reason. The stigma of this narrative reason was a bar to employment. **Kiki Griffith, Scott Rabinowitz and James Perry of Skadden Arps** represented the veteran at a hearing before the Army Discharge Review Board. The volunteers presented evidence that he was misdiagnosed in service and did not have a Personality Disorder. Instead, he endured short-term depression arising from a family crisis that led to a rough patch in an otherwise excellent career. By a 5 to 0 vote, the Board determined that the narrative reason for the applicant's separation was improper based on the applicant's length and quality of service, to include combat service, prior period of honorable service, post-service accomplishments and the circumstances surrounding the discharge.

An Army Petroleum Supply Specialist was sexually assaulted by his superior and bunkmate and verbally harassed based on a perception that he was gay. He went absent without leave to escape his assailants and was discharged in 1982 with an Other than Honorable characterization. Post-discharge, he struggled with alcoholism and homelessness. In 2013, he was diagnosed with Military Sexual Trauma (MST)-induced PTSD and began receiving

treatment from the VA. **Chase Howard and Victoria Rodgers of Cozen O'Connor** submitted a brief to the Board for Correction of Military Records (BCMR) highlighting letters from two treating psychiatrists affiliated with the VA who both concluded that the veteran's misconduct in service was due to his MST-induced PTSD. An Army psychologist for the BCMR found a nexus between the veteran's PTSD from MST and his misconduct, and the psychologist vigorously recommended an upgrade. The three Board members disregarded the psychologist's recommendation and unanimously voted to deny relief. However, the Deputy Assistant Secretary of the Army (Review Boards) found sufficient evidence to grant relief and upgraded the veteran to a General (Under Honorable Conditions) characterization, making him eligible for VA benefits.

**Amazon** attorneys **Shannon Haley and Maura Bahu** teamed with **Perkins Coie** attorney **Daniel Ridlon** to assist a Navy veteran who attended a rigorous training program to learn how to safely operate nuclear reactors that powered Naval vessels. The stress caused him to experience depression and suicidal ideations, and he sought support from mental health professionals. However, instead of providing treatment, a mental health professional diagnosed him with a personality disorder, and he was quickly discharged from the Navy. Post-discharge, he earned a bachelor's degree, a law degree, and a master's degree in business administration. He obtained a psychological evaluation to assist him in applications for admission to the bar, and this evaluation stated that he did not have a personality disorder. The pro bono volunteers submitted extensive evidence with their brief to the Board for Correction of Naval Records, advocating for the stigmatizing

narrative reason for separation of Personality Disorder be removed. The Board agreed and changed his narrative reason for separation to Secretarial Authority.

Undeterred by an initial unfavorable decision from the Naval Discharge Review Board (DRB), **Jacob Rahavi** and **Scott Silverboard** of **Skadden Arps** pursued reconsideration for a Navy veteran who experienced mental health symptoms from work stressors while stationed on a naval vessel. The veteran's in-service diagnosis was Adjustment Disorder with Depressed Mood. Without proper diagnosis or treatment, he resorted to marijuana to self-medicate and was discharged with an Other than Honorable discharge characterization due to drug abuse. The pro bono volunteers obtained an independent medical evaluation from a psychologist in NVLSP's medical legal partnership which conferred a diagnosis of Major Depression in service. The DRB was persuaded that the veteran's mental health condition mitigated his misconduct. Factoring in the veteran's in-service record and post-service rehabilitation, the Board granted an upgrade to General (Under Honorable Conditions).

A Marine excelled as a Military Working Dog Handler for over 8 years. In Iraq, he supervised four working dog teams involved in combat operations and explosive searches, clearing approximately 2,500 miles of road of IEDs in and around Baghdad. He felt afraid for his life while deployed and he began experiencing nightmares and other PTSD symptoms. His judgment was impaired, which led him to use marijuana once. After a positive urinalysis test, he was administratively separated with an Other than Honorable discharge characterization. Post-discharge, he founded a non-profit organization which

rescues dogs from shelters and trains them to be service dogs for veterans who are suffering from mental health conditions. He has a PTSD diagnosis and continues to receive treatment. In July 2018, he attended a clinic at the DC Mayor's Office of Veterans Affairs and met with **Peter Hutt** and **Joseph Kresse** of **Covington**, applying for full representation from NVLSP. Joseph Kresse joined with **James Hovard** of **Covington** to file a detailed brief at the Naval Discharge Review Board, focusing on the veteran's exemplary service and mental health condition. The veteran was granted an upgrade to General (Under Honorable Conditions).

An Army nurse who served in a Mobile Army Surgical Hospital unit in the 1990s was drugged and raped by her fellow service members. Her report of the sexual assault to an Army doctor was not recorded, even though the medical records include laboratory orders to test for sexually transmitted diseases. She began to experience PTSD and depression, severely impacting her ability to perform her duties. She was hospitalized for burning and cutting her arms, but her suicide attempt was characterized by the military as an attempt to avoid her duties. She was separated with the narrative reason of "Personality Disorder." **Maeve Olney** of **Hunton Andrews Kurth** filed a brief with the BCMR demonstrating that the veteran was suffering from PTSD and depression, not a Personality Disorder. The brief argued that the Army failed to follow its own procedures and that the Army erred by discharging her for a Personality Disorder she did not have. The Board removed "Personality Disorder" from her discharge certificate, replacing it with "Secretarial Authority."

## **Medical Retirement**

A Navy Hospital Corpsman was unable to continue with his duties to care for patients due to migraines, back pain, and a mental health condition. For instance, his back pain prevented him from lifting patients. He was assigned to a purely administrative desk job, which did not require the tasks of his Hospital Corpsman position. Then he was denied a military medical retirement on the basis that he was fit for his administrative desk job, despite his inability to do his assigned job as a Hospital Corpsman. **Tyler Evans, Jennifer Plitsch, and Sarah Shepson of Covington & Burling** filed a complaint in the Court of Federal Claims, arguing that the fitness determination was not supported by the evidence and was contrary to law. The Court granted the veteran's motion for judgment on the administrative record, finding that the Navy's determination that the veteran was fit for military service was not supported by substantial evidence and that the Navy failed to properly apply the standards for determining fitness. The Court remanded the case for a determination of whether he was fit for the full requirements and duties of a Hospital Corpsman. On remand, the Board for Correction of Naval Records awarded the veteran a medical retirement.

An Army Food Service Specialist who served several tours of active duty, including a tour in Bosnia, developed several physical disabilities in service, including low back pain, shin splints, foot pain and hip pain. The VA rated these combined conditions well above the 30 percent needed for medical retirement. However, the Army rated her conditions at only 10 percent, conferring only a severance payment. An appeal to the Physical Disability Board of Review (PDBR) resulted in an increase to 20 percent, still

below the rating needed for medical retirement. **Erin Brown Jones and Ian Petersen of Latham & Watkins** appealed the decision to the United States District Court for the District of Columbia. The Court granted summary judgment for the veteran, finding that the PDBR's decision to uphold the denial of medical retirement violated the Administrative Procedure Act. The Court stated that the Board's decision was arbitrary and capricious because it failed to grapple with the contrary evidence and reasoning underlying the VA's higher disability ratings. On remand, the veteran was awarded a medical retirement.

A Marine Corps Corporal who led the initial ground assault into Iraq across the border from Kuwait in 2003 was awarded the Purple Heart and Combat Action Badge. He completed three tours of duty in Iraq, surviving multiple ambushes, including an IED that exploded beneath his unarmored vehicle. This explosion caused him to suffer from a traumatic brain injury (TBI) and PTSD. Yet, he was discharged at the end of his active service without disability processing. **Aaron Crane and Jonathan Stulberg of Hogan Lovells** applied to the Board for Correction of Naval Records to obtain a military medical retirement. The Board agreed that the veteran was suffering from symptoms of PTSD and TBI at the time of his discharge, meriting a 50 percent disability rating. The Board conferred a military medical retirement, finding that his disability was the result of a combat-related injury. The **Hogan Lovells** team is continuing to represent the veteran in seeking Combat-Related Special Compensation.

On January 25, 2021, San Francisco debt finance counsel **Jennifer Brooks of McGuireWoods** obtained a significant, hard-fought pro bono victory on behalf of a U.S. Navy veteran in his Physical

Evaluation Board hearing, in a case of first impression. The appellate decision from the director of the Secretary of the Navy Council of Review Boards corrects the Physical Evaluation Board's determination of the fitness for active duty for a man who served his country for almost 15 years, in six deployments, four of which were direct combat. Thanks to this outcome, he will now be afforded the medical benefits due to him after his separation and retirement. The purpose of the case was to prove to the U.S. Navy that the service member was no longer medically fit to serve. This was a case of first impression in that the misconduct took place before the medical diagnosis of post-traumatic stress disorder (PTSD). In all prior cases, the misconduct occurred after the service member's PTSD diagnosis. Contributing to the man's PTSD was his deployment with U.S. Navy SEAL Team 7 to Mosul, particularly, his missions with a SEAL member who was indicted on war crimes for acts committed in Mosul. The firm's client was not involved in any such acts, but his mental state and military reputation suffered from the stain of those misdeeds since he was deployed with the same SEAL team. This appeal reverses the outcome of a Dec. 16, 2020, hearing before the Physical Evaluation Board for the U.S. Navy, which originally found the service member fit for military service and worldwide deployment.

An Army Infantryman who deployed to Iraq in 2004 to 2005 was shot at and experienced numerous IED explosions, including one that splattered him with brain tissue. He was awarded a Combat Infantryman Badge. After this deployment, he began to experience mental health difficulties and was diagnosed with anxiety and depression. He was hospitalized for suicidal ideations. Nevertheless, he was deemed fit for duty and given a diagnosis of Adjustment Disorder, characterizing him as

having poor coping skills. He was administratively separated for a condition, not a disability. Shortly after discharge, the VA diagnosed him with PTSD and depression from his service. **Sarah Kellner, Sean Metherell, and Rachel Burkhart of Faegre Drinker Biddle & Reath** filed a brief with the Army Board for Correction of Military Records arguing that the Army failed to follow proper procedures and should have provided him with a medical retirement. The Board remanded the matter for Disability Evaluation System processing. The Army then determined that the veteran's PTSD warranted a medical retirement as a combat-related disability, rated at 70 percent disabling.

An Army Infantryman who deployed to Iraq in 2004, 2006 and 2008, experienced numerous combat traumas. On the Sergeant's second deployment, his vehicle was hit by an IED. His spine was fractured and two of his crewmembers were killed. He was awarded the Purple Heart and Combat Infantryman Badge. He began experiencing symptoms of PTSD but continued to serve. In October 2010, he was diagnosed by the VA with PTSD. He was provided disability processing for his back, with no acknowledgment of his PTSD diagnosis and its impact on his service. In January 2011, he was provided a disability severance payment for his back condition. **Spencer Chatellier of Latham & Watkins** assisted the veteran in applying to the Army Board for Correction of Military Records requesting that his PTSD be found unfitting. The Board remanded the case for new Disability Evaluation System processing. On remand, the Army concluded that the veteran's PTSD was unfitting at discharge and merited a permanent 50 percent rating. The Army found that his PTSD was a combat-related disability. **Latham & Watkins** is now

assisting the veteran with an application for Combat-Related Special Compensation.

## **Military Sexual Trauma (MST) VA Claims**

An Army Intelligence Officer experienced daily sexual harassment and advances by fellow soldiers during a deployment to Kuwait. Subsequently, she suffered physical abuse from another service member when she was unwilling to have a sexual relationship. She reported this abuse as well as additional threats from her assailant after she reported the abuse, and the Army issued a No Contact Order against her assailant. Post-discharge, she was diagnosed with anxiety, depression and PTSD, each linked to sexual assault in service and MST. **Tyler Bartholome** and **Jacob Ruby** of **Kirkland & Ellis** filed a detailed brief in support of her application for service connection for her mental health condition. The VA awarded service connection for PTSD with major depressive condition, based on sexual trauma and assault, rated at 50 percent.

