

Advocating for Veterans: The Basics on VA Benefits, Discharge Upgrades, and Veteran Cultural Competency 2021

San Francisco, Live Webcast and www.pli.edu,*
November 3, 2021

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 attorney 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 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 initial claims for VA benefits on a *pro bono* basis, and on VA benefits appeals for attorney's fees.

Why You Should Attend

There are over 18 million veterans in the U.S. Many of them are not aware of the benefits to which they are entitled. Medical, housing, and financial assistance are available to those who have served in the military, but many veterans most in need are not receiving assistance from the VA. Navigating the VA's claims system and the Department of Defense's discharge upgrade process is often difficult and complex. Attorneys play an essential role in removing barriers to life-sustaining benefits, by:

- Developing evidence to "service-connect" their injuries or disabilities.
- Using current medical or mental health evidence to document the severity of symptoms for accurate disability ratings.
- Advocating for VA eligibility determinations for those given less-than-fully honorable discharges for minor disciplinary infractions consequent to Post-Traumatic Stress or Traumatic Brain Injury symptoms.

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 with less-than-honorable discharges 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, Judi McManigal, Maureen Siedor

9:15

Introduction to Benefits for Veterans with Disabilities

To introduce the topic, we will define the term “veteran”, provide an overview of the benefits that veterans can receive from the VA, and discuss the VA attorney accreditation process for those interested in practicing in this field. We will discuss basic veteran eligibility, particularly for those veterans who were discharged with less-than-honorable discharges. Lastly, we will begin to discuss the three required elements to prevail in a claim for VA Service-Connected Disability Compensation.

- Representation before the VA
- Overview of VA Benefits
- Basic eligibility for VA Benefits
- VA Character of Discharge Determinations
- Service-Connected Disability Compensation (Part I)

Nicole M. Perez, Maureen Siedor

10:15

VA Service-Connected Disability Compensation

In this hour, we will continue to discuss the three elements of VA Service-Connection, including discussion on some of the signature wounds of the more recent conflicts - PTSD and Traumatic Brain Injury. We will also cover claims for Special Monthly Compensation available to veterans with certain severely disabling service-connected injuries. We will end the hour with information on Dependency and Indemnity Compensation (DIC), a benefit for survivors of those who had service-connected conditions.

- Service-Connected disability compensation (Part II)
- PTSD, Military Sexual Trauma (MST), and TBI Service-Connection Claims
- Special Monthly Compensation
- Dependency and Indemnity Compensation (DIC)

Deepa Arora, Olivia B. Cole, Amy Rose

11:15 Networking Break

11:30

VA Non-Service-Connected Pension and VA Claims Procedure

During this hour, we will discuss monetary benefits available to low-income, wartime, and elderly veterans, including the interplay of SSA and VA benefits. We end the morning by reviewing VA Claims Procedure, starting with assessing a client's claim, requesting and reviewing their records, and navigating the claims processes from initial application to appeal.

- VA Pension, Special Monthly Pension, and Death Pension
- Interplay of VA and non-VA public benefits
- Evaluating and developing the claim
- VA Claims Procedure
- Right to Appeal & Hearings

Olivia B. Cole, Nicole M. Perez

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

Holly L. Christian, Victor Inzunza, Tyler Solorio

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

Millie VandenBroek

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

5:00 Adjourn

Faculty:

Co-Chairs:

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