

Veterans Legal Clinic

Veterans Benefits Project

Representative Cases 2013-2014

- Successful representation of an Army combat veteran of the Vietnam War in his appeal before the U.S. Court of Appeals for Veterans Claims. The Court agreed with our arguments that the Board of Veterans' Appeal (BVA) was clearly erroneous when it failed to adjudicate the issue of the veteran's potential eligibility for Total Disability based on Individual Unemployability (TDIU) and when it failed to assist the veteran in submitting all relevant medical records. The Court vacated the BVA's decision and remanded the case to the BVA for a new hearing and reconsideration of the veteran's disability claims.
- Successful representation of a U.S. Army combat veteran of the Iraq and Afghanistan Wars in his appeal before the U.S. Court of Appeals for Veterans Claims. In a case of first impression, the Court held that the Servicemembers Civil Relief Act applies to administrative proceedings before VA and to proceedings on appeal to the Court. Relying on the Act, the Court both tolled and stayed the veteran's appeal deadline in light of his military service and PTS and the difficulties he experienced upon returning to civilian life. As part of the appeal, two Clinic students presented oral argument to a three-judge panel of the Court on the novel questions of law and fact raised by the case. The Court's decision is *Ausmer v. Shinseki*, 26 Vet.App. 392 (2013). The decision will benefit countless other veterans who experience multiple deployments while their VA disability claims are pending or who fail to file a timely administrative appeal or appeal to the Court because of the aftereffects of military service. For additional coverage of the case, see <http://today.law.harvard.edu/hls-veterans-legal-clinic-court-decision/>.
- Successful representation of a disabled Army combat veteran of the Vietnam War in a state administrative appeal challenging a decision to deny him retroactive Massachusetts veterans' services benefits and to recoup previously issued benefits.
- Successful representation of a homeless Navy veteran in a state administrative appeal challenging a decision to deny him Massachusetts veterans' services benefits on account of a prior criminal conviction.
- Ongoing representation of a Marine veteran before the U.S. Court of Appeals for Veterans Claims in her appeal challenging the Board of Veterans' Appeals decision to deny her disability benefits for Military Sexual Trauma.
- Ongoing representation of a U.S. Army veteran before the U.S. Court of Appeals for Veterans Claims in his appeal challenging the disability rating assigned to him by the Board of Veterans' Appeals for a grenade wound.

- Ongoing representation of a widow of a WWII Army veteran who fought in the Battle of the Bulge in her appeal challenging VA's decision to deny her survivor's benefits for the cause of the veteran's death.
- Ongoing representation of a widow of a WWII veteran whose Navy ship was torpedoed in her claim before VA for survivor's benefits for the cause of the veteran's death.
- Ongoing representation of a disabled Army combat veteran of the Afghanistan War in his petition for a discharge upgrade based on the role PTS played in the circumstances that led to his separation from the military.
- Ongoing representation of a Navy veteran of the Vietnam War in his petition to correct his naval records to remove now-unlawful references to his sexual orientation.
- Ongoing representation of a disabled Navy veteran in an appeal challenging VA's decision to terminate his pension based on the existence of an arrest warrant that was subsequently dismissed.