

# OUR NATION'S PROMISE

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

*June/July 2014*

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## Reflections on Independence Day

Los Angeles, CA

Erma Bombeck once wrote:

*"You have to love a nation that celebrates its independence every July 4, not with a parade of guns, tanks, and soldiers who file by the White House in a show of strength and muscle, but with family picnics where kids throw Frisbees, the potato salad gets iffy, and the flies die from happiness. You may think you have overeaten, but it is patriotism."*

During our recent Independence Day celebration, I lived Erma's personal interpretation of patriotism. I learned that my daughter was much better at catching a football than I had ever been. I enjoyed laughter and BBQ smoke as both filled the air. And I enjoyed the mischievous act of giving my mother-in-law the still edible burger I accidentally dropped on the grass.

Later, as the night succumbed to the illuminating glow of fireworks and thunderous explosions, I contemplated the true cost paid for the joys I had experienced that day. When my wife asked what I was thinking, I shared my thoughts. At that moment we all decided to take a moment to give thanks for our great nation and to those who gave, and in some instances, gave all.

My wife wiped a tear from her eye, while my mother-in-law reminded me that my hair, as well as the grass, could use a trim.

To our brave servicemen, servicewomen, veterans and the people who care for them. . .  
Thank you.

*-Rick Little, Director, Center for Veteran's Advancement*



## Former CVA Volunteer KJ Moore Sworn into Air Force Academy



Former CVA Volunteer, Kenneth J. "KJ" Moore was accepted into the Air Force Academy earlier this year and was sworn into the Academy in June. KJ is the son of Scot Moore, Public Counsel's Director of Information Systems.

From all of us at CVA... Congratulations KJ!

# Homelessness Prevention Law Project's Eric Post Prevails in \$24,708 Overpayment Matter for Veteran

"Ralph Gonzalez" is a disabled veteran living with HIV. With his wife's modest income, both support their disabled son and family in the Philippines. The financial burden eventually overwhelmed the family, subsequently they were forced to file for bankruptcy protection. To help increase access to needed income, Mr. Gonzalez applied for both SSDI and VA pension benefits.

In 2011, Mr. Gonzalez was notified that his request for VA benefits was approved, and two months later his application for SSDI benefits was approved. However, he was unaware that his SSDI benefits exceeded the amount of pension, and as a result he was no longer eligible for payment from the VA.

The VA did not discover the dual payments until January 2014. Soon thereafter, they terminated Mr. Gonzalez's VA pension benefits. Mr. Gonzalez received a bill for \$24,708, which included a threat to garnish his SSDI benefits. The Gonzalez family could barely endure the loss of the VA pension, much less the reduction to Mr. Gonzalez' SSDI benefits. He attempted to challenge the debt, but the VA denied his appeal.



In desperation, Mr. Gonzalez contacted the Center for Veterans' Advancement, seeking assistance to prevent garnishment of his SSDI benefits. CVA referred the case to Eric Post. He spoke with the clients and researched the issues involved. Eric requested documents from the VA, and then took steps to overcome the debt which threatened the well being of the entire Gonzalez family.

In June 2014, the Gonzalez family received notice from the VA saying that the debt has been waived and gave notice that actions against their SSDI benefits would cease. Thanks to the work of Eric Post, the Gonzalez family is free from the burden of a significant life changing debt.



# Vietnam Veteran Slips Through the Cracks

Forty years ago, "Robert Green" was released honorably from the United States Navy. Robert served in the Navy for a little over five years, his last assignment with Patrol Squadron 16, "War Eagles." War Eagles located, tracked, and if required, attacked hostile submarines. Robert entered the military in 1968 and at that time was deemed "fit for duty." During his first enlistment he began suffering severe headaches. But, Robert fought through these headaches and when the time came to extend his enlistment, he gladly "re-upped" and was again found "fit for duty."

However, in late 1973, Robert's headaches overwhelmed him - he was disorientated and paranoid. Robert was eventually sent to a medical facility where his condition was attributed to marital stress. In May of 1974, Robert endured yet another emotional break and was forced to undergo an emergency psychiatric evaluation. Robert was diagnosed with acute anxiety reaction and "black rage," and consequently sentenced to 60 days in the brig for "behavioral issues." Less than two months later, Robert was honorably discharged from the Navy.



Robert tried to live a normal life after being released by the Navy. He worked at a gas station for a year, and attempted to go back to school. But the job didn't work out, and his educational benefits were eventually suspended by the VA. After his divorce in 1974, Robert remained homeless; living most of his life out of his van. As early as 1974, Robert experienced hallucinations and heard voices. He attempted to drown his pain with drugs and alcohol, but the voices became louder and the hallucinations more vivid. Robert was later diagnosed with

schizophrenia, a condition noted as having its onset in service.

Poor, and without a means of income, Robert sought help from the VA by filing his initial claim for benefits in 1984. The VA improperly assessed Robert's schizophrenia as "passive aggressive personality" disorder and denied benefits that he was entitled to. Robert sought the help of a Veterans Service Organization (VSO) to appeal the VA's decision. However, the VSO failed to meet critical deadlines, putting an end to Robert's opportunity to appeal.

In 2010, Robert came to the Center for Veteran's Advancement through a veteran's stand-down event. He presented several matters, which included citations he had received for sleeping in his van. It became clear that Robert also needed help overcoming his homelessness and addressing his mental state. CVA began by addressing the tickets issued to Robert. CVA also moved to increase Robert's income by attacking the VA's previous decisions. Sadly, Robert passed away before the appropriate benefits could be established for him.

Every Fourth of July we celebrate the independence of our nation. It is through the work and dedication of servicemembers that we are able to do so. We wonder how many Fourth of July celebrations Robert watched from the confines of his van. How many other veterans are still out there; huddled under trees, overpasses, homeless and without hope? One can only imagine. As for Robert, CVA dedicates our nation's 238<sup>th</sup> birthday to him, with our unwavering appreciation for his service.

## From the Big Apple...



### Services for the Underserved's Robin Smith

Robin Smith is a 15 year veteran of three military components (Active Duty Air Force, Air Force Reserve and Army National Guard). She became employed as a civilian human resources manager after serving her country. After 15 years on the job, Robin's department was outsourced and she found herself in uncharted waters. She never imagined that with her experience, education and military background that it would take her almost a year to regain employment.

A job fair led Robin to Services for the Underserved "SUS" and the services that they provided to veterans. She was advised to apply for one of the open positions and after one interview Robin was offered her choice of two jobs. Hired as an employment specialist, she realized the challenges facing veterans of all eras was startling. Unemployable because they either had outdated or irrelevant skills, she was outraged at the stigma that was being placed on them and could empathized with them.

After working for only four months with SUS, she was given the opportunity to play an integral role in the operations of the veterans division. Keeping the mission of the division at the forefront, everything else comes second nature to her. There is no job too big or small. She finds the joy of success as well as the challenges keeps her anticipating the next day's venture.



*"Whether it is housing, employment, education, legal support or mentoring, it is an honor to pay it forward and open as many doors and reduce the challenges for veterans. The level of professionalism, patience and compassion from the staff is unparalleled and is what makes the veterans feel secure and restores their hope. For me this is not a job, it is my duty; having the opportunity to serve both my country and my fellow veterans simultaneously is priceless."*

-Robin Smith

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*"This, then, is the state of the union: free and restless, growing and full of hope. So it was in the beginning. So it shall always be, while God is willing, and we are strong enough to keep the faith."*

*~Lyndon B. Johnson*

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## 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. CVA also manages legal clinics, including one of the largest *pro bono* advocacy programs in the United States.



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.

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).

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