A Marine Corps veteran was repeatedly harassed and berated for being a female during her service. She was also sexually assaulted and stalked by a sergeant in her command. She was service-connected for PTSD and depression, rated at 50 percent. Her condition was quite severe, including a paralyzing fear of men that rendered her scared to leave her home. She suffered panic attacks and had suicidal ideations. **Jack S. Yeh**, **Adriane Peralta** and **Chris Juarez** of **Sidley Austin** submitted a detailed brief cataloguing her symptoms and requesting a higher rating. The VA increased the veteran's rating for her mental health condition to 70 percent and further awarded individual unemployability, which confers a rating of

100 percent. This increase was effective back to 2013, the original date of her claim.

## **Appeals at the Board of Veterans' Appeals**

A Navy veteran suffered repeated incidents of sexual assault, including rape and sexual harassment, while serving in the mid-1960's. He was diagnosed with PTSD from Military Sexual Trauma (MST) and attended regular psychiatric treatment, including support groups for MST survivors. Yet, he was denied service connection for his mental health condition. **Jaime Fell**, **Stephen Miller**, and **Gianna Puccinelli** of **Cozen O'Connor** submitted a brief to the Board arguing that the testimony by the veteran, corroborated by his medical records, established that a causal connection existed between the veteran's mental health condition and the sexual trauma he experienced during his military service. The Board agreed, finding clear and consistent medical evidence that the veteran has been experiencing psychiatric symptoms resulting from his MST.

A veteran suffering PTSD from combat in Vietnam was rated at 100 percent in 2017, but was denied a rating higher than 30 percent for the time period between 2005 to 2017. The denial of a higher rating for the earlier period failed to address his additional claim for total unemployability prior to 2017. **Vidhya Prabhakaran** of **Davis Wright Tremaine** set forth the evidence and supporting cases for a higher rating and total unemployability for the earlier period. The evidence for the earlier period included documentation that the veteran suffered anxiety from flashbacks and nightmares of combat in Vietnam. The Board increased the veteran's PTSD rating 30 percent to 70 percent and granted total

unemployability for the earlier years. The veteran received over \$300,000 in a back award.

An Air Force veteran was raped while stationed in the U.S. and suffered sexual abuse by superior officers during her deployment in Iraq. The VA's 2014 decision denied her 2012 claim for service connection for PTSD from MST. **Lauren Paperhausen** and **Julian Canzoneri** of **White & Case** argued to the Board that the 2014 decision never became final, because the veteran had informed the VA of the absence of clinic records from the VA's files in 2014 and submitted new and material evidence. The additional evidence provided details about the abuse, the veteran's contemporaneous reports of the abuse, and her behavioral changes after the abuse. Her allegations were supported by substantial markers of sexual assault. The Board agreed that her reports of assault were corroborated by medical and other evidence of record. The Board granted service connection and rated her mental health condition as 50 percent disabling. She obtained monthly benefits of \$900 and a back award of approximately \$90,000.

A veteran served in an Air Force Reserves squadron to which Agent Orange-contaminated C-123 aircraft were permanently assigned. He served as a medical crew member and had regular and repeated contact with contaminated C-123 aircraft. He developed prostate cancer and type II diabetes mellitus, both of which are listed in the regulations as associated with exposure to herbicide agents like Agent Orange. Yet, he was denied service connection for these conditions. After his death, his wife substituted as the claimant. **Eric Friedman** and **Jeffrey Hedlund** of **Faegre Drinker Biddle & Reath** filed a brief setting forth the legal standards for review of this claim and the evidence

documenting the veteran's service on contaminated aircraft. **Rhiannon Beckendorf** also contributed substantially to the representation in an earlier related proceeding. The Board found that the veteran served on C-123 and granted service connection for both diabetes and prostate cancer due to Agent Orange exposure.

An Army veteran suffers from chronic and debilitating service-connected headaches that prevent him from obtaining gainful employment. In late 2020, **Todd Steggerda**, **Carrie Mobley**, **Stephanie Bentley**, and **Sydney Snower** of **McGuireWoods** filed a brief on his behalf following a joint remand from the Court of Appeals for Veterans Claims contesting a Board determination that rated the veteran's chronic headaches at a 50 percent disability level. In the brief on remand, McGuireWoods argued that the Board should re-consider the veteran's educational and vocational history, as well as record evidence that his headaches could and did occur at night, in determining whether he should be granted total disability based on individual unemployability (TDIU). The veteran's request was granted, and he was referred to the Director of Compensation Service for extraschedular consideration. Ultimately, he was granted TDIU. In addition to receiving this additional compensation moving forward, the veteran's extra disability was also backdated to 2010, almost exactly 10 years, from the date the 50 percent determination was made. The veteran was overjoyed with this result, and particularly appreciated reading through the brief submitted on his behalf; he explained that he did not know until reading the brief, which contained references to cases where veterans who suffered similarly debilitating headaches were granted TDIU, that there were other

people like him who had suffered in the same way he did. He was overcome with emotion upon reading of their experiences, and upon learning that he was not alone. He was equally overcome with emotion upon receiving the Board's determination in the mail informing him of the new compensation level.

An Army veteran had served for 27 years in the Army Special Forces, deploying during Operation Desert Shield/Desert Storm. His military operations required sustained and highly demanding physical activity, including low-altitude parachute jumps and traveling long distances by foot while carrying extremely heavy loads. He suffered substantial physical deterioration during his military career, and the VA rated his physical disabilities at 90 percent. Nevertheless, the VA denied total unemployability based on its determination that he could do a desk job. Attorneys at **Nixon Peabody**, including **Scott Dinner**, filed a brief demonstrating that the veteran's severe physical disabilities, such as traumatic arthritis of the cervical spine and prostrating migraines, prevented him from working any job. The Board agreed and granted total unemployability for the entire period on appeal.

An Army soldier was awarded the Vietnam Campaign Medal with three Bronze Stars for combat service in Vietnam from 1966 to 1969. His PTSD prevented him from working and resulted in self-destructive behavior. Yet, the VA awarded only a 50 percent rating prior to 2015. He passed away in November 2020, and his wife substituted as the claimant. **Maeve Tibbetts** of **K&L Gates** filed a brief thoroughly setting forth the extensive evidence regarding his severe disorder and inability to work, as well as the legal standards for review. The Board issued a decision granting a 70 percent rating for

the veteran's PTSD prior to 2015 and total unemployability back to 2011. The surviving spouse received a back award of over \$94,000.

A Marine Corps helicopter mechanic developed PTSD from the deaths of colleagues, including her partner who died by suicide and her crew chief who was killed when pulling pins out of a helicopter. In addition, the veteran suffered an injury to her head when thrown to the ground during a Marine martial arts training exercise. **Jason Heidemann**, **Arvind Jairam**, and **Michael Spafford** of **Paul Hastings** submitted a brief documenting her worsening symptoms and the legal standards for a higher rating. The Board was persuaded by the evidence of her increased suicidal ideations, panic attacks, difficulties with relationships and memory problems, and the Board increased her rating from 50 percent to 70 percent.

A Marine Corps veteran served for over 450 days at Camp Lejeune in North Carolina in the early 1970s. During that time, the water supply at the facility was so contaminated with harmful chemicals that the VA adopted a presumption that kidney cancer and a variety of other diseases are service connected for anyone who was on active duty at the Camp for just thirty (non-consecutive) days between 1957 and 1987. The veteran eventually developed kidney cancer and filed a claim in 2015. He was granted service-connection, but effective only as of 2017. He died in 2018, and his widow substituted in. **Michael Heyison**, **Matthew Costello** (formerly of **WilmerHale**) and **Mendocino Steele** of **WilmerHale** filed a brief and obtained a private medical opinion linking the veteran's cancer to exposure to contaminated water. The medical opinion further catalogued extensive medical literature supporting causation for kidney

cancer, rebutting a 2016 VA medical exam. The Board granted the earlier effective date.

A veteran served in the Army during the Persian Gulf War working in transportation and as a general laborer. He aggravated his foot condition during rucking drills in the late 1980s and was treated for exhaustion and back muscle cramping after a laborious hike with a rucksack that was overpacked. Over time, his foot and back conditions worsened, as well as other disabling conditions, and he was unable to work. The VA concluded that that his non-service connected disabilities were the main reason for his unemployability, but in so finding, the Board failed to address whether his service-connected conditions alone would also preclude gainful employment. The veteran was represented by **Patrick McKee of King & Spalding**, who argued that the veteran's service-connected musculoskeletal disabilities precluded both physically demanding and sedentary employment. The Board granted the veteran's total unemployability claim, and the veteran received \$37,000 in a back award.

Five days after her 2002 discharge, an Air Force veteran applied for service connection for PTSD resulting from a sexual assault. Her claim for PTSD based on Military Sexual Trauma (MST) was repeatedly denied, due to the VA's refusal to acknowledge that her active service was the cause of her PTSD. The VA never reviewed her military personnel records. In 2012, the VA finally obtained her records and noted markers of MST. The VA then credited her report of MST and awarded benefits, but its decision was not effective until 2011. **Daniel J. Prichard of Troutman Pepper** filed a brief with the Board advocating an earlier effective date. The brief explained that under relevant regulations and caselaw, the VA was

required to reconsider the initial denied claim based on newly associated service department records that had not been associated with the claims file when VA first decided the claim. The Board issued a decision granting an effective date of 2002.

A Navy veteran had served as a Personnelman for 9 years. She began to suffer low back pain during service due to heavy lifting and received treatment in service for this condition. The VA initially rated her low back pain at 10 percent, considering only functional loss. **Andrew Bethune of Orrick, Herrington & Sutcliffe LLP's** Austin, Texas office compiled substantial evidence into an appellate brief to advocate for a higher disability rating, including treatment notes showing pain limiting forward flexion. The Board of Veteran's Appeals was convinced by the brief to increase the veteran's disability rating from 10 percent to 40 percent, which gives her an opportunity to obtain substantially increased disability benefits.

An Army veteran served for 20 years, including a combat deployment in support of Operation Desert Storm. Soon after returning home, the veteran's wife told him she was filing for divorce. The two had been married for nineteen years and had a son together. The news of his wife's decision was unexpected and devastating to the veteran, and he began to suffer from depression. However, he did not seek treatment for several years. A VA examiner noted that when his wife asked him for a divorce, he immediately found it difficult to "face people – especially friends who knew [them]." Despite the fact that the divorce occurred during his service, and the evidence linking his mental health condition to the divorce, the VA denied service connection for his psychiatric disability. **Kelly Eberspecher of Steptoe**

**& Johnson** filed a brief including discussion of an article by the Mayo clinic on male depression which noted that men with depression often fail to recognize depression, downplay signs and symptoms, are reluctant to discuss depression symptoms, and resist mental health treatment. The brief argued that a time lapse between the onset of the veteran's symptoms and his diagnosis as well as his reluctance to discuss and identify his symptoms are entirely consistent with findings by health care professionals attributing his depression to his divorce. The Board was persuaded and granted service connection.

A Navy veteran slipped on a ladder while serving on a naval vessel and injured his right leg in 1959. He immediately sought medical treatment and was seen by a dismissive doctor who ordered him back to active duty with comments suggesting that he was malingering. Only a vague diagnosis of "neuralgia" was provided. The veteran then reinjured the leg in 1963, also during active duty. The veteran experienced persistent, chronic and severe shooting pain, numbness and tingling up and down his right leg. This pain had been chronic for over 50 years, interfering with his ability to sleep, but the VA denied service connection. **Matthew Steinberg** of **Cozen O'Connor** filed a brief arguing that pain alone can constitute a disability, and the brief was supported by a new affidavit from the veteran. The Board granted service connection for the veteran's right leg condition.

