

Covington Advocates for Veterans

Longstanding Commitment to Veterans and Veterans Issues. The Firm has a long history of commitment to advocacy on behalf of our nation's veterans. Over the years, the Firm has been a proud partner and supporter of legal services organizations aimed at improving the lives of our nation's veterans. But perhaps more importantly, many Firm lawyers have devoted their personal energies and talents to representations of veterans and advocacy for veterans issues. A representative sample of those efforts (reflecting just matters worked on within the last four years) includes:

Appeals before the Court of Appeals for Veterans Claims: In partnership with the National Veterans Legal Services Program (NVLSP), many Covington lawyers have represented veterans in appeals before the United States Court of Appeals for Veterans Claims, in cases concerning denials of benefits sought from the Veterans Administration (VA). These representations include:

- B.M., in his appeal to the Court of Appeals for Veterans Claims of the denial by the Board of Veterans Appeals of his request for an increase in a disability rating for type II diabetes. We then represented B.M. in his further appeal to the United States Court of Appeals for the Federal Circuit, and in seeking certiorari from the Supreme Court (E. Stole, T. Voorhees, E. Longton, M. Sawyer)
- C.W., in an appeal to the Court of Appeals for Veterans Claims from the determination of the Board of Veterans Appeals denying his entitlement to service-connection benefits for residuals of burns to his hands and knee which occurred during a training-related exercise (J. Kresse, C. Johnson)
- O.G., a veteran's widow, in an appeal before the Court of Appeals for Veterans Claims of the denial of death benefits (N. Roman, M. Connolly)
- G.F.L., in an appeal to the Court of Appeals for Veterans Claims from the determination of the Board of Veterans Appeals denying relief for service-related injuries (J. Alexander, D. Valencia, A. Gevorkian)
- J.L., in his successful appeal of a denial of benefits for post-traumatic stress disorder (B. Sadasivan)
- J.C., in his successful appeal to the Court of Appeals for Veterans Claims of the denial of his application for service-connection benefits for a skin condition related to his service during the Gulf War (E. Stole)
- K.D.B., in his successful appeal to the Court of Appeals for Veterans Claims (L. Hobel)
- C.N., in his case before the Court of Appeals for Veterans Claims (L. Hobel, M. Kellogg)

COVINGTON

BEIJING BRUSSELS DUBAI FRANKFURT JOHANNESBURG LONDON LOS ANGELES
NEW YORK PALO ALTO SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

www.cov.com

- D.P.H., in an appeal to the Court of Appeals for Veterans Claims of the denial of his claim for increased disability benefits that will be argued to a three-judge panel in July 2016 (B. Block, K. King).
- M.C., a veteran's widow, in a matter referred by the Veterans Consortium, in a claim for benefits pending before the Court of Appeals for Veterans Claims (P. Davies, M. Sawyer, R. Sudarshan)
- R.C., in an appeal to the Court of Appeals for Veterans Claims, following a decision of the Board of Veterans Appeals denying service-connection for an injury R.C. sustained during the Vietnam war, that was settled for the full relief sought on the eve of oral argument (J. Alexander, J. Fowler)
- R.F., a veteran with over ten years of service in two branches, in his successful appeal to the U.S. Court of Appeals for Veterans Claims regarding the denial by the Board of Veterans Appeals of his claims for service-connected injuries (J. Kresse, J. Hughes)
- R.K., in an appeal to the Court of Appeals for Veterans Claims (E. Stole, M. Phelps)
- R.T., in a successful appeal (after prevailing on a motion for reconsideration), regarding a claim for increased disability for speech difficulties related to the veteran's throat cancer resulting from his service during the Vietnam War (Allan Moore)
- S.R., a veteran, before the Court of Appeals for Veterans Claims after remand from the Federal Circuit regarding whether his notice of appeal should be equitably tolled in view of a recent Federal Circuit decision (his initial appeal to the CAVC was dismissed as untimely) (L. Hobel, A. Dykhuis, N. Lampros)
- W.F., a military veteran, in connection with a claim for an increase in disability compensation due to the progression of a service-connected condition (T. Voorhees)
- W.H., a Navy veteran, in his successful appeal regarding a claim for disability related to service onboard an aircraft carrier during the Vietnam War (B. Block, D. Valencia)

