



# OUR NATION'S PROMISE

*A Newsletter Dedicated to the Legal Issues Facing Veterans and Their Families*

*January 2014*

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## *Center for Veteran's Advancement Leading Advocacy for Veteran Benefits*

Los Angeles, CA

"Let our New Year's resolution be this: we will be there for one another as fellow members of humanity, in the finest sense of the word."

-Goran Persson



The Center for Veteran's Advancement's new year is off to a great start. We're looking forward to continuing our relationships with our *pro bono* partners, as well as forging new partnerships. In addition, we are excited about rolling out the Caregiver Advocacy Program in partnership with the Dole Foundation, the American Bar Association, and the American Military Officer's Association. The launch for our program is expected early this year in conjunction with negotiations with Congress for acknowledgement of caregivers.

CVA anticipates being the forerunner in supporting those who give tirelessly to support our nation's veterans. However, we can't do this alone. Your help is vital to fill the need this new partnership will create to help us to "Uphold Our Nation's Promise to Veterans and Their Families". Thank you for being a part of our community to bring hope and help to those who have given so much for us.

- **Rick Little**, Director, Center for Veterans Advancement at Public Counsel

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## Nancy Wheeler CVA Staff Attorney

Nancy Wheeler brings a worldly, thoughtful perspective to her work at Public Counsel's Center for Veterans Advancement (CVA). Growing up in rural Upstate New York, she developed a keen sense of justice and a passion for advocacy during her formative years. At Hartwick College, she traveled extensively, developing an understanding of international perspectives on legal issues while earning accolades for her work in the areas of political science and international law. She received her Juris Doctor degree from New England Law in 2008, working in a variety of organizations whose missions served communities in need.



Nancy's experience in Boston working with victims of domestic violence in addition to serving the low-income community with self-help legal services, and her work with disabled adults here in Southern California provide the foundation to her commitment to justice and delivering legal services to at-risk communities. The child of a Vietnam-era veteran and the grandchild of a WWII combat veteran who served in Japan, Nancy shares her family's commitment to this country's armed services.

Nancy's work at CVA helps her find expression for that commitment, where she currently works as a staff attorney assisting veterans and their families with a wide variety of legal issues. Nancy began working with the veteran community in 2008 as a law clerk, later receiving an Equal Justice Works AmeriCorps legal fellowship. Her work focuses on removing barriers to veterans' stability and employment, including housing and family law issues, tickets, warrants, and veterans benefits.

*"Given the sacrifices our nation's veterans make for our country, they deserve support and assistance when they return to civilian life. Veterans' legal needs are diverse and unique, and it requires substantial patience, commitment, and understanding to adequately serve them. CVA's mission synthesizes various approaches to delivering legal services, and aims to provide veterans with the fruits of the freedom for which they fought."*

-Nancy Wheeler

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## Demian Casey, Esq.

### Multiple Citations Dismissed for Veteran

"Daniel" served 11 years in the United States Army. He served honorably, including a combat tour attached to an Army Ranger unit in Grenada that lost six men. After military life, Daniel had trouble adjusting to the civilian world. His service was followed by 20 years of homelessness, mental health challenges, and substance abuse. On the streets he received numerous citations all over Los Angeles County. Then he met his sponsor who connected him with the Veterans Affairs programs and with Public Counsel's Center for Veterans Advancement. Daniel has now been off the streets and sober for over a year.

In decent traffic, Daniel lives about a half-hour by car from the Torrance Courthouse. By Metro it's two hours. Daniel's only option was the Metro and yet he arrived early and excited for his 8:30 a.m. hearing because it represented the first step to cleaning up his record and getting a job.



Torrance has a surprisingly friendly Courthouse. Mr. Casey identified himself as a pro bono attorney and the Judge agreed to hear him in chambers. Daniel's citation in this case was for several violations of the California Vehicle Code that took place well over a decade ago. After sharing Daniel's story, including his service record and multiple letters of support, the Judge agreed to dismiss the citation in the interest of justice (Penal Code Section 1385). Daniel was thrilled.

Daniel continued to arrive early and smiling for every appearance. He read the Bible while Mr. Casey waited to argue his case. One of his favorite passages is Proverbs 15:9-10: "The Lord detests the way of the

wicked, but he loves those who pursue righteousness. Stern discipline awaits anyone who leaves the path; the one who hates correction will die." As of this writing Daniel has kept to the path and they have received dismissals, suspended sentences, or community service for each of his citations. For Demian Casey, representing Daniel was a pleasure and a welcome reminder to strive for righteousness.

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## Cancer Fight for Vietnam Veteran Continues for His Widow

Rigoberto and Belinda Zambrano

At six foot two, a strong, two-hundred pound Rigoberto Zambrano worked tirelessly to ensure that the Army's equipment utilized in Vietnam operated smoothly. "People's lives depend on me," he told himself daily as he tore down defective motor and aircraft parts and soaked them in carcinogen laden solvents to clear out the "gunk" and to "make them shine." During his six years of honorable service Rigoberto never complained about the blistered skin and difficulty breathing he endured as the solvents he used slowly began to rob him of his life.

Years after leaving the Army, Rigoberto contracted Multiple Myeloma, a deadly cancer that ate away at his insides, causing liver and kidney failure and skin lesions. Rigoberto went from weighing over 200 pounds to approximately 109 pounds. He contemplated how this could happen to him. He did not smoke and rarely drank alcohol. He could only believe that his fate must have been due to all of the chemicals he used in the service. Eventually, he learned the military base he was assigned to was shut down by the U.S. Government due to being a hazardous site.



