



UNIVERSITY OF DETROIT MERCY SCHOOL OF LAW

University of Detroit Mercy (UDM) School of Law has pioneered a unique service project to assist low-income veterans with their federal benefits claims while providing law students with hands-on practical legal training. The project is also developing a national network of pro-bono attorneys to assist veterans.

What is Project SALUTE?

UDM has embarked on a national tour of its innovative Mobile Law Office which brings to low-income veterans around the country the opportunity to learn about and receive free legal assistance for federal veterans benefits. Using a 31-foot specially-designed, custom-built RV (outfitted with a wheelchair lift for access for disabled veterans), UDM students and faculty are traveling the nation on a tour that will ultimately visit more than 60 cities.

Project SALUTE achieves six distinct goals:

1. It provides veterans in each city with an educational session in which they can receive basic information about the process of applying for (and appealing denials of) federal veterans benefits. The extensive outreach of Project SALUTE is informing many veterans who had little idea of how to seek benefits in the first place.
2. Veterans in each city also meet individually with trained law students and expert faculty versed in the details of federal veterans benefit claims. Through these interviews, Project SALUTE members gather information on each individual veteran's claim. The veterans frequently express appreciation that someone is listening to their story. When appropriate, claims are pursued by the students and faculty of UDM's Project SALUTE.
3. In order to ensure assistance for the numerous matters not being pursued by Project SALUTE's faculty and students, UDM offers a free full-day training session for attorneys and service officers on the handling of federal veterans benefits claims. These sessions (which to date have been eligible for continuing legal education credits in individual states) provide local attorneys with training for handling simple veterans benefits cases on a pro-bono basis. Cases from the Project SALUTE interviews are referred solely to attorneys willing to represent the veterans for free. Through this process, Project SALUTE is developing a national network of attorneys willing to represent veterans on a pro-bono basis. In addition, Project SALUTE is developing cooperative relationships with service organizations in many cities and is referring cases (including initial application cases) to these service officers for assistance.
4. By interviewing veterans in each location, Project SALUTE is also creating a substantial database of information and stories about how veterans' claims fare at the U.S. Department of Veterans Affairs and what problems may exist within the system. Project SALUTE's database is currently incorporating information on over 1,000 individual cases.
5. The UDM students involved in Project SALUTE are receiving hands-on practical legal training in representing veterans. They are also learning about how the veterans have provided

important service to our country. The students also see in a very real way how the law can be used to assist persons in need. This training and experience inculcate in many students a desire to pursue lifelong pro bono service as part of their legal career, while training future attorneys to assist veterans after they leave school and join the Bar.

6. Through the press coverage which Project SALUTE receives in each city it visits, substantial public attention is brought to the plight of veterans throughout America. This public attention recognizes the necessity of supporting all of our troops who have returned from military service.

The Need

Data illustrating a definite need for advocacy assistance to veterans is legion. An independent media study conducted on VA claims data concluded that 572,000 veterans eligible for disability benefits are not receiving them. (McClatchy Washington Bureau, Knight Ridder Newspapers, July 1, 2004, p.1, www.realcities.com/mld/krwashington/news/special_packages/veterans/11678870.html). A 2005 Veterans Administration Inspector General Report found that advocacy on behalf of veterans leads to significant increases in awards as compared to veterans without representation. (Department of Veterans Affairs, Office of Inspector General, May 19, 2005, p. iii.) Other studies have found that 1.8 million veterans are uninsured and not getting care from the VA (*American Journal of Public Health*, December 2007; *Kansas City Star*, November 12, 2007), and that the annual number of claims filed for compensation has increased 20% from 2001 to 2006. (VA Data provided to *National Law Journal/law.com* September 26, 2007). The U.S. Department of Veterans Affairs has estimated that nearly 200,000 veterans are homeless, on any given night. (National Coalition for Homeless Veterans, Facts and Media, www.nchv.org/background.com.)

While the data is stark, even more compelling are the veterans' stories themselves. The law students and faculty engaged in Project SALUTE have been affected in a very real way by the veterans who come forward seeking assistance. These veterans range from individuals who served during World War II to those just returning from Iraq and Afghanistan.

- a. A veteran in Houston had served in Vietnam where he was exposed to Agent Orange. He now suffers from diabetes (a condition presumptively caused by Agent Orange) which led to amputation of his leg. He had been denied benefits twice on his diabetes claims.
- b. A veteran from WWII, who had been at Pearl Harbor, approached Project SALUTE. He had injured his back during the attack, but did not receive medical attention at the time. When he attempted to file a claim for his severe back problems he was told he had "waited too long."
- c. Project SALUTE has met with several Vietnam veterans determined by the VA either not to have served in Vietnam or to not have been in combat there. These findings precluded these veterans from receiving disability benefits. The sad irony is that these veterans received medals and decorations for their combat duty in Vietnam and today still have the medals and decorations.
- d. In Florida, a married couple came to meet with Project SALUTE. The husband is a veteran and recently had a number of heart attacks and a stroke. He soon will lose his livelihood, putting both him and his wife in dire financial circumstances. He filed a disability claim with the VA but has not had a response. Unlike the Social Security Disability system, the VA system has no procedure for a quick decision on claims for veterans who are in dire need, so veterans like this one, who may be seriously ill and facing catastrophic financial circumstances, cannot receive an expedited decision on

his/her claim. Once a veteran dies, the claim for benefits dies too, as the family is precluded from receiving any of the disability benefits.