During more than 20 years of Army service, a veteran sustained a musculoskeletal injury in his left foot. He was diagnosed with degenerative joint disease with plantar fasciitis and experienced significant pain, swelling, and limited motion. Yet, the VA denied a

compensable rating prior to 2016. **Tony Koulotouros** and **Michael Huttenlocher** of **McDermott Will & Emery** submitted a brief that set forth the significant evidence of pain and limitation of motion. The brief argued that this evidence met the legal standards for an earlier effective date. The Board granted entitlement to a 10 percent rating for left foot degenerative joint disease with plantar fasciitis prior to 2016.

A Navy veteran suffered headaches from a head injury sustained during an attack while in a construction battalion in Afghanistan. The VA granted service connection for headaches but assigned a 0 percent rating, conferring no monetary benefits. **Winston & Strawn** volunteers **John Kalyvas** and **Cole Beaubouef** filed a brief documenting the severity of his symptoms. The brief further argued that the rating should not be decreased based on the ameliorative effects of medication. The Board increased the disability rating for the veteran's headaches from 0 percent to 50 percent.

An Army Cable Systems Installer developed a foot condition in service. She was granted a 60 percent rating, but this award excluded the period of 2014 to 2016. **Eva Kurban**, **Timothy Cornell**, and **Jordan Passmore** of **Clifford Chance** submitted a brief cataloguing the evidence in support of benefits during this period and arguing that the preponderance of evidence supported an award of benefits for this period. The Board agreed and changed the effective date to cover this period.

During her service in the United States Coast Guard from 1973 to 1997, a veteran had a sebaceous cyst removed from her face, near her right naso-labial line, resulting in a residual scar. The Board denied the veteran's request for a disability rating in excess of 10 percent for an eight-

year period. **Claudia Callaway** of **Katten Muchin Rosenman** set forth in a brief the considerable evidence that the scar was irritating and disfiguring for the entire period in question, meriting a higher rating under the applicable legal standards. The Board increased the rating from 10 percent to 30 percent for the entire period on appeal, and the veteran received \$24,000 in a back award.

An Army Forward Artillery Observer deployed to Iraq in 2003 and experienced and witnessed numerous traumatic events, including firefights, multiple casualties, mutilations, and death. Despite debilitating PTSD symptoms, the VA granted only a 30 percent rating for the period prior to 2016. **Phillip Griffin** of **Holland & Hart** submitted a detailed brief cataloguing the extensive evidence of the severity of the veteran's symptoms in that period and summarizing the legal standards for evaluating the evidence. The Board was persuaded and raised the rating to 50 percent. The veteran received approximately \$7,000 in a back award.

A Marine Corps veteran served on a military base in Nam Phong, Thailand during the Vietnam era. When he developed diabetes, he sought service connection pursuant to the federal regulations requiring a presumption of exposure to Agent Orange herbicides. His application was denied based on a lack of official corroborating records. **Molly Whitman**, **Alan Carrillo** and **Paul Butler** of **Akin Gump** filed a brief submitting extensive evidence including supportive statements from other Nam Phong veterans and arguing that the existing evidence meets the standards for competent and credible lay evidence. The Board granted entitlement to service connection for Diabetes mellitus, type II secondary to herbicides agent exposure.

An Army veteran experienced incoming mortars and rockets on base and suicide bombers while deployed to Vietnam. The news reports of the war in Iraq reminded him of his own war experiences, worsening his PTSD. The VA confirmed his combat stressor, including one day in 1969 when his base was shelled with 24 incoming rockets. Yet, the VA's rating did not comport with the severity of his symptoms. **Richard Winter** of **Holland & Knight** filed a brief with extensive evidence of the veteran's suicidal ideations, severe depression, and social impairments. The brief argued not only for a higher rating but also for total disability based on individual unemployability. The Board increased his PTSD Rating from 50 percent to 70 percent and awarded individual unemployability for the entire period on appeal, going back to January 31, 2008. The veteran received a back award of over \$70,000.

An Air Force veteran served from 1972 to 1982 as an inventory management specialist, including a deployment to the Korat Royal Thai Air Force Base in 1975, where he worked in the Defense Property Disposal Office. The VA denied entitlement to service connection for diabetes mellitus, type II, to include as secondary to in-service exposure to tactical herbicide agents. **Willkie Farr & Gallagher** volunteers **Ari Blask**, **Krystyna Blakeslee**, **Nicholas Chanin**, **Weston Eguchi**, and **Ciara Sisco** assisted the veteran with a legal brief. They noted that the VA's Adjudication Procedural Manual states that the VA may extend the herbicide exposure presumption "on a factual basis ... to Veterans whose duties placed them on or near the perimeters of Thailand military bases." While the veteran's military records did not document his exact location, the veteran provided credible lay evidence, including his statement, to establish that he served near the perimeter of the base,

where there was significant use of herbicides. The Board found that the veteran was exposed to herbicide agents in Thailand and granted entitlement to service connection for his diabetes due to presumed herbicide agent exposure.

## **Court of Appeals for Veterans Claims**

A veteran served twice in the Navy, with her most recent service during Operation Desert Storm. After sexual harassment in service and a difficult child birth during service while stationed overseas, the veteran started to experience somatic symptoms and was prescribed an anti-anxiety medication. She filed a claim for a psychiatric disorder, which was denied. The VA examiner insisted there was no evidence showing that her mental health disability was caused by or had its onset during service, without looking in her records to see why the anti-anxiety medication had been prescribed during service. The Board explained away the examiner's failure to address the earlier clinical records indicating "hyper feeling" and the prescription of the anti-anxiety medication by concluding that this omission did not call into question the examiner's ultimate nexus opinion.

**Michael Phelps of Covington & Burling** filed an initial brief arguing that the VA examination was inadequate. The government then agreed to a remand which granted service connection for a psychiatric disorder rated at 70 percent back to 2008. Her back award is approximately \$216,000 with a monthly benefit over \$1,600.

A Marine Corps veteran spent two years in Vietnam, which included 9 to 12 months where he was involved in daily combat activity. While in Vietnam, the veteran

witnessed the death of many friends, was injured, and, due to daily combat activity, killed numerous enemy combatants of the Viet Cong. The VA rated his PTSD at 100 percent, but only as of 2015, and he appealed for an earlier effective date.

**Stephanie Bentley of McGuireWoods** represented the veteran at the Board of Veterans' Appeals, obtaining an increase in his rating to 70 percent. The pro bono volunteer continued her representation at the CAVC, filing an initial brief arguing for total disability individual unemployability. The brief argued that the Board had erred in considering the veteran's age, contrary to precedent. The government then agreed to a remand. His back award, which went to his surviving spouse, was over \$22,000.

In the late 1960s, a Navy veteran served during the Vietnam War as a projectile man in a 5-inch gun mount in an old World War II Destroyer. Because the gun mount required manual loading, the veteran had to stand next to the gun whenever it fired. The gun made an excessively loud noise each time it fired and no ear protection was offered. The veteran had also served as a stock clerk during his service. Over time, his hearing worsened. He sought service connection for hearing loss and tinnitus. The VA denied his claim on the basis that his official military occupational specialty was storekeeper, ignoring the evidence that he also functioned as a projectile man.

**Sean McEldowney of Kirkland & Ellis** filed a brief arguing that the Board violated its duty to assist by relying on an inadequate medical opinion and further contending that the Board provided an inadequate statement of reasons. The brief set forth the contradiction between the Board's concession that the veteran sustained hearing loss as a result of combat and the medical examiner's opinion asserting that the veteran was not exposed to hazardous noise. The Court agreed,

stating: “it is unclear how the Board simultaneously conceded that the [veteran] was exposed to hazardous noise in-service and adopted the January 2018 VA examiner's negative nexus opinion that was in part based on the [veteran's] low likelihood of noise exposure.” The Court remanded the matter for the Board to provide an adequate statement of reasons.

An Army veteran served in the early 1970s as an indirect fire infantryman, including combat service in Vietnam. He served again in the early 2000s as a motor transport operator, including combat service in Kuwait and Iraq in support of Operation Enduring Freedom. He served additional years in the National Guard. For his distinguished service, he was awarded the Bronze Star Medal with Combat Distinguished Device “V,” among other decorations. During and after both periods of active service, the veteran suffered from snoring, suspended respirations during sleep, and daytime fatigue. After his second period of service, the veteran filed a claim for service connection for sleep apnea. The claim was denied, and in 2018, the CAVC remanded the case back to the Board, which denied the claim again. **Yoon-Young Lee, Webb Lyons** (formerly of **WilmerHale**), and **Karis Yi** of **WilmerHale** filed a brief arguing that the Board erred by failing to provide any meaningful explanation of the reasons or bases for its denial of a medical examination or opinion regarding the veteran's sleep apnea. The brief noted that the Board failed to assign probative value to the veteran's testimony. The Court agreed, instructing the Board “to provide an adequate statement of reasons or bases for its duty-to-assist determination” regarding a medical opinion. The Court further directed the Board to consider the veteran's lay statements that the condition began during his deployment to Iraq.

An Army veteran served in the late 1980s and early 1990s, including a deployment in the Southwest Asia theater of operations during the Persian Gulf. In 2013, he was provided a Gulf War Registry Examination, which included an impression of sleep disturbance and insomnia. In addition, the veteran reported that his sinusitis and allergic rhinitis arose shortly after returning from Saudi Arabia. The VA denied his claims for service connection for allergic rhinitis, sinus headaches, and a sleep disorder. At his Board hearing, the veteran testified that his experience in Desert Shield/Desert Storm affected his sleep habits on a daily basis as he suffers from “nightmares, flashbacks, tremendous thoughts of being killed” and other disturbances. He further described that sand entered his mouth and nose during sandstorms while he was in Saudi Arabia, causing his nose to bleed, swelling in his eyes, and his feeling “really, really sick.” The Board found that the preponderance of the evidence was against the veteran and denied the claims. **Katherine A. (“Kassie”) Helm, David Pelaez** and **Gabrielle Kavounas** of **Dechert LLP** filed a brief arguing that the VA medical opinion did not address whether the veteran's service-connected PTSD caused or aggravated his sleep apnea, and the Board erred by summarily dismissing the lay evidence offered by the veteran to support his claim that his sleep apnea was connected to his service-connected PTSD. The brief further explained that the Board similarly failed to ensure compliance with the duty to assist regarding the veteran's claims for service connection for allergic rhinitis and sinus headaches, because the VA medical opinion did not address his exposure to sandstorms while on active duty and the side effects on his health. The Court was persuaded that the VA did not fulfil its duty to assist and remanded these

claims. The Court highlighted that the “VA has recognized that veterans deployed to ‘dusty environments’ such as the Persian Gulf may have health problems as a result of exposure to sand, dust, and particulate matter.”

A veteran who served in the Army in the 1950s received treatment for a lower back injury and hip pain. His service medical records document that these conditions had their onset in service. He was granted service connection for lumbosacral strain, but was denied for secondary conditions of arthritis of the lumbar spine and hip.

**Barak Cohen** and **Betselot Zeleke** of **Perkins Coie** and former firm attorney **Cheryl Lardieri** submitted an initial brief highlighting the Board’s errors, including failure to provide the required reasons or bases for its decision denying service connection, particularly given that the Board found the veteran to be competent and credible, but, in its conclusion, completely disregarded the veteran’s credible testimony and the corroborating medical and other lay evidence. The government agreed and remanded the case back to the Board for further processing.

