

# **Advocating for Veterans: The Basics on VA Benefits, Discharge Upgrades, Veteran Cultural Competency, and Marginalized Veteran Populations 2019**

**San Francisco, Live Webcast and [www.pli.edu](http://www.pli.edu),\*  
November 1, 2019**

**IMPORTANT! If you get accredited by the VA before you attend this training, the first three hours will satisfy the VA's CLE requirement.**

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](http://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 [OGCAccreditationMailbox@va.gov](mailto:OGCAccreditationMailbox@va.gov).
3. Within 12 months after 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. If you have not received it, you should still watch this program, but keep in mind that you will need to complete three additional hours of CLE within 12 months after receiving your accreditation.
4. 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.

## **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 those who have served in the military, but many veterans most in need are not receiving VA benefits.

Navigating the VA claims system and applying for discharge upgrades before the Department of Defense are difficult and complex processes. Attorneys play an essential role in removing barriers to VA benefits, such as:

- Lack of evidence to “service-connect” their injuries or disabilities.
- Lack of current medical or mental health evidence documenting severity of symptoms for accurate disability ratings.
- VA eligibility determinations for those given less than fully honorable discharges for behaviors that were related to minor disciplinary infractions or symptoms of Post-Traumatic Stress or other service-related disabilities.

## **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; 30% of these veterans who file for VA benefits include claims for Post-Traumatic Stress. Many of those who should receive benefits will be denied. Many service members who may be VA eligible are unaware of their legal right to pursue VA benefits, and of those who do apply, more than 90% 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 one-hour morning sessions provide the basics you need to represent veterans before the VA. The morning session fulfills the VA's requirement for qualifying CLE within the first 12 months of your VA accreditation.
- The 1:45 session, Veteran Cultural Competency: Combat to Community will help veterans' advocates to understand the challenges that veterans face in their transition to a noncombat community, and provide tips on interviewing and providing legal services to veterans with disabilities.
- The 2:45 to 5:00 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 as well.

## **AGENDA**

Morning Session:

9:00

### **Opening Remarks**

***Michael Blecker, Elizabeth A. Hom, Evan R. Seamone***

9:15

### **Introduction to Benefits for Veterans with Disabilities**

To introduce the topic, 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. We will also discuss basic veteran eligibility, particularly for those veterans who were discharged with less than honorable discharges, making them ineligible for VA benefits.

- Administrative background
- Benefits available from the Department of Veterans Affairs
- Veteran eligibility
- VA Character of Discharge determinations
- Service connected disability compensation (Part I - Overview)

***Nicole M. Perez, Maureen Siedor***

10:15

### **VA Service-Connected Disability Compensation**

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. We will also explain procedure, including how to pursue a claim for the initial application through to an appeal to the Board of Veterans’ Appeals.

- Service connected disability compensation (Part II – Special Presumptions)
- Pension & survivors claims
- Evaluating and developing the claim
- VA procedure
- Hearings and appeals

***Mikayla Pentecost, Nicole M. Perez***

11:15 Networking Break

11:30

### **Mental Health Claims and Special Populations of Underserved Veterans**

During 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 and the impact of Don't Ask, Don't Tell. We will also cover concerns regarding residue of stigma from racial, gender and sexual orientation discrimination in military service.

- Post-Traumatic Stress Disorder (PTSD), other mental health conditions, and their evidentiary requirements
- Claims related to military sexual trauma, identity concealment, and discrimination

***Robert M. Alexander, Olivia B. Cole, Evan R. Seamone***

12:30 Lunch

Afternoon Session:

1:45

### **Veteran Cultural Competency: Combat to Community; Demographics, Cultural Characteristics, Myths and Stereotypes about Veterans; Legal Interviewing Tips**

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. We will also provide tips for interviewing veteran clients and building rapport and trust.

- Working with veterans transitioning from combat to the community
- Challenges veterans face
- Services and supports for veterans
- Trauma informed legal interviewing and client-centered approaches

***Amy N. Fairweather, Maureen Siedor***

2:45

### **Military Discharge Upgrade and Review I**

A less than fully Honorable discharge has many consequences: it disqualifies the veteran from many VA benefits; it can impact a veteran's employment opportunities; and it may 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

***Olivia B. Cole, Margaret Kuzma***

3:45 Networking Break

4:00

### **Military Discharge Upgrade and Review II**

Discharge review work is document-heavy, and this session covers everything you need to know about obtaining and evaluating evidence. Many veterans are discharged from the military for reasons that are unjust or inaccurate, and assistance is needed to remove stigmatizing information from their discharge documents.

- Obtaining and evaluating military records and other evidence; developing the case
- Changing the reason for discharge
- Wrongful personality disorder discharges vs. disability discharges
- General practice pointers

***Margaret Kuzma, Mikayla Pentecost***

5:00 Adjourn

**Faculty:**

**Co-Chairs:**

**Elizabeth A. Hom**

Program Supervisor

Office of Access & Inclusion, The State Bar of California

San Francisco, California

**Evan R. Seamone**

Legal Director

Swords to Plowshares

San Francisco, California

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**Robert M. Alexander**

Equal Justice Works Fellow

Director of LGBTQ Programming

Swords to Plowshares

San Francisco, California

**Michael Blecker**

Executive Director

Swords to Plowshares

San Francisco, California

**Olivia B. Cole**

Supervising Attorney and Legal Program Manager

Director of Women Veteran Programming

Swords to Plowshares

San Francisco, California

**Amy N. Fairweather**

Director, Institute for Veteran Policy

Swords to Plowshares

San Francisco, California

**Margaret Kuzma**

Director, Discharge Upgrade Practice  
Connecticut Veterans Legal Center  
West Haven, Connecticut

**Mikayla Pentecost**

Staff Attorney and Director of Sonoma Medical Legal Partnership  
Swords to Plowshares  
San Francisco, California

**Nicole M. Perez**

Managing Attorney, Veterans Justice Center  
Legal Aid Foundation of Los Angeles  
Los Angeles, California

**Maureen Siedor**

Staff Attorney and Pro Bono Manager  
Swords to Plowshares  
San Francisco, California

**Senior Pro Bono Program Attorney: Christina Thompson**