Advocating for Veterans: The Basics on VA Benefits, Discharge Upgrades and Veteran Cultural Competency 2013

November 1, 2013 9:00 a.m. – 5:00 p.m.

Why You Should Attend

There are over 21 million veterans in the U.S.; many of them are not aware of the benefits to which they are entitled. Medical and financial assistance are available to men and women who have served in the military, but some who can qualify are not receiving the benefits that they need. Attorneys can assist veterans with the problems that preclude them from receiving benefits, such as:

- Lack of proper paper trails to "service-connect" their injuries
- Ineligibility for benefits for those given less than fully honorable discharges for behaviors that were related to post traumatic stress disorder or minor disciplinary infractions

What You Will Learn

Nearly 45% of veterans returning from Iraq and Afghanistan seek compensation from the Department of Veterans Affairs (VA) for service related injuries. A stunning 30% suffer from post-traumatic stress disorder. Many of those who should receive benefits will be denied. All of them will wait months or years for the VA to issue decisions on their claims. Learn how to navigate the VA claims process and to become an effective advocate for veterans in need. This all day program will provide an overview of VA disability law and military discharge review law. You will gain an understanding of different types of military discharges, why they are important, and how you can help veterans with less than Honorable discharges.

- The three morning sessions provide the basics you need to represent veterans before the VA. The morning sessions fulfill the VA's requirement for qualifying CLE within the first 12 months of your VA accreditation.
- The 1:45pm session, *Veterans' Cultural Competency: Combat to Community*, will help veterans' advocates to understand the challenges that veterans face in their transition to a noncombat community.
- The 2:45pm to 5:00pm sessions will provide attorneys with the tools that they need to assist veterans in upgrading their discharge status and removing stigmatizing information from their discharge documents.

Who Should Attend

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

IMPORTANT!! GET ACCREDITED BY THE VA **BEFORE** YOU ATTEND THIS TRAINING.

- 1. Attorneys and other advocates must be accredited to practice before the VA. To obtain accreditation you must complete this form: www.va.gov/vaforms/va/pdf/VA21a.pdf.
- 2. Accreditation by the VA may take several weeks, so do not delay filing your application. You can speed up the process by emailing the form to <a href="https://occ.org/occ.nc/gov.nc/
- 3. Within 12 months of accreditation you are required to complete three hours of qualifying CLE. The morning session of this program satisfies that requirement, but *only* if you have *already* received your accreditation from the VA.

Attorneys and other advocates who become accredited will be listed on a national VA list, and are entitled to represent veterans in their claims for benefits, on a pro bono basis, and for attorney's fees on appeals, where they are available.

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Program Schedule

9:00

Program Overview and Introductions
Michael Blecker, Theresa Mesa, Teresa Panepinto

9:15

Introduction to Benefits for Veterans with Disabilities

During this hour, we will define the term "veteran", provide an overview of the various benefits that veterans can receive from the VA, discuss the VA attorney accreditation process for those interested in practicing in this field, and emphasize the need for *pro bono* attorneys to assist veterans.

- Introductions
- Administrative Background
- Benefits available from the Department of Veterans Affairs
- Applying for VA Non-Service Connected Pension

Bradford Adams, Nicole M. Perez, John Robert Unruh

10:15

Service Connected Disability Compensation and Character of Discharge

In this hour, we will discuss service-connected disability compensation, the three requirements to win a claim for this benefit, and the VA's disability percentage rating system. Many combat veterans have been booted out of the military with less than honorable discharge, making them ineligible for VA benefits. Such veterans need to apply for a special determination from the VA that their service warrants a grant of benefits in spite of the character of discharge. In this hour we will also discuss that process.

• Service Connected Disability Compensation

• Assisting Otherwise Ineligible Veterans: VA Character of Discharge Determination Bradford Adams, Nicole M. Perez, John Robert Unruh

11:15

Networking Break

11:30

Special Disabilities, Procedures and Practice Pointers

In this hour we will discuss some of the signature wounds of the more recent conflicts as well as how to build a disability claim based on a sexual assault. We will also explain how to apply and pursue a claim from the initial claim through to an appeal to the Board of Veterans' Appeals. We hope to impart practical information that can be put to service so you can begin representing veterans right away.

- Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI)
- Military Sexual Trauma
- Evaluating and Developing the Claim
- Hearings and Appeals
- Practice Tips
- Attorney's Fees

Bradford Adams, Nicole M. Perez, John Robert Unruh

Important Note: The three hour morning session meets the requirements for practice before the US Department of Veterans Affairs (VA). Registrants must apply to the VA for accreditation prior to training in order for the training to count towards the VA continuing education requirement for accredited attorneys. Please visit www.va.gov/ogc/accreditation.asp for more information. It may take several weeks for the VA to process the application form.

12:30

Lunch

1:45

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

In this hour, in order to assist you in developing a positive and sensitive relationship with your clients, we will discuss military culture and the challenges that veterans face in transitioning from combat back into their communities.

- Working with veterans transitioning from combat to the community
- Challenges veterans face
- Services and supports for veterans

Amy N. Fairweather, Starlyn Lara

2:45

Military Discharge Upgrade and Review

A less than fully honorable discharge has many consequences: it disqualifies the veteran from many VA benefits; can impact a veteran's employment opportunities; and cause feelings of shame, inadequacy, and anger. We will explain how you can help a veteran upgrade his or her

discharge by applying to the Discharge Review Boards and Boards for Correction of Military Records.

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

Teresa Panepinto, Becca von Behren

3:45

Networking Break

4:00

Special Issues in Discharge Review

Many veterans are discharged from the military for reasons that are unjust or inaccurate, and those reasons are documented on important discharge paperwork. Stated reasons can include personality disorder, homosexuality, unfit for service, and misconduct. We will explain why these reasons are significant, and also will discuss the repeal of Don't Ask, Don't Tell.

- Changing the Reason for Discharge
- Don't Ask, Don't Tell Discharges
- Wrongful Personality Disorder Discharges vs. Disability Discharges
- General Practice Pointers

Teresa Panepinto, Becca von Behren

5:00

Adjourn

Faculty

Co-Chairs

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