An Air Force veteran had served as a mechanic in the late 1950s on the KC-97 aircraft which was powered by the largest and loudest aviation piston engines used by the Air Force at that time. During the course of his in-service duties, the veteran was exposed to acoustic trauma from the KC-97 engines on a daily basis for 3½ years without the benefit of adequate hearing protection. He testified that when he was released from active duty, he was told that his hearing was considerably worse than when he entered the Air Force. A private physician diagnosed him with hearing loss in 1999, opining that the cause was likely noise exposure during military service. When he filed a claim for service

connection, he was informed that his records were destroyed in a 1973 fire at the National Personnel Records Center. Despite conceding noise exposure during the veteran’s service, the VA refused to grant service connection without the records which had been destroyed. **Aaron Lukas** and **Keri Schaubert** of **Cozen O’Connor** fully briefed the matter, arguing that the Board failed to adequately explain its rejection of favorable medical and lay evidence. The Court agreed and remanded the matter for a new Board decision.

An Army veteran who had served in the 1960s in the Republic of Vietnam was exposed to herbicides. He was granted service connection for Parkinson’s disease and diabetes based on the presumption that exposure to Agent Orange in Vietnam was the cause of those diseases. He died at home, and the death certificate stated that the cause of death was pulmonary disease. The death certificate was filled out by a Justice of the Peace with no medical training or knowledge of the veteran’s medical conditions. His widow sought survivor’s benefits, based on his death from service-connected conditions. The VA denied benefits due to the listed cause of death not reflecting a service-connected condition. On appeal, the widow sought a medical opinion regarding the cause of death, but she was denied this assistance from the VA. **Steven Levitan** and **Baraka Nasari** of **Hogan Lovells** filed a brief arguing that the Board erred in concluding that a medical opinion would have no reasonable possibility of substantiating the claim. The Court agreed, stating that it could not understand why the Board relied on the Justice of the Peace’s cause of death determination, given that he had no medical experience and an autopsy was not performed. The Court remanded the case back to the Board. **Thomas Woolsey** and **Laz Zamora** of **Hogan Lovells** then

assisted with the remand, and the brief highlighted an independent medical opinion that the veteran's service connected disabilities contributed to his respiratory decline and ultimate death. The Board gave probative weight to the independent medical opinion and awarded service connection for the cause of the veteran's death.

An Army veteran had deployed to Vietnam for over a year in the early 1970s, qualifying as a sharpshooter. In 2005, he died from complications of pancreatic cancer. At that time, he was not service-connected for any conditions, but shortly before his death, he was diagnosed with diabetes. His widow sought survivor's benefits in 2010, but the VA denied her claim on the grounds that pancreatic cancer is not recognized as a herbicide related disease. His widow argued on appeal that his diabetes, which is a condition presumed to result from exposure to Agent Orange, contributed to his death. The Board obtained a medical opinion which conceded that some studies found an association between diabetes and pancreatic cancer, but nevertheless concluded that it was less likely than not the cause of the veteran's death. **Kyle Maury** and **Bruce McDonald** of **Jones Day** filed a brief arguing that the medical opinion was flawed, because it erroneously imposed a standard of medical certainty and failed to provide a reasoned medical explanation connecting its conclusions with supporting data. The Court agreed that the medical opinion was inadequate and confusing, remanding the matter back to the Board. The volunteers are continuing to represent the widow in the remand.

An Army veteran served in the late 1980s to early 1990s in the specialties of Generator Mechanic and Gunner. As a Generator Mechanic, he worked primarily

on large aircraft combustion engine and was consistently exposed to loud noises. As a Gunner, he trained on the 50-caliber machine gun. In preparation for the Gulf War, his unit practiced numerous field maneuvers, which included constant use of this large weapon. His in-service audiograms showed fluctuations in hearing loss, but his audiometry result at discharge indicated normal hearing. Post-discharge, his hearing loss worsened, and in 2013, he filed a claim for bilateral hearing loss and tinnitus. The VA examiner found no nexus based solely on the normal hearing result at discharge, and the Board relied on this exam in denying the claim. **Patrick Johnson** and **Adam Perlman** of **Latham & Watkins** filed a brief noting that the denial based on a normal hearing result at discharge violated the Court's precedent from almost thirty years ago. The Brief argued that the Board's reliance on the inadequate medical exam was an error. The Court agreed, finding that the Board's reliance on the exam "essentially denies service connection on a basis prohibited by" precedent. The Court remanded the case for a new Board decision.

An Army veteran who served in the 1980s suffered repeated painful ankle sprains and related foot pain during physical training and field maneuvers. In February 1988, the veteran was diagnosed with bilateral pes cavus and metatarsal pain. His feet worsened over time, and in 2010, he applied for disability compensation for chronic bilateral foot conditions. He was provided service connection with a low rating for left foot strain and hallux valgus. Appealing this decision, he stated his general disagreement and submitted an authorization for the VA to obtain his private medical records, which contained the diagnoses of bilateral pes cavus and metatarsalgia. Yet, in a 2017 ruling, the Board asserted that his claim did not

include those diagnoses, directing him to file an initial claim, which would have had a much later effective date than if encompassed in his 2010 claim. **Drew Domina** and **Corey Winer** of **Sidley Austin** filed a brief arguing that the Board erred in refusing to adjudicate all the claimed conditions. The brief explained that his claim for his “chronic bilateral foot conditions” included favorable evidence regarding bilateral pes cavus and metatarsalgia. The brief stated, “The Board’s decision to disregard favorable evidence and this case’s procedural history is unsupported by any logic and prejudiced the Veteran by further delaying proper adjudication of his claims.” The Court reversed the Board’s finding that it lacked jurisdiction over an appeal as to other foot conditions, instructing the Board to “take appropriate action to ensure the development and adjudication of his appeal as to those conditions.”

An Air Force veteran served in Thailand during the Vietnam War and was exposed to Agent Orange. The VA granted service connection for physical disabilities caused by exposure to herbicides, but ignored the veteran’s reports that he experienced depression and anxiety secondary to his physical impairments. **John McCarthy, Jr.** and **Stephanie Crawford** of **Crowell & Moring** filed a brief documenting that his medical history shows his mental health condition was aggravated by his physical health issues. The brief noted that the

Board had failed to address his assertions of an etiological connection between his physical and mental disabilities. The brief argued that the Board failed to provide an adequate statement of the reasons or bases for its rejection of secondary service connection for acquired psychiatric disorders. The government agreed to a remand following this briefing.

A Coast Guard veteran served for a decade in the 1980s to 1990s including active duty and the Reserve. His service included weapons training with small arms. During his service, he began to experience difficulties with hearing, though within normal limits for VA benefits. Post-discharge, his hearing worsened, and he sought service connection for tinnitus. The VA conceded exposure to loud noise in service, but nevertheless denied the claim. The VA based its denial on a VA examination that hinged on the lack of evidence of tinnitus in service. **Joseph Tursi** of **Steptoe & Johnson** filed a brief arguing that the VA violated its duty to assist by relying on an inadequate medical exam. The brief pointed out that the exam focused on the lack of tinnitus in service without addressing the VA’s policy that delayed onset for tinnitus may still stem from military noise exposure. The Court agreed that “the Board’s erroneous reliance on the inadequate audiologist’s opinion was not harmless” and remanded for a new decision.

# THANK YOU FOR YOUR GENEROSITY

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

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Hunton Andrews Kurth  
Kirkland & Ellis  
Latham & Watkins  
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Orrick  
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Crowell & Moring  
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Holland & Hart  
K&L Gates  
McDermott Will & Emery  
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of Washington, DC

# THANK YOU FOR YOUR LEGAL REPRESENTATION

LSW extends our heartfelt appreciation to all of the law firm and corporate volunteers who accepted cases, projects, and attended clinics in 2021. With this pro bono support, LSW provided full representation to 493 veterans and servicemembers and clinic services to 168 veterans and servicemembers in 2021. Below we list the names of volunteers who accepted matters in 2021 and provide a summary description of the matters accepted by partnering firms and corporations.

## **Accenture: 4 matters**

*LSW Pro Bono Contact:* Julia Gilfillan

A new LSW partner in 2021, Accenture accepted 4 discharge upgrade file review matters.

Ed Benevides

Marcia Richard

Natalie K. St. John

## **Akin Gump Struss Hauer & Feld: 6 matters**

*LSW Pro Bono Contacts:* Paul Butler, Rachel Elsby, Emily Heger, Steven Schulman

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

Paul Butler  
Jan-Paul Bruynes  
Alan Carrillo  
Kevin Eide

Shannon Glasscock  
Jessica Goudreault  
Nicholas Lombardi  
Elina Ostrovsky

Lewis Tandy  
Carlos Villota  
Molly Whitman

## **Amazon: 1 matter**

*LSW Pro Bono Contacts:* Lloyd Chee, Julie Friar

Amazon accepted 1 discharge upgrade file review matter.

Taylor Hicks

### **Aon: 3 matters**

*LSW Pro Bono Contacts:* Peter Banick, Ruth Miller

Aon accepted 1 Combat-Related Special Compensation matter and 2 discharge upgrade file review matters.

Shalona Byrd

Valerie Kupferschmidt

Sarah Steel

### **Arnold & Porter: 1 matter**

*LSW Pro Bono Contacts:* Marsha Tucker, Dan Cantor

Arnold & Porter accepted 1 discharge upgrade case.  
Lee Robin

Matthew Scarvie

Charles Yi

### **Ballard Spahr: 3 matters**

*LSW Pro Bono Contact:* Lisa Swaminathan

Ballard Spahr accepted 3 discharge upgrade cases.

Dustin Branch

Elliot Johnson

Roger Winston

Chris Cognato

Tim Polmateer

Nahal Zarnighian

Lex Conboy

Max Reinhardt

Kyle DeThomas

Marc Segal

### **Chapman and Cutler: 1 matter**

*LSW Pro Bono Contacts:* Sara Ghadiri

Chapman and Cutler accepted 1 Combat-Related Special Compensation case.

Michael Myones

### **Chevron: 16 matters**

*LSW Pro Bono Contact:* Andrea Hogan

Chevron accepted 4 Combat-Related Special Compensation cases and conducted virtual clinic interviews of 12 injured Special Operations service members, working with their partner Latham & Watkins.

Sean Dwyer  
Katie Gallagher  
Carlos Hanze

Andrea Hogan  
Gene Litvinoff  
Mike Lodge

Kristen Soetebier  
Kristie Tice  
Abiel Won

## **Clifford Chance: 1 matter**

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

Clifford Chance accepted 1 case before the Board of Veterans' Appeals.

Dennis Morrisroe  
Jordan Passmore

Michael Press  
La'Tise Tangherlini

## **Covington & Burling: 56 matters**

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

Covington partnered with NVLSP in filing a class action lawsuit in in the United States District Court for the District of Columbia, to ensure that Navy and Marine Reservists with service-connected injuries are able to access their earned disability retirement benefits, filing on behalf of two named plaintiffs.

Covington hosted a virtual discharge upgrade clinic for 20 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 at the Court of Appeals for Veterans Claims, Covington provided representation to 11 veterans in cases at the CAVC. Covington is also a leading partner for discharge upgrades. Covington volunteers accepted 20 discharge upgrade cases (with 4 involving Military Sexual Trauma) for full representation. Covington further accepted one Combat-Related Special Compensation matter.

Covington accepted a certiorari stage Supreme Court amicus brief for NVLSP and a project to analyze the Johnny Isakson and David P Roe Veterans Health Care and Benefits Improvement Act.