Applications for Combat-Related Special Compensation (CRSC): Working with NVLSP, many Covington lawyers assist veterans injured in Iraq and Afghanistan in the submission of claims for CRSC, authorized under 10 U.S.C. 1413a, a benefit that allows injured veterans to receive tax-free disability compensation from the Department of Veterans Affairs and disability retirement pay from the Department of Defense. These representations have included:

- B.C., a combat veteran of the Marine Corps who served in Iraq and Afghanistan, in his claim for CRSC (D. Ridings, E. Sandberg-Zakian)
- C.B., an Iraqi war veteran, in applying for CRSC (M. Beeler)
- D.W., in obtaining CRSC benefits (A. Van Zant)
- E.W., an Iraq War veteran, in successfully applying for CRSC (T. Voorhees, J. Wakely)
- F.M., an Army veteran of Operation Iraqi Freedom, in successfully applying for CSRC (T. Voorhees, J. Bozman)
- G.J., in applying for CRSC (L. Hobel, R. Jacobs)
- G.R., in applying for CRSC (L. Hobel, P. Taylor, P. Dodson)
- I.O., in applying for CRSC in connection with injuries he received during military service
- J.A.W., in investigating eligibility for CRSC (L. Muschamp)

- J.B., Jr., in investigating eligibility for CRSC (L. Hobel, E. Caligiuri, R. Jacobs)
- J.H., in investigating eligibility for CRSC (L. Hobel, L. Muschamp, P. Flynn)
- J.M., in successfully applying for CRSC (E. Henn)
- J.S.F., an Iraq war veteran, in successfully applying for CRSC (E. Cox, L. Hobel)
- J.W., in obtaining CRSC for this veteran of the war in Iraq who sustained post-traumatic stress disorder and back injuries during his military service (H. Gilliam, S. Whittaker)
- M.T., in investigating his eligibility, and then submitting a successful application and supporting materials on his behalf, for CSRC (P. Scarborough)
- R.B., in applying for CRSC (L. Hobel)
- R.E., a veteran of the Iraqi War, in applying for CRSC (S. Safra, J. Wallace)
- S.H., in applying for CRSC (T. Garten)
- T.C., in applying for CRSC (L. Hobel)

Additional Proceedings before the VA: Covington lawyers, have represented veterans seeking benefits before the Board of Veterans Appeals (BVA), and in other proceedings with the VA and/or counseling veterans on their potential eligibility for benefits. These representations include:

- H.W., in remand proceedings at the Board of Veterans Appeals stemming from a case at the Court of Appeals for Veterans Claims in partnership with NVLSP. (Allan Moore, E. Andersen)
- C.E.J., a U.S. Army veteran, in her appeal of the denial by the Department of Veterans Affairs (VA) of her request for increased disability compensation. We were able to argue that the initial review officer failed to account for the totality of circumstances in Ms. J.'s case, and were able to solicit new evidence from Ms. J. and her doctors, employer, and family members that further supported the increased compensation. The VA granted her a retroactive increase, which resulted in a substantial lump-sum payment and an increase in her monthly benefits. This matter was in partnership with the NYC Bar Veterans Benefit Clinic. (M. Beeler)
- F.M., the widow of a deceased veteran, in exploring a claim for Dependency and Indemnity Compensation from the Department of Veterans Affairs in partnership with the City Bar Justice Center. (J. Milner)
- K.A.B., in connection with a potential claim for veteran's benefits on a referral from Swords to Plowshares, a community based veteran service organization (I. Rehtin)
- K.S., in an appeal to the BVA on remand from the Court of Appeals for Veterans Claims, in partnership with NVLSP (H. Berger, I. Belfer)
- R.S., in an appeal of a denial of a claim for veterans benefits referred by the Legal Aid Society for the District of Columbia.
- staffing Veterans Benefits Outreach Clinics with the William & Mary School of Law's Puller Clinic and in-house counsel from Northrop Grumman Corporation, providing short-term limited legal services to clinic participants regarding veterans disability benefits (E. Bosset, S. Cassidy, R. Newman)

