

IN THE PUBLIC INTEREST

A photograph of a soldier in camouflage uniform and a cap, seen from the back, holding the hand of a young child. They are walking on a paved path outdoors, with trees and a building in the background. The soldier's uniform has an American flag patch on the sleeve. The child is wearing a grey t-shirt and blue jeans.

SERVING THE MILITARY *Community*

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A Hidden Cost of Service: The Legal Needs of Military Personnel and Their Families

Some costs of war are public and obvious. Images of dead and wounded soldiers in the Middle East and elsewhere remind us daily of our military's brave sacrifices. Other costs are more private. The lives of service members and their families are interrupted by deployment and the stresses of war can destabilize family relationships, impose financial hardship and create housing difficulties. Once returned from overseas, many service members struggle with injuries, including post-traumatic stress disorder (PTSD) and traumatic brain injuries, for which they need medical treatment and other benefits.

The military provides some basic legal assistance to service-members through branches of the Judge Advocate General's Corps (JAG). In advance of deployment, JAG lawyers help service members prepare critical documents like wills, power of attorney authorizations and advance directives. However, JAG lawyers cannot assist with all legal needs of service members, and may not represent individuals in court on non-military matters.

Many service members and their families cannot afford a civilian lawyer. Though some can turn to legal aid organizations, many service members are either unfamiliar with

these services or do not meet their very low income eligibility requirements. In addition, while most legal aid lawyers can help with common legal needs like custody battles and landlord-tenant disputes, they are often unfamiliar with government programs created specifically to help service members.

Other service members need help securing their VA and other benefits. In particular, many of those suffering from PTSD engage in conduct that results in a less than honorable discharge, depriving them of essential health and other benefits. Upgrading the discharge can not only ensure that they get treatment, but bring new life and hope to these individuals.

Akin Gump has helped military members with a wide variety of issues, from helping a Navy medic blinded by a bomb blast secure his medical benefits to assisting the father of a Marine secure a guardianship over his severely injured son. We also work with family members to ensure that they receive death benefits and other entitlements from their loved ones' service to the country.

CLIENT SNAPSHOT


Fighting for Families

When the Department of Veterans Affairs denied a \$400,000 life insurance claim to the wife and four sons of a Marine who committed suicide in 2010, Akin Gump attorneys in the Washington office jumped in to reverse the VA's decision. Marine Maj. Jeff Hackett served 26 years of active-duty and paid premiums on his life insurance policy throughout his service. He stopped making payments after he left the military in 2008 when he began to struggle with post-traumatic stress disorder. The VA denied the insurance claim due to Hackett stopping

payments and allowing his policy to lapse since 2008. Akin Gump attorneys appealed the denial and successfully proved that Hackett was struggling with mental illness, which rendered him "totally disabled" and a casualty of war deserving of federal assistance. After the VA granted the life insurance claim to Hackett's family, the Commandant of the Marine Corps, James Amos, emailed the Akin Gump team: "Congratulations....and on behalf of all Marines and their families...THANK YOU!!!"

 **22 million**
TOTAL VETERAN
POPULATION

4 million VETERANS
recognized as disabled 

 **VETERANS with a**
70-100%
disability rating
1.2 million

Helping a Comrade-In-Arms

When I am not working as an Associate in the litigation group of Akin Gump's Washington office, I serve as a Judge Advocate in the Army Reserve. As a Judge Advocate, I provide legal assistance to Soldiers and retirees, ranging from estate planning to family law, at Fort Lee in Virginia. In working with current and former Soldiers, I quickly recognized the huge need for pro bono legal support from civilian counsel as well, as the JAG Corps is constrained by Army regulations as to which cases it may assist Soldiers with resolving.

I became involved in Akin Gump's Soldiers and Family Initiative by representing a Soldier facing medical separation from the Army. Our client, referred to us by the National Veterans Legal Services Program (NVLSP), was an infantryman who had served in the Army for over nineteen years and twice deployed to Iraq. During his first deployment, he injured his knee by jumping off of a roof during a firefight. Three years later on his second deployment, he was knocked unconscious after his Humvee hit an explosive device while he was manning the exposed turret on top of the vehicle.