Shara Aranoff  
Yohan Balan  
Martin Beeler  
Howard Berger  
Ray Biagini  
Benjamin Block  
Simeon Botwinick  
Susan Cassidy

William Chandler  
Kiersten Choi  
Samantha Clark  
Kristin Cobb  
Matt DelNero  
Rujul Desai  
Andrew Do  
Laura Dolbow

Ron Dove  
Natalie Dugan  
Jackie Fitch  
Jason Fowler  
Gabe Gates  
Kevin Glandon  
Heng Gong  
Andrew Gove

Heather Habes  
Matthew Harden  
Alex Hastings  
Jack Heise  
Jordan Hirsch  
Larry Hobel  
James Hovard  
Jeff Huberman  
Hannah Hummel  
Peter Hutt II  
Stephen Infante  
Claire Kim  
Peter Komorowski  
Ben Kramer  
Joseph Kresse  
Kee Lee Young

Andrew Leff  
Amber Lowery  
Kassie Maldonado  
Thea McDonald  
Krysten Moller Rosen  
Megan Mumford  
Marianna Murch  
Sara Needles  
Matt Nicholls  
Katherine Onyshko  
Jessica Perez  
Matt Phelps  
Jennifer Plicht  
Kim Plumer  
Richard Rainey  
Jason Reinecke

Aly Sandler  
Teena Sankoorikal  
Sarah Shepson  
Nikki Singh  
Andrew Soukup  
Lindsey Staubach  
Michael Stern  
Einar Stole  
Adam Studner  
Ranga Sudarshan  
Seth Tucker  
Dan Valencia  
Alyssa Vallar  
Benjamin Weksberg  
Matt West  
Virginia Williamson

### **Cozen O'Connor: 33 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 31 cases. Cozen further accepted one appeal at the Court of Appeals for Veterans Claims and one discharge upgrade case.

Marla Benedek  
Ryan Bottegal  
Kris Cherevas  
Blake Coblentz  
Michael Connolly  
James Dendinger  
Matthew DiCianni  
Jason Domark  
Sam Edelstein  
Greg Eisenstark  
Jaime Fell  
Rhonda Fulginiti  
Ashley Gomez-Rodon  
Frank Gooch

Brett Greving  
Alicia Gurries  
Robert Hawkins  
Chase Howard  
Matthew Howell  
Christopher Josten  
Ryan Kelly  
Dakota Knehans  
Matthew Lewitz  
Aaron Lukas  
Arianna McLaughlin  
Stephen Miller  
Amanda Nelson  
Nicole Perkin

Vince Pozzuto  
Gianna Puccinelli  
Neil Quartaro  
Alexander Robinson  
Victoria Rodgers  
Connor Rowinski  
Keri Schaubert  
Matthew Steinberg  
Caitlin Trevillyan  
William Walsh  
Rachel Wenger  
Cameron Young  
Hongling Zou  
Corinne Zucker

### **Crowell & Moring: 8 matters**

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

Crowell & Moring accepted 5 appeals at the Court of Appeals for Veterans Claims, 2 Military Sexual Trauma discharge upgrade cases, and 1 service-connected disability benefits case.

Ariel Amaru  
Charles Baek  
Jonathan Baker  
Kathryn Clune  
Stephanie Crawford  
Sherrie Armstrong Davis  
David Fischer  
David Fleming  
Christopher Hebdon  
Mary LaFleur

Robert LaFrankie  
Anne Li  
Laura Lydigsen  
Laura Martinez  
Stephen McBrady  
John McCarthy  
Brian McGrath  
Liam O'Reilly  
James Peyster  
Janet Pioli

Mark Remus  
Samuel Ruddy  
Joshua Rychlinski  
Isaac Schabes  
Robert Sneckenberg  
Mark Supko  
Anuj Vohra  
Savanna Williams  
Jacob Wisniewski

## **Davis Wright Tremaine: 1 matter**

**LSW Pro Bono Contacts:** Rachel Brown, KellyAnne Brophy

Davis Wright Tremaine accepted 1 matter at the Board of Veterans' Appeals with their partner T-Mobile.

Michelle Painter Lama

## **Dechert: 16 matters**

**LSW Pro Bono Contacts:** Suzanne Turner, Stephanie Schlatter

Dechert is lead counsel with NVLSP in a class action in the United States Court for the District of the District of Columbia challenging an illegal Navy and Marine Corps policy of failing to rate contributing disabling conditions which resulted in the improper denial of medical retirement. The Court has approved class certification, setting a schedule for summary judgment briefing.

Dechert accepted 7 cases involving Combat-Related Special Compensation, 5 discharge upgrade matters (with 2 involving Military Sexual Trauma), and 2 medical retirement administrative appeals. In addition, Dechert accepted an NVLSP Federal Circuit amicus brief and a project researching limitations on hearings at Army Discharge Review Board Hearings.

Ryan Abercrombie  
Alexander Andrews  
Madeleine Ball  
Drew Bencie  
Jonathan Blaha  
Hilary Bonaccorsi  
Jessica Bula  
Stephanie Capistrone  
Brenden Carroll  
James Catano  
Jooyoon Chang  
Claudia Cohen

Christopher Desmond  
Christopher Duerden  
Jim Fishkin  
Matthew Fishkind  
Monica Gorny  
Carlton Griffin  
Peyton Harris  
Chris Harvey  
Bob Heim  
Katherine A. ("Kassie")  
Helm  
Josh Hess

Eric Hilmo  
Jefferson Holder  
Gabrielle Kavounas  
Elise Kletz  
Tricia Lee  
Howard Levine  
Luis Lopez  
Geoffrey Maibohm  
Tyrone McBride  
Stewart McQueen  
Pejmon Pashai  
David Pelaez

Bernard Powell  
Meghan Redding  
Andrea Reid  
Corey Rose  
Hannah Rose

Dennis Schmelzer  
Jennifer Swan  
Andrew Taggart  
Lindsay Trapp  
David Wall

Gang Wang  
Jeremy Weyman  
Stephen Wolpert  
Brittany Zoll

## DLA Piper: 106 matters

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

For many years, DLA Piper has been LSW's leading partner for Combat-Related Special Compensation cases, accepting 22 cases, including 1 with Intel. DLA has become a leading LSW partner for discharge upgrade matters as well.

DLA accepted 30 discharge upgrade matters (with 4 involving Military Sexual Trauma) for full representation, including 8 with Raytheon, 2 with T Mobile, 1 with Discover and 1 with Intel. DLA hosted 2 virtual discharge upgrade clinics, interviewing a total of 31 veterans, with their partners T-Mobile and Discover. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases. DLA also accepted 23 discharge upgrade file review matters.

Thomas Alford  
\*(T-Mobile)  
Simon Auerback\*  
(Discover)  
Charlie Bell  
Jacob Ben-Ezra  
Micala Bernardo  
Marco Berrios  
Rozi Bhimani\* (Discover)  
Brittany Bolden  
Kelvin Booker  
Mary Braun Grace  
Jamie Brensilber  
Laurel Brewer  
Karl Buch  
Virginia Callahan  
Amanda Camelotto  
Ryan Carpenter  
Grace Cawdrey  
Angie Chen  
Jennifer Clague

Aaron Applebaum  
Randall Coffey  
Chris Crain  
Greta Cristini  
Jennifer Cumming  
Kim Curry  
Jerami Davidson  
Monica Delazzari  
Aurelie Ercoli  
Amy Evans  
Paul Evans  
Mark Fiekers  
Breanna Fields  
Robert Foote  
Carolyn Fox  
Tonya Gauff  
Andrew Grant  
John Griffith  
Michael Haworth  
Colleen Hermann  
Jonathan Hicks

Andre Aragon\*  
Cathy Huang  
Laurie Hutchins  
Katie Insogna  
Julia Jiampietro  
Shari Kendle  
Megan Kinney  
Nicholas Klein  
Rachel Knight  
Brendan Krasinski  
Bethany Krystek  
Lupe Laguna  
Erin Larson  
Devorah Lewin  
Tim Lohse  
Donna Look  
Scott Luftig  
Stephen Matthews  
Breegan Mayrant  
Maya McKenzie  
Matt Miller

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\*One asterisk denotes a summer associate who assisted on an NVLSP pro bono matter.

Dan Moench  
Mike Moore  
Meghann Morrill  
Dani Morrison  
Andrew Much  
Stella Oshida\* (Intel)  
Elina Ostrovsky  
Patrick Park  
David Peyman  
Chris Provera  
Lucas Przymusinski  
Theresa Pullen

Lauren Rico  
Eric Rivas  
Steven Rosato  
Jacqueline Rosen  
Daniel Rosenberg  
Gregory Ruback  
Andrew Sacks  
Matt Sarna  
Matthew Sarna  
Russ Sass  
Matt Schwartz  
Stacy Shelhorse

Jim Smith  
Rishi Sodhi  
Sangwon Sung  
Catherine Thomas  
Andrew Valentine  
Greg Watkins  
John Wei  
Jennifer Wirawan\* (T-Mobile)  
Andrew Wolfe  
John Wray

## **Eversheds Sutherland: 6 matters**

*LSW Pro Bono Contacts:* Aileen Crowson, Rich Noland

Eversheds Sutherland accepted 6 discharge upgrade matters.

Michael Bahar  
Griff Griffin  
Jazmen Howard  
Daniel Morris

Cliff Muller  
Rich Noland  
Maggie Pope  
Shenghao Wang

Regis Worley  
John Zerw

## **Exelon: 18 matters**

*LSW Pro Bono Contacts:* Jennifer Solomon, Jill Flack, Kelsey Bynum

Exelon staffed a virtual discharge upgrade clinic with Morgan Lewis, interviewing 18 veterans. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases.

Arthur Brown  
Jeanne Dworetzky  
Jill Flack

Brian Hoffman  
Dennis Jamouneau  
Marna McDermott

Trevor Neuroth  
Jason Zorn

## **Faegre Drinker Biddle & Reath: 11 matters**

*LSW Pro Bono Contacts:* Candace Whitaker, Bailey Bloss

Faegre Drinker accepted 1 matter at the Court of Appeals for Veterans Claims, 2 matters at the Board of Veterans' Appeals, 4 discharge upgrade matters (with 1 involving Military Sexual

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\* One asterisk denotes a summer associate who assisted on an NVLSP pro bono matter.

Trauma), 2 medical retirement administrative appeals, 1 medical retirement litigation appeal, and 1 service-connected disability benefits case.

Paul del Aguila	Eric Friedman	Jaclyn Marasco
Joan Akalaonu	Molly Gulbrandson	Kip McDonald
Shane Anderson	Jude Hickland	Eric Mosvick
Rhiannon Beckendorf	Cami Hilker	Elise Norcini
Kayla Britton	Jennifer Hoffman	Robin Rank
Tedd Budd	Laura Johnson	Joel Sayres
Matthew Clark	Dave Kuosman	Edan Shertzer
Suzette Copeland	Sari Long	Luke Westerman
Alex Eschenroeder	Jim Lundy	Jill Zender

### **Finnegan, Henderson, Farabow, Garrett & Dunner: 7 matters**

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

Finnegan accepted 3 discharge upgrade matters, an Air Force Board for Correction of Military Records appeal to the District Court, as well as 2 Federal Circuit amicus briefs and a project regarding trademarks.

Michael Aragon	Kenneth Guerra	Maxwell Mauldin
Courtney Bolin	Doris Johnson Hines	Kaitlyn Pearson
Paul Browning	Daniel Jordan	Thomas Sullivan
Jeffrey Freeman	Naresh Kilaru	Brooke Wilne

### **Hogan Lovells: 18 matters**

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

Hogan Lovells accepted 1 matter at the Board of Veterans' Appeals, 6 administrative medical retirement appeals, 2 medical retirement litigation appeals, and 9 Combat-Related Special Compensation cases.

Jennifer Adams	Emily Jenkins	Elias Mekonen
Adrian Anderson	Barbra Kim	Lauren Olmstead
Peter Bautz	Nicholas Lauridsen	Ryan Philp
John Castle	Steve Levitan	Allison Pugsley
Aaron Crane	Dave Locascio	Ashley Roberts
Will Crawford	Joel Lopata	Eric Roytman
Ted Essex	Chuck Loughlin	George Salter
Chris Fitzpatrick	Laura Martinez	Russell Slanover
Kyle Hamilton	Jimmy McEntee	Jonathan Stulberg
Michele Harrington	Tom McGovern	Stephen Trubman
Jocelyn Hassel	Jim McGovern	Tom Woolsey

Laz Zamora

Shannon Zhang

### **Holland & Hart: 3 matters**

*LSW Pro Bono Contact:* Teague Donahey

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

Teague Donahey

Phil Griffin

### **Holland & Knight: 1 matter**

*LSW Pro Bono Contact:* Gordon Griffin

Holland & Knight accepted 1 discharge upgrade case involving Military Sexual Trauma.