- volunteering at the Swords to Plowshares' Veterans Legal Clinics to provide counseling and assistance on VA benefits claims and military discharge upgrades (D. Bayless, K. Cahoy, P. Flynn, R. Haslam, L. Hobel, M. Kellogg, M. Murch, I. Rehtin)

Diversity/Equal Protection for Servicemembers: Covington attorneys advocate for the nondiscrimination against and equal protection of all men and women who serve our country:

- In January of 2013, the Defense Department lifted a ban on prohibiting women from serving in combat following a lawsuit filed by Covington on behalf of Colonel Ellen Haring and Command Sergeant Major Jane Baldwin, challenging the legality of U.S. Department of Defense and Army policies that exclude women from certain ground combat units and other positions solely on the basis of gender. The suit was inspired by the Molly Pitcher Project at the University of Virginia School of Law, which was formed to explore whether combat-exclusion policies should be challenged in court. (C. Sipes, M. Keane, K. Scalzo)
- In partnership with the ACLU, participating in a legal and policy advocacy effort to challenge DoD policies interfering with open service by transgender individuals (C. Corwin, K. Scalzo, C. Hanson, J. Bozman)
- representing J.E., an officer in the Kentucky National Guard, who was facing discharge proceedings based on the regulatory restrictions on open service by transgender persons. (C. Corwin, K. Scalzo, C. Hanson, J. Bozman)

Additional Advocacy for Veterans, Veterans Issues, and Veterans Organizations:

Covington attorneys have been involved in many representations of veterans and veterans groups, to include:

- assisting a task force of veterans services organizations in assessing and analyzing potential reforms of the systems governing appeals of veteran benefits claims (M. McCartin, J. Bozman)
- providing political law compliance advice to the National Coalition for Homeless Veterans regarding its contacts with government officials. (D. Lawlor, S. Leahy, R. Lenhard)
- assisting the Bendetson Family in their effort to enact legislation providing for a national moment of silence to honor U.S. veterans and the military (M. McCartin, B. Smith, S. Glabe, M. McCarthy)
- assisting the Veterans Pro Bono Program with trademark clearance and registration matters (K. Gallagher-Duff)
- assisting Combat Veteran Players, a United Kingdom based nonprofit organization, that trains veterans in Shakespearean drama as a means of rehabilitative therapy, in forming an affiliated nonprofit organization in the United States (D. Gibson, S. Leahy, M. Wood)
- assisting Operation Making Careers Possible, a nonprofit organization that assists servicemembers' transition from the military to the civilian workforce, with trademark and copyright advice (M. Lavalleye, R. Dalton)
- assisting a nonprofit organization aimed at assisting Iraqi and Afghan nationals who have partnered with the U.S. military, in applying for federal and state tax exemption (S. Leahy, L. Ross)

- submitting an amicus brief for the American Legion and NVLSP in support of certiorari in *Ortiz v. United States* (J. Alexander, K. Cahoy, P. Johnson)
- preparing an amicus brief for NVLSP in *Valenti v. Shinseki*, (9th Cir.) (M. Lynch)
- preparing an amicus brief for NVLSP, Iraq and Afghanistan Veterans of America, Disabled American Veterans, Service Women's Action Network, and Protect Our Defenders in *Doe v. Hagenbeck* (2d Cir.) on the scope of intramilitary immunity for *Bivens* claims in a case by a former West Point cadet alleging a culture of sexual violence and harassment at the Academy (J. Alexander, K. Cahoy, J. Flynn)
- conducting legal and factual research for NVLSP on the Department of Defense's improper practice of withholding taxes from combat-related disability payments (B. Block, M. Caballero, E. Andersen, I. Wood)
- assisting R.P., a formerly homeless veteran, to consolidate and negotiate the repayment of his student loan debt, in a manner referred by Legal Services of NYC
- assisting G.M., an Air Force officer facing serious medical issues, with the recovery of a withheld security deposit (B. Block, J. Bozman)
- assisting E.T., a former service academy cadet in proceedings before the Board of Corrections for Military Records (M. Richardson, B. Block, I. Price, L. Windsor)
- working with the Washington Lawyers' Committee to investigate a potential class action for violation by an employer of the Uniformed Services Employment and Reemployment Rights Act of 1994 (B. Razi, E. Bosset, J. Johnson, I. Price, I. Wood)