When his pain became unbearable and he could no longer provide for his family, Rigoberto filed a claim with the VA, seeking compensation for his disability. However the VA denied Rigoberto's claim, citing that because he had not served in a zone where cancer was considered a presumptive disease, he was not entitled to benefit payments.

The Loma Linda VA encouraged Rigoberto to contact the Director of Public Counsel's Center for Veterans Advancement "CVA" for help. CVA moved quickly to schedule an appointment with a leader in cancer research. Sadly, while driving home with his wife from that appointment, Rigoberto was killed in an automobile accident. His wife suffered minor injuries.

Incensed at the VA's wanton denial of Rigoberto's benefits, CVA continued to pursue the claim on behalf of Rigoberto's wife, Belinda. CVA argued that but for Rigoberto's emaciated state, which was caused by the cancer, he would have survived the accident. Further citing that while the accident was the principal cause of Rigoberto's death, his cancer contributed to his death and therefore, he should be compensated. Both the VA and the Board of Veterans' Appeals rejected CVA's argument. The doctor testifying in support of the VA's denial of benefits posited that the trichloroethylene type solvents used by Rigoberto do not contribute to a person contracting cancer. Apparently the doctor failed to consider that trichloroethylene is a scientifically established carcinogen, a fact CVA argued before the United States Court of Appeals for Veterans Claims.

The Court later remanded the matter to the Board of Veterans' Appeals. The Court ordered the Board to evaluate the medical treatise provided by CVA and to determine whether Rigoberto's Multiple Myeloma contributed to his death.

After five years, the Board determined that Rigoberto's Multiple Myeloma was a direct result of his contact with carcinogen laced solvents he used in service. Subsequently, Rigoberto's wife was

awarded tens of thousands of dollars in accrued benefits, which had been improperly denied to Rigoberto. The efforts of Public Counsel's CVA provided an opportunity for Belinda to keep her home, which was facing foreclosure, and to purchase a much needed vehicle.

The issue regarding whether or not Rigoberto's cancer contributed to his death continues to be litigated. CVA's director is confident that CVA will prevail and that the VA will be required to pay Rigoberto's widow tens of thousands of dollars in additional benefits.

## From the Big Apple...



### Attorney Lynette Whitfield Successfully Defends Maryland Veteran

*Pro bono Super Lawyer and Volunteer Lawyer for Veterans* partner Lynette A. Whitfield received her



Bachelor of Arts from Southern Illinois University at Carbondale, and her Juris Doctorate from The George Washington University Law School in Washington, D.C. Before starting her solo practice in 2006, Ms. Whitfield worked as an associate at the law firm of Passman & Kaplan, PC where she represented federal sector employees with a variety of labor and employment issues. Ms. Whitfield's practice now includes not only all aspects of employment law, but also family law cases, many of which are *pro bono* cases referred from non-profit organizations. Ms. Whitfield is a volunteer attorney for the Women's Law Center of Maryland's Employment Law Hotline, and an active volunteer with the Montgomery County, Maryland, Bar Foundation, both in the *pro bono* clinic program, as well as in direct client representation. \

Ms. Whitfield is admitted to the Court of Appeals for Veterans Claims, is a former member of the US Army National Guard, and has a strong commitment to Veteran's rights. Therefore, when Public Counsel's Center for

Veteran's Advancement contacted Ms. Whitfield regarding a family law case in Maryland involving a veteran, she readily agreed to provide representation. Ms. Whitfield was successful in assisting the veteran in the quick resolution of his domestic case.

Thank you, Lynette!

"Remember this. Hold on to this.  
This is the only perfection there is,  
the perfection of helping others.  
This is the only thing we can do  
that has any lasting meaning.  
This is why we're here.  
To make each other feel safe."

- *Andre Agassi, Open*

## Join Us and Help America's Veterans Rebuild Their Lives

*Become Part of the CVA Team!*

The Center for Veterans Advancement (CVA), a project of Public Counsel, is a national leader in veteran's advocacy, provides direct representation, or representation through *pro bono* partners, to veterans and their families. CVA provides legal representation at both the local and national levels, and coordinates its work with special "Veterans Courts" in Northern and Southern California designed to meet the unique needs of returning veterans. CVA also manages legal clinics, including one of the largest *pro bono* advocacy programs in the United States.



A project of Public Counsel

CVA is willing to train *pro bono* attorneys to provide free legal assistance and representation to Veterans on a range of legal matters, including family law, and ticket and warrant matters, which can become major obstacles to employment or housing stability. CVA assist veterans primarily throughout Los Angeles County.

If you are interested in learning about providing *pro bono* legal assistance to low-income veterans, please contact CVA Project Coordinator Barbara Luttenberger at 213-385-2977 x189, or at [bluttenberger@publiccounsel.org](mailto:bluttenberger@publiccounsel.org).

## *Opportunities to Help Veterans* *Pro bono* attorneys are always welcome!

If you are interested in helping veterans with ticket or warrant cases, please contact Project Coordinator Barbara Luttenberger 213-385-2977 x189, or [bluttenberger@publiccounsel.org](mailto:bluttenberger@publiccounsel.org).

# Center for Veterans Advancement

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