Jeremy Burkhart

Daniel Sennott

### **Hunton Andrews Kurth: 49 matters**

*LSW Pro Bono Contacts:* Kevin Gaunt, Maeve Olney, Toni Poole

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

Hunton Andrews Kurth accepted 15 discharge upgrade matters (with 2 involving Military Sexual Trauma) for full representation. Hunton 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 accepted 9 Combat-Related Special Compensation matters, 3 medical retirement administrative appeals, and 4 medical retirement litigation appeals. In addition, Hunton Andrews Kurth accepted a Federal Circuit amicus brief, research on medical retirement litigation (with Capital One), and research on VA service connection for presumptive conditions.

Ben Ackerly

Britt Anderson

Arjana Balaj

Jazmyne Betters\*

Peter Birghoffer\*

Jamie Bloxom\*

Jason Brown

Karma Brown

Dan Butler

Sergio Cavazos\*

Terry Conner

Shannon Daily

Jerome Dano

Sam Danon

Barry Davidson

Maya Eckstein

Chuck Gall

Kevin Gaunt

John Gerhart

Courtney Glaser

Demi Grekos

Ave Grosenheider\*

Halyna Hnatkiv\*

Mike Hoffman

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\* One asterisk denotes a summer associate who assisted on an NVLSP pro bono matter.

Clay Holland  
Michael Horne  
Jamie Zysk Isani  
Angela Jun  
Andrew Kasnevich  
Sami Khan  
Sammuel Kim\*  
Natalie King\*  
Pierce Lamberson  
Perri Lembo\*  
Austin Maloney  
Eric Markus

Wally Martinez  
David McSweeney  
Eric Mogel  
Emily Mordecai  
Ted Murphy  
Anna Page  
Justin Paget  
Joe Patella  
Reuben Pearlman  
Ryan Pedraza  
Kate Perkins  
Monica Rodriguez\*

Allison Schmidt\*  
Dan Shanley  
John Shepherd  
Beth Sherwood  
Sean Tenaglia\*  
Kathryn Trink\*  
Veronica Ucros  
Eric Wilson  
Steven Wood  
Angelina Yearick  
Jessica Yeshman

### **Jones Day: 3 matters**

*LSW Pro Bono Contacts:* Amy Zywicki, Miguel Eaton

Jones Day accepted 2 appeals at the Court of Appeals for Veterans Claims and 1 matter at the Board of Veterans' Appeals.

Miguel Eaton  
Jihong Lou

Kyle Maury  
Bruce McDonald

### **K&L Gates: 6 matters**

*LSW Pro Bono Contact:* Brian Koosed

K&L Gates accepted 1 appeal at the Court of Appeals for Veterans Claims and 5 cases at the Board of Veterans' Appeals.

Nick Ersoy  
Fred Giordano  
Scott Kobil  
Brian Koosed

Ted Kornobis  
Christine Mikhael  
Molly Moran  
Dana Parker

Robert Pawlowski  
Chelsie Rimel  
Maeve Tibbetts  
Michael Waller

### **Katten Muchin Rosenman: 1 matter**

*LSW Pro Bono Contact:* Joe Fiorill

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

Sarah Ma

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\* One asterisk denotes a summer associate who assisted on an NVLSP pro bono matter.

## **King & Spalding: 10 matters**

**LSW Pro Bono Contacts:** Josh Toll, Larry Slovensky

King & Spalding accepted 5 cases before the Board of Veterans' Appeals and 5 discharge upgrade cases (with 1 involving Military Sexual Trauma).

Bill Gordon	Christopher Jew	Patrick McKee
Jamieson Greer	Jason Keehfus	Franklin Sacha
Dan Hettich	Jennifer Maddrey	Larry Slovensky

## **Kirkland & Ellis: 13 matters**

**LSW Pro Bono Contacts:** Kate Barry, Ruth Dominguez, Amy Heaton

A leading LSW partner for Military Sexual Trauma cases at the VA, Kirkland accepted 7 MST VA cases.

Kirkland also accepted 3 cases at the Court of Appeals for Veterans Claims and 2 cases at the Board of Veterans' Appeals. Kirkland further accepted a research project regarding the definition of "protected environment" in administrative law.

Patrick Arnett	Chris Ilardi	Matt McIntee
Matthew Block	Charles Inclan	Michael Pearson
Justin Bova	Christopher Jagoe	Rick Quarles
Jon Carter	Nikhil Krishnan	Michael Quinn
Sydney Corry	Jessica Lee	Karthik Ravishankar
Rich Cunningham	Mike Lieberman	Drue Santora
Christian Daniel	Gregg LoCascio	Tera Stone
Thomas Fleming	Mary Mazzello	Spencer Welch
Matt Hershkowitz	Sean McEldowney	

## **Latham & Watkins: 43 matters**

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

Latham is lead counsel with NVLSP in a class action in the United States Court for the District of the District of Columbia challenging the improper removal of veterans with PTSD from the Temporary Disability Retirement List, due to an impermissibly low disability rating. The Court has certified the class, and summary judgment briefing is underway.

A leading LSW partner for medical retirement, Latham provided full representation for 2 service members going through the Integrated Disability Evaluation System process and 3 veterans seeking review of the denial of medical retirement at the Physical Disability Board of Review. Latham accepted 10 medical retirement cases for appeal to court, including one appealed to the Court of Appeals for the Federal Circuit and the class action filed for three named plaintiffs.

Latham conducted virtual clinic interviews of 12 injured Special Operations service members, working with their partner Chevron.

Latham further accepted 11 Combat-Related Special Compensation cases (4 with partner Chevron), 4 discharge upgrade cases, and a project regarding a Freedom of Information Act request for the VA regarding a Characterization of Discharge rulemaking.

Aan Amin	Jonathan Gordon	Matt Powell
Isaac Ashworth	Nina Grandin	Peter Prial
Josef Athanas	Adam Greenfield	Andrew Prins
Asif Attarwala	Michael Grega	William Reeves
Alan Avery	Max Grant	Bert Reiser
Jack Barber	Shushi Hovannisian	Ariel Rogers
Greg in den Berken	Robert Hemstreet	David Rowe
Will Bobseine	Julie Holloway	Nuri Ruzi
Avery Borreliz	Bob Howard	Emile Schwarz
Bornali Borah	Paul Hunt	Amy Speros
Johan Brigham	Tyler Israel	Rachel Staub
Howard Bruno	Kehau Jai	Amanda Stanzone
Ian Bushner	Saffa Khan	Christopher Stratigeas
Mia Cabello	Justin Kirschner	Taiga Takahashi
Ben Cheatham	James Ktsanes	Wesley Tiu
Michael Clemente	Remy Lamons	Sarah Tomkowiak
Ben Clinger	Nicholas Lessin	Serrin Turner
Simon Cooke	Richard Levy	Jesse Aaron Vella
Matthew Crawford	David Leopard	Holly Victorson
Michael David	Katherine Magaziner	Emily Viola
Christian DeSimone	Michael Magstadt	Samantha Voutyras
Andrew Diachenko	Austin Mernane	Nathan Wages
John Doyle	Rebecca McMahon	Heather Waller
Denver Dunn	Rachel Mitchell	Tianyu Wang
Eugene Elrod	Jason Moehlmann	Brent Wagner
Patrick English	Austin Murnane	Jeremy Webb
Nolan Fargo	Kristin Murphy	Paul Weinand
Allen Gardner	Benjamin Naftalis	Chris Yates
Ashley Gebicke	Deborah Ogali	Zachard Zaharoff
Ebba Gebisa	Valentina Oliver	Marc Zubick
Thomas Giblin	Michael T. Pierce	Ryan Zumwalt
Kun Gkoo (add)	Michelle Penzer	
Adam Goldberg	Ian Peterson	

## **McDermott Will & Emery: 6 matters**

**LSW Pro Bono Contacts:** Elizabeth Lewis, Michael Weaver

McDermott Will & Emery accepted 4 matters at the Board of Veterans' Appeals, 1 administrative medical retirement appeal, and 1 medical retirement litigation appeal.

Llewelyn Engel  
Greer Griffith  
Mike Huttenlocher  
Dave Kiefer

Tony Koulotouros  
Sam Neel  
Richard Nicholson  
Sam Poulos

Mac Routh  
Joshua Simon

## **McGuireWoods: 34 matters**

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

McGuireWoods with their partner Wells Fargo conducted a two-day virtual clinic for 24 injured Special Operations service members. McGuireWoods further accepted 5 discharge upgrade cases, 2 cases before the Board of Veterans' Appeals, and 3 Combat-Related Special Compensation cases.

Carolyn Appel  
Usha Avasarala  
Drew Austria  
Alex Boros  
Jennifer Brooks  
Jeff Browning  
Heather Chaney  
Kristen Courtney  
Alec Covington  
Janelle Darnell  
Chelsey Dawson  
Tom DeSplinter  
Katie Dougherty  
Todd Dressel

Michael Easley  
Addison Fontein  
Frank Guadagnino  
Joseph Hadacek  
Jon Harmon  
James Holt  
Caroline Keen  
Anthony Le  
Jocelyn Mallette  
Abigail Maner  
Ashley Matthews  
Rob McFarland  
Todd Mullins  
Micaylee Noreen

Krunal Patel  
Michael Peters  
Michael Podberesky  
David Powell  
Emily Rottman  
Dana Rust  
Sapir Shoshan  
Sydney Snower  
Emily Song  
Summer Speight  
Todd Steggerda  
Elizabeth Thomas  
Stephanie Zabela  
Angie Zimmern

## **Merck: 1 matter**

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

Merck accepted 1 Combat-Related Special Compensation case.

Nicole Beeler

Eric Meade

## Microsoft: 35 matters

**LSW Pro Bono Contacts:** John Duncan III, Bill Hayden, Adrian Palma

Microsoft accepted 4 Combat-Related Special Compensation cases. Microsoft partnered with Sidley Austin to interview 18 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.

Microsoft partnered with Sidley for full representation on 2 discharge upgrade cases and for 11 discharge upgrade file reviews.

Erik Adams	Randy Johnson	Jamian Smith
Faisal Akhter	Nicholas Kim	Collin Smith
Lydia Ansari	Lisa Koperski	Wendy Surikov
Zohra Anwari	Shannon Llenza	Mark Taylor
Juliana Chen	Candice MacPherson	Jim Thatcher
Erin Flaucher	Aneesh Mehta	Lucky Vidmar
Debashish Ghosal	Tom Orrison	Jenna Wolfe
Matt Henry	Andreas Piras	Carla Woo
Geoffrey Hoggard	Jennifer Polera	
Brien Jacobsen	Anthony Rich	

## Morgan, Lewis & Bockius: 35 matters

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

Morgan Lewis staffed a virtual discharge upgrade clinic with Exelon, interviewing 18 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 13 discharge upgrade cases (with 2 involving Military Sexual Trauma) for full representation, 2 cases before the Board of Veterans' Appeals, 1 Combat-Related Special Compensation case, and 1 amicus brief at the Court of Appeals for Veterans Claims.