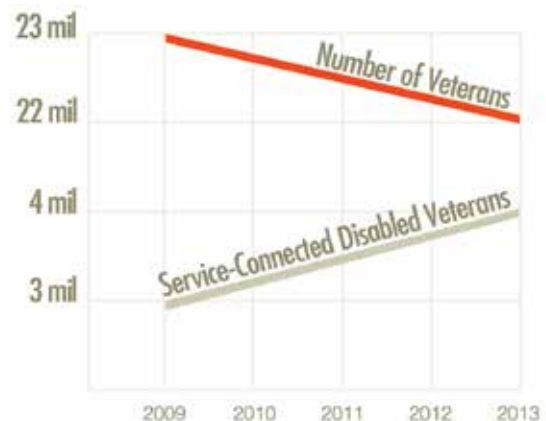
Years after both of these incidents, the Army initiated an administrative action in 2014 to separate the Soldier from the Army as medically unfit for duty as an infantryman due to the injuries he sustained in Iraq. At the time, he was only one year away from being able to retire for longevity of service. The separation action presented a maze of bureaucracy and confusing regulations for an enlisted Soldier with no resources to hire a lawyer.

Unsure of how to proceed, the Soldier found NVLSP, which in turn reached out to Akin Gump to take the case. With the support of NVLSP, fellow Associate Abby Kohlman and I helped the Soldier navigate the Army's byzantine Integrated Disability Evaluation System. The case ultimately required a full evidentiary hearing at Joint Base Lewis-McChord in Tacoma, Washington. We submitted a brief and other materials to the Physical Evaluation Board, and prepared the Soldier to testify. We then accompanied him at his hearing in Tacoma. After reviewing the Soldier's medical and service records, and hearing our argument, the Board ruled in his favor, finding him fit for continued service as an infantryman. This determination meant that he could retire with the full benefits merited by his service in the Army.

Despite the tragic circumstances that led to his injuries and the action to separate him from the Army, it was a deeply rewarding experience to ensure that this Soldier and his family received the benefits which they had earned. Only a few months after the hearing at Joint Base Lewis-McChord, our client retired from the Army for longevity of service, rendering him eligible for a pension, medical insurance, legal support, and other generous benefits for the remainder of his life.

David Coleman, Associate

The National Veterans Legal Services Program ensures that the government delivers to America's 25 million veterans and active duty personnel the benefits to which they are entitled under law. For more information, see www.nvlsp.org.



As the total number of veterans decreases, the number of service-connected disabled veterans increases.

Veterans Legal Advocacy Group

By Michael DiLemia, Associate

The letter from the VA was bureaucratic and cold: It said that the widow owed a \$140,000 debt to the VA and that the debt had been referred to the Treasury for collection. The government was true to its word. It confiscated the woman's tax return and garnished her Social Security benefits to offset the alleged debt. The VA claimed the widow owed them the money because she had received survivor benefits that she had not merited.

The alleged debt was a result of the VA's own error.

Desperate, the widow turned to Veterans Legal Advocacy Group (VetLAG). Formed in 2009, VetLAG has helped hundreds of veterans and their families navigate the VA. VetLAG reached out to the VA to dispute the debt. The VA ignored the overtures; VetLAG turned to Akin Gump for help.

Together with VetLAG, Akin Gump attorneys filed an emergency motion in the United States Court of Appeals for Veterans Claims urging a stop to the collections. The filing got the VA's attention. Discussions followed.

The VA forgave the debt and returned everything the Treasury had confiscated.

The mission of VetLAG, a 501 (c)(3) nonprofit organization, is to ensure that veterans and their family members receive the VA benefits they are entitled to by offering free or reduced cost legal representation in front of the VA and the federal courts. The team at Akin Gump assists VetLAG on some of VetLAG's most difficult cases, contributing research, briefing, and filings on appeals and emergency situations.

FOR MORE INFORMATION ABOUT THE ORGANIZATIONS WITH WHOM WE WORK, PLEASE VISIT:

	ABA Military Pro Bono Project www.militaryprobono.org/
	National Veterans Legal Services Program (NVLSP) www.nvlsp.org/
	Veterans Legal Advocacy Group (VetLAG) www.vetlag.org/wp/
	Veterans Consortium Pro Bono Program https://www.vetsprobono.org/

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