Jeanette Kernizan Adelson	Jeffrey Bodle	Carol Field
Sari Alamuddin	Megan Braden	Stephen Fitzgerald
Jason Alderson	David Brenneman	Kyle Fraser
Tiffany Amir	Giovanna Cinelli	Colleen Gallagher
Nicholas Armer	Charles Condro	Victor Ghidu
Joseph Ayanian	Will Cravens	Abbey Glenn
Franco Bacigalupo	Katherine Dean	Ali Gonsman
Harvey Bartle	Jeremy Esterkin	Ivan Harris
Xan Belzley	Clay Everett	Don Havermann
Robert Bertin	Stephany Fan	Matthew Hawes

Eugene Hwangbo  
Ethan Johnson  
Marla Kreindler  
Claire Swift Kugler  
Michael Kummer  
Marietta Leone  
Brett Lovejoy  
Andrew Mariniello  
Sean McMahan

Toni Moran  
Lauri Nelson  
Kenneth Nunnenkamp  
Sheryl Orr  
Amelia Pennington  
Michael Pfeuffer  
Michael Philipp  
Annamaria Racota  
Patrick Rehfield

Marla Ross  
Philip Sarid  
Bob Sheeder  
Angela Silva  
Dan Skees  
Jon Snare  
Lily Teague  
Richard Umbrecht  
Jennifer Mott Williams

### **Nixon Peabody: 3 matters**

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

Nixon Peabody accepted 3 Combat-Related Special Compensation cases.

Keith Edeus  
Bonnie Glatzer

Mark Lytle  
Robert McManigal

### **Orrick, Herrington & Sutcliffe: 3 matters**

**LSW Pro Bono Contact:** Rene Kathawala

Orrick accepted 1 appeal at the Board of Veterans' Appeals, 1 Supreme Court amicus brief, and one project drafting comments on a DOD interim rule on medical malpractice claims.

Mel Bostwick  
Monica Haymond

Ned Hirschfeld  
Kyle Howard

Eric Shumsky

### **Paul Hastings: 15 matters**

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

Paul Hastings accepted 9 Combat-Related Special Compensation matters, 2 administrative medical retirement appeals, and 1 discharge upgrade matter.

Paul Hastings also brought in NVLSP as co-counsel in a class action matter at the Court of Appeals for Veterans Claims. Paul Hastings further accepted one Federal Circuit amicus brief and a research project for Covid relief legislation.

Allyson Baker  
Nicholas Bassett  
Roya Butler  
Josh Christensen

Mark Consilvio  
Quinn Dang  
Thomas Darby  
Bill DeGrandis

Francesca Erts  
Antoinette Gabriel  
Jeremy Gordon  
Nick Guidi

Matt Herrington  
Arvind Jairam  
Thomas Jordan  
Steve Kinnaird  
Andy Legolvan  
Peter Lindsay

Mike Marusak  
John Michels  
Jason Mikus  
Mike Murray  
Jesselyn Pe  
Jennifer Riddle

Jay Schuffenhauer  
Alex Schulman  
Neil Schumacher  
Nathan Sheers  
Tor Tarantola  
Michael Wise

## **Paul, Weiss, Rifkind, Wharton & Garrison: 52 matters**

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

Paul, Weiss hosted a virtual discharge upgrade clinic with their corporate client Apollo, serving 11 veterans. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases.

Paul, Weiss accepted 3 discharge upgrade matters. Paul, Weiss also is a leading discharge upgrade file review partner, accepting 38 discharge upgrade file review matters.

Kevin Addor  
Matt Battaglia  
Jeremy Benjamin  
Joseph Boris  
Josh Bradford (Apollo)  
Kristina Bunting  
Alex Deutsch  
Emily Donohoe  
Hannah Duus

Ira Gilbert  
Lisa Gluckman  
Zain Haq  
Leah Hibbler  
Amanda Huttenlocher  
(Apollo)  
Dhrumit Joshi  
Dan Kang  
Hiroshi Kataoka

Tanya Manno  
William Marks  
Diana McGinley-Roldan  
Donald McKiernan  
Matthew Merlo  
Tarek Roshdy  
Allen Wieder

## **Perkins Coie: 67 matters**

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

Perkins Coie is lead counsel with NVLSP in a class action in the United States Court for the District of the District of Columbia challenging an illegal Navy and Marine Corps policy of refusing to consider disabling conditions due to the “Properly Referred Policy,” which resulted in the improper denial of medical retirement. The Court has certified the class, and summary judgment briefing is underway.

Perkins Coie accepted 7 cases involving Combat-Related Special Compensation, 1 discharge upgrade case, 3 medical retirement administrative appeals. Perkins Coie is a leading partner for discharge upgrade file reviews, accepting 42 in 2021. Perkins Coie hosted a virtual discharge upgrade clinic, serving 12 veterans. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases. Perkins Coie volunteers also accepted a certiorari stage Supreme Court amicus brief and a Federal Circuit amicus brief.

Eric Aaserud  
Tom Ahmadifar  
Pam Anderson  
Hal Brewster\*\*  
Randy Bridgeman  
Alix Bromer  
Stephen Brookman  
Samantha Burke  
Graeme Bushart  
Howard Cabot  
Alex Canizares  
Rodger Carreyn  
David Chiappetta  
Andrew Chen  
Barak Cohen  
Andrew Cross  
Evan Day  
Paul Devlin  
Aaron Dickinson  
Stephanie Duchesneau  
Junior Dufort\*  
Andy Dufresne  
Brenna Duncan  
Mike Dunning  
Gary Eisenberg  
Cassie Elrod\*\*  
Aimee Ford  
Don Friedman  
Alison Ge\*  
John Geise\*\*  
Kerensa Gimre  
Michael Glenn

Juan Angel Fonseca  
Sean Belding  
Michael Bleicher  
Alexis Grady\*  
Mark Haidar\*  
Adam Hester  
Charlyn Ho  
Marcy Hupp  
Jyoti Jasrasaria\*\*  
Anny Joy  
Nate Kelley  
Michelle Kemp  
James Kilcup  
Mica Klein  
Sam Klein\*  
Arthur Kolios  
Paul Korol  
Cheryl Lardieri\*\*  
Megan Lich\*  
Kira Loehr  
Karen McGaffey  
Rebecca Mears\*\*  
Lou Mejia\*\*  
Caroline Mew  
Gregory Miller  
Greg Mina  
Serena Nakano  
Zachary Newkirk\*\*  
Maria Nugent\*\*  
Dan Osher\*\*  
Rocio Palomo

Ted Boling  
Stacey Bosshardt  
Emily Brailey\*\*  
Ned Prusse  
Kon Petrov  
Olivia Radics  
Shelby Rampolo  
Daniel Ridlon  
Katherine Rosati  
Mary Samson\*  
Ahsan Sayed  
Nic Schmidt  
Jonathan Schulman  
Kaveri Sharma\*  
Rachel Shapiro  
Erica Smith\*\*  
Kelly Soldati  
Evelyn Sroufe  
Brian Svoboda  
Michael Swick  
Brandon Thompson  
Tommy Tobin  
Geof Vance  
Fabricio Vayra  
Andy Villier\*\*  
Sean Wagnon  
Meredith Weinberg  
Michael Woolslayer  
Betselot Zeleke  
Todd Zerega

## Raytheon: 23 matters

**LSW Pro Bono Contacts:** Sara Pagani, Justin Hendrix, Serena Forrest, Mandi Macaro

A new LSW partner in 2021, Raytheon accepted 15 discharge upgrade file review matters. Raytheon also accepted 8 discharge upgrade cases for full representation working with their partner, DLA Piper.

Ali Anekwe  
Dan Barbieri

Bill Beeson  
Donna Dorbuck

Serena Forrest  
Justin Hendrix

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\* One asterisk denotes a summer associate who assisted on an NVLSP pro bono matter.

\*\* Two asterisks denote an attorney who has departed the firm.

Laurie Kaufman  
Taylor Menlove  
Shirin Mirdamadi-Tehrani  
Renee Morrell

Helen Russell  
Bill Sawyer  
Brooke Squiller  
Shandra Stout

Jeanine Thomson  
Melinda Walker  
Wendie Wigginton

### **Reed Smith: 6 matters**

*LSW Pro Bono Contacts:* Chris Walters, Kathy Oviedo

Reed Smith accepted 6 military medical retirement administrative appeals.

Eric Alexander  
Justin Angotti  
Sujey Herrera  
Gina Kantos

Celeste Letourneau  
Avery Normyle  
Christopher Pulido  
Kathleen Sheffield

David Stanley  
Rebecca Tesfaye  
David de Jesus

### **Shearman & Sterling: 13 matters**

*LSW Pro Bono Contact:* Denise Karamian

Shearman & Sterling volunteers accepted 4 discharge upgrade cases (with 1 involving Military Sexual Trauma) and 8 discharge upgrade file reviews.

Shearman & Sterling also accepted a Freedom of Information Act project regarding DOD Advisory Opinions.

Mallory Brennan  
Matthew Brown  
Bobby Cardone  
Natali de Corso  
Tim Doyle  
Kevin Finkelstein  
Ana Goncalves

Tyler Hawley  
Darren Hon  
Emily Leitch  
Erica Martin  
Jacob Mezei  
Carter Nelson  
Lachlan Nichols

Kartika Pillay  
Emily Poulson  
Tarek Raucci  
Avi Schigel  
Adam Schwartz  
Daniel Tristan

### **Sheppard Mullin: 6 matters**

*LSW Pro Bono Contacts:* Abby Carrigan, Daniel Brown, Kameron Dodge

Sheppard Mullin volunteers accepted 6 discharge upgrade matters cases (with 1 involving Military Sexual Trauma).

Ben Aigboboh  
Townsend Bourne  
Dan Brown  
Allison Cheffer

Victoria Hubona  
Ali Lattner  
Bob Magielnicki  
Keeley McCarty

Mikela Sutrina  
Brittany Walter

## Sidley Austin: 68 matters

**LSW Pro Bono Contact:** Emily Wexler

Sidley is lead counsel with NVLSP in two class actions regarding the military's refusal to provide more than six years of retroactive benefits for Combat-Related Special Compensation. In *Soto v. U.S.*, a federal district court in Texas ordered the government to provide the full amount of retroactive payments, without the six-year cap, to all class members, with the class defined as veterans owed under \$10,000. In *Paige v. U.S.*, the Court of Federal Claims found *Soto* to be persuasive and denied the government's motion to dismiss for the class of veterans owed over \$10,000.

Sidley is a leading LSW partner for all case types. Sidley accepted 4 appeals at the Court of Appeals for Veterans Claims, 1 matter at the Board of Veterans' Appeals, 16 Combat-Related Special Compensation cases, 7 discharge upgrade cases (with 2 involving Military Sexual Trauma and 2 with partner Microsoft), 2 discharge upgrade file reviews, 2 Military Sexual Trauma cases at the VA, 1 medical retirement administrative appeal, and 3 medical retirement litigation appeals.

Sidley hosted a virtual discharge upgrade clinic with its partner Microsoft, serving 18 veterans. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases. Sidley and Microsoft also joined together for 11 discharge upgrade file reviews. Sidley further drafted comments in response to the VA's interim final rule establishing presumptive service connection for asthma, rhinitis, and sinusitis.

Athena Aherrera  
Zarine Alam  
Aaron Applebaum  
Joseph Baier II  
Kaylee Bean  
Blair Belsky  
James Bieke  
Brooke Boll  
Scott Border  
George Brooks  
Barbara Broussard  
Kevin Burke  
Cayla Calderwood  
Richard Cederth  
Raphael Cho  
Ellie Cohen  
Joseph Coniglio  
Courtney Cronin  
Stacy Crosnicker  
Jeremy Cummins  
Sam Dillon

Joseph Dosch  
Peter Edgerton  
Barbara Endres  
Madison Ferraro  
Ryan Fink  
Sarah Gallo  
Chaddy Georges  
John Gibbons  
Katherine Gomer  
Laura Herrera  
Sasha Hondagneu-  
Messner  
James Huizinga  
Ellen Hunter  
Allison In  
Gregory Jacobs  
Brenna Jenny  
Carl Jiang  
Simone Jones  
Ting Kathy Wang  
Rebecca Keevers

Gerard Kelly  
Daniel Kelly  
Colleen Kenney  
Lauren Kitces  
Ross Kloeber  
Parker Kolodka  
Alison Krueger  
Drake Leifried  
John Levi  
Timothy Li  
Bernardo Lopez  
Nat Love  
Nathaniel Love  
John MacKinnon  
Matthew Mahoney  
Greg Marrs  
Jennifer McCandless  
Joe Micallef  
Travis Miller  
Ash Nagdev  
Joyce Ng

Tung Nguyen  
Kamara Nwosu  
Megan O'Toole  
Jorene Ooi  
Carly Owens  
Dustin Page  
Inn-Young Park  
Mark Poole  
Mark Prior

Alexandria Ruiz  
Bill Sarraille  
Giulia Scelzo Rubin  
Benjamin Schoener  
Kayla Scott  
Andrew Shoyer  
Kyle Smith  
Kendra Stead  
Brent Steele

Catherine Stewart  
Zachary Strongin  
Robert Uhl  
Jennifer Wagener  
Emily Wexler  
Taylor Wood  
Irene 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 7 discharge upgrade case cases (with 3 involving Military Sexual Trauma).

Paige Braddy  
Jen Bragg  
Karen Corallo  
Eman Cuyler  
Jackie Dakin

John Endresen  
Kiki Griffith  
Joseph Larkin  
Jillian Norton  
Jim Perry

Jared Petermeyer  
Scott Rabinowitz  
Jacob Rahavi  
Scott Silverboard  
Rob Warnement

### **Stephoe & Johnson: 8 matters**

*LSW Pro Bono Contacts:* Paul Lee, Harmony Jones

Stephoe & Johnson accepted 3 cases at the Board of Veterans' Appeals, 1 Combat-Related Special Compensation case and 1 discharge upgrade case.

Shawn Davisson

David Fruchtman

Dane Jaques

### **Sullivan & Cromwell: 2 matters**

*LSW Pro Bono Contacts:* Jessica Klein, Karen Biehl

A new LSW partner in 2021, volunteer attorneys from Sullivan accepted 2 discharge upgrade case cases (with 1 involving Military Sexual Trauma).

Brendan Cullen  
Tristan Hood

Julie Jordan  
Brett Laudeman

Nikko Price  
Elizabeth Storey

## **Troutman Pepper: 16 matters**

**LSW Pro Bono Contacts:** Tim Bado, Nick Ramos

Troutman Pepper accepted 8 cases at the Board of Veterans' Appeals, 5 discharge upgrade cases, and 1 Combat-Related Special Compensation litigation case.

Troutman Pepper also accepted a Freedom of Information Act project regarding medical retention review by DOD and a project to draft self-help materials for veterans and service members to assist them in obtaining education benefits.

Victoria Alvarez  
Tim Bado  
Christopher Brolley  
Madeleine Cane  
Robert Claiborne  
Chamberlain Collier  
Thomas Cordova  
Kyle Deak

Ben Deniger  
Megan Dowty  
William Droze  
Matt Fay  
Robert Jenkin II  
Kristin Jones  
Michael Jordan  
Catherine Little

Tim McHugh  
Michael Peretz  
Daniel Prichard  
Nick Ramos  
Nick Schuchert  
Houston Shaner  
James Washburn  
Kahn Wiedi

## **Verizon: 8 matters**

**LSW Pro Bono Contacts:** Alycia Guichard, Ashley Morgan

Verizon hosted two virtual discharge upgrade clinics, serving 7 veterans. Veterans from across the country met with pro bono attorneys through virtual meeting platforms to discuss their discharge upgrade cases.

Verizon also accepted 1 discharge upgrade matter for full representation, working with their partner DLA Piper.

Maria Abruzzini  
Donna Barrett  
Nicholas Buell  
John Cmelak  
Susan Cooke  
Krine Desai

Eileen Ferguson  
Pamela Goldstein  
Kacey Hall  
Greg Harris  
Benjamin Kacher  
Henry Katz

Rich Kupferberg  
Tandra LeMay  
David Lincoln  
Tara O'Brien Wu

## **VMware: 12 matters**

**LSW Pro Bono Contact:** Stephanie Nelson

A leading partner for LSW's discharge upgrade file review project, VMware accepted 12 discharge upgrade file review matters.

Padma Choudry  
Elaine Manzanilla

Kate McMenamy  
Beth Miersch

Karen Moir  
Stephanie Nelson

## **Wells Fargo: 15 matters**

**LSW Pro Bono Contacts:** Michael Gravink

Wells Fargo volunteers assisted NVLSP with conducting a 2-day virtual clinic for 24 injured Special Operations service members with their partner McGuireWoods.

Kerry-Ann Archer  
Jose Bermudez  
Kimberley Cochran  
Wendy Furhang  
Kevin Heiser

Tony Ketron  
Leslie Lovelace  
Lamiek Martin  
Beverly Jo Slaughter  
Laura Stark

Lisa Stokes  
Nicholas Weeks  
Nathan Whiteley  
Mark Wieman

## **White & Case: 10 matters**

**LSW Pro Bono Contacts:** Matt Frutig, Dan Shults, Nate Martin

A leading partner at the Board of Veterans' Appeals, White & Case accepted 10 BVA matters.

Alec Albright  
Helen Arshansky  
Peter Carney  
Alex Dilley  
Terrel Ferguson  
Dana Foster  
Farhad Jalinous

Doug Jasinski  
Regina Loureiro  
TJ McElhinney  
Stephen Moeller-Sally  
Otto Nunez-Montelongo  
Dave Pezza  
Aaron Potter

Noah Repel  
Rafael Roberti  
Edward So  
Bryan Spurgeon  
Sophia Stefanovic  
Ashley Williams

## **Williams & Connolly: 4 matters**

**LSW Pro Bono Contact:** Liam Montgomery

Williams & Connolly accepted 1 appeal at the Court of Appeals for Veterans Claims and 3 discharge upgrade matters (with 1 involving Military Sexual Trauma). Williams & Connolly also accepted 1 Federal Circuit amicus brief.

Will Ashworth  
Campbell Curry-Ledbetter  
Lane Heard  
Luke McCloud

Amy McKinlay  
Chris Mendez  
Liam Montgomery  
Miranda Petersen

Helen White  
Jamie Wolfe

## **Willkie Farr: 5 matters**

**LSW Pro Bono Contacts:** Stacey Kushlefsky, Jordan Diamond

A new LSW partner in 2021, Willkie Farr accepted 3 Combat-Related Special Compensation cases, 1 discharge upgrade case, and 1 appeal before the Board of Veterans' Appeals.

Krystyna Blakeslee  
Amanda Burke  
Connor Burns  
Courtenay Cullen  
Weston Eguchi  
Jason Kelly

Logan Kenney  
Tyler Kuhn  
Erik Lindemann  
Bill Montemarano  
Ryan Peloquin  
Samantha Ragonesi

Tamar Rothstein  
Ciara Sisco  
Cassandra Vangellow

## **WilmerHale: 20 matters**

**LSW Pro Bono Contacts:** Chris Herrling, Leigh Hillebrand

WilmerHale is a leading LSW partner for cases involving VA benefits appeals and Combat-Related Special Compensation.

WilmerHale accepted 7 appeals at the Court of Appeals for Veterans Claims, 11 Combat-Related Special Compensation cases, and 2 Department of Defense combat-related matters.

Alex Bernstein  
Mark Cahn  
Salvatore Daniele\*\*  
Amy Doberman  
Hussein Elbakri  
Micah Fielden  
Aaron Friedman  
Jennifer Graber  
Mark Hanin  
Katharine Jones  
Sean Kenny  
Omar Khan  
Jason Kipnis  
Yoon-Young Lee

Elise Brumbach\*\*  
Samuel Leifer  
Alexandra Levine\*\*  
Joseph Levy  
Lauren Lifland  
Meredith Loretta  
Webb Lyons\*\*  
Bill McLucas  
Jaclyn Moyer  
Joseph Mueller  
Alex Nemptzow  
John Ruth  
Alan Schoenfeld  
Daniel Schubert

Howard Shapiro  
Russell Spivak\*\*  
Linda Sun  
Erik Swabb  
Kyle Swan  
Jennifer Thompson  
Lydia Turnage  
Matt Vigeant  
Jon Weingart  
Monika Weisman  
Amy Wigmore  
Karis Yi

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\*\* Two asterisks denote an attorney who has departed the firm.

## **Winston & Strawn: 11 matters**

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

Winston & Strawn accepted 8 cases at the Board of Veterans' Appeals and 3 discharge upgrade cases.

Zachary Broner  
Jordan Bucci  
David Dalke  
Brandon Duke  
Geoff Eaton

Scott Englert  
Dylan French  
Claire Fundakowski  
John Hamilton  
David Houck

Rich McCarty  
Mark Rizik  
Denise Scofield  
Cari Stinebower  
Isaac Villarreal

# NVLSP STAFF

## EXECUTIVE TEAM

### **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*

### **Richard Spataro**

*Director of Training and Publications*

### **Stacy Tromble**

*Director of Court of Appeals for Veterans Claims Litigation*

### **Paul Wright**

*Executive Director*

### **Jeffrey J. Zanghi**

*Director of Finance*

### **Samuel Foreman**

*Development Assistant*

### **Solveig Frasc**

*Staff Attorney*

### **Melinda Fuentes**

*Intake Support Specialist*

### **Karen Galla**

*Special Counsel*

### **Mariah Hanley**

*Appellate Attorney*

### **Thomas Herthel**

*Of Counsel*

### **Christine Cote Hill**

*Special Counsel*

### **Alexis Ivory**

*Senior Staff Attorney*

### **Ryan Kelley**

*Georgetown Law School Fellow*

### **Ann Kenna**

*Staff Attorney*

### **Esther Leibfarth**

*Senior Staff Attorney*

### **Katherine Mann**

*Development Manager*

### **Michael Marquet**

*Case Management Attorney*

### **Lane McCall**

*IT Manager*

### **Abigail Meador**

*Paralegal*

### **Kenneth Meador**

*Appellate Attorney*

### **Erin Mee**

*Pro Bono Coordinating Attorney*

### **Caitlin M. Milo**

*Senior Appellate Attorney*

### **Byron Moore**

*Appellate Attorney*

### **Christopher Murray**

*Senior Managing Appellate Attorney*

### **Angela Nedd**

*Administrative Assistant & Paralegal*

### **Allison O'Neill**

*Legal Office Assistant*

### **Nnamdi Okoli**

*Staff Attorney*

### **Andrew Penman**

*Appellate Attorney*

### **Kelly Parker**

*Staff Attorney*

### **Dorrie Popovski**

*Paralegal*

### **Abigail Reynolds**

*Staff Attorney*

### **Anita Nigam Ritchie**

*Appellate Attorney*

### **Andrew Risk**

*Paralegal*

### **David Sonenshine**

*Senior Staff Attorney*

### **Katherine Stagner**

*Legal Office Assistant*

### **Carlie Steiner**

*Appellate Attorney*

### **Bart Stichman**

*Special Counsel*

### **Maeve Sullivan**

*Staff Attorney*

### **Christopher Toms**

*Appellate Attorney*

### **Dale Ton**

*Appellate Attorney*

### **Alie Venuti**

*Senior Staff Attorney*

### **Tekey Wallace**

*Staff Attorney*

### **Christopher Wysokinski**

*Appellate Attorney*

## STAFF

### **Ronald Abrams**

*Special Counsel*

### **Adrian Adrias**

*Accountant*

### **Amy Borgersen**

*Appellate Attorney*

### **George Burtsev**

*Office Manager*

### **Clarissa Cashmore**

*Staff Attorney*

### **Helen Chong**

*Training Associate and Webinar Manager*

### **Kenneth Ciardiello**

*Appellate Attorney*

### **Emily Woodward Deutsch**

*Appellate Attorney*

### **Monica Draper**

*Senior Accountant*



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