- e. Another veteran had direct exposure to Sarin gas while he was in the military. He has since suffered from some significant but unclear neurological symptoms. His exposure to Sarin was deemed to have been “low level” and not causing a disability. The veteran was thought to have Gulf War Syndrome, but when he was diagnosed with Parkinson’s disease, his claim was denied.
- f. A number of veterans seen by Project SALUTE have been denied benefits for their Post Traumatic Stress Disorder (PTSD) condition because it has been determined not to be service connected. The reason for the denial appears to be based on the reasoning that some event more recent in their lives caused the PTSD. Denials of PTSD disability as not being service connected have been made even where: 1) VA doctors themselves have identified a veteran’s condition and stressors as being caused by service; 2) veterans have been severely wounded and suffered great trauma and pain; 3) veterans saw their closest friends killed (e.g. head shot off); 4) veterans repeatedly handled dead bodies coming back from the theater of war on a daily basis. These veterans have continuing nightmares and anxieties related to the events that took place during their service, but their claims have still been found not to be service connected. One veteran was found to have suffered PTSD from driving a bus, rather than because of all the horrific occurrences that happened to him while in combat.
- g. Another veteran has almost lost his eyesight. He was repeatedly sprayed in the eyes while doing hydraulic work in the Air Force. He has developed severe glaucoma to the point where he must be led around. He had not previously been aware of the possibility of receiving benefits and learned to apply through his Project SALUTE visit.
- h. A female veteran had been shot in the leg while in service. Because of various complications the bullet was left in her leg. She later injured the same leg because of a malfunctioning tank door. The resulting operation on her leg left it shorter than her other one. Nevertheless, she has been denied any benefits for her present leg condition.

Notwithstanding these conditions and difficulties in obtaining benefits, one Project SALUTE student described a veteran that she had seen as being, “...one of the most positive people I have met...” Veterans are thus inspiring the law students, at the same time the students are looking to assist the veterans.

The Results (as of April 4, 2008)

In the first seven weeks of operation, Project SALUTE visited 9 cities in 3 states (Texas, Florida, and Georgia), interviewing over 1,000 veterans and training over 100 local attorneys. Claims of the veterans interviewed are either being handled by Project SALUTE students and faculty or have been referred to attorneys trained by Project SALUTE and to local veteran service organizations. Press coverage has been substantial including coverage by the following TV stations: WDIV-TV (NBC) Detroit, MI; KPRC-TV (NBC) Houston, TX; KVUE-TV (ABC) Austin, TX; WEAR-TV (ABC) Pensacola, FL; WKMG-TV (CBS) Orlando, FL; WPLG-TV (ABC) Miami, FL; KSAT-TV (ABC) San Antonio, TX; WJXT-TV Jacksonville, FL; WAWS-TV (FOX) Jacksonville, FL; WTEV-TV (CBS) Jacksonville, FL; WJXX-TV (ABC) Jacksonville, FL; WTLV-TV (NBC) Jacksonville, FL; and WGCL-TV (CBS) Atlanta, GA. In addition, many newspapers have printed stories about Project SALUTE, including *Detroit Free Press*; *Detroit News*; *San Antonio Express*; *Houston Chronicle*; *Florida Today*; *Tampa Tribune*; *Florida Times-Union*; *Miami Herald*; *Stars and Stripes*; and the *Sun-Sentinel*.

While it is early to have results from the claims currently being assisted, Project SALUTE has had some substantial initial successes. For example, a Michigan veteran suffering from Post-

Traumatic Stress Disorder has already received representation by UDM, which has led to an increase in his disability benefits from \$300 to \$2,600 per month. In another example, the veteran with diabetes and the amputated leg mentioned earlier drove over 50 miles to see the students and faculty of Project SALUTE. The next day, after his appearance on TV, he received a call from the Veterans Administration informing him of a \$96,000 award. (The *Houston Chronicle* and *Stars and Stripes* have both written about this veteran's story.)

History of Project SALUTE

Project SALUTE grew out of the increasing commitment at UDM to assisting veterans. This started with a decision in April 2007 to set up a temporary unit under the school's Urban Law Clinic to assist veterans. Within two weeks of announcing this unit, UDM was inundated with requests for assistance from over 300 veterans in Michigan. As expertise was gained in helping these veterans, UDM sought funding from the Michigan Legislature to support a statewide tour to assist Michigan veterans. Impressed by the opportunity to help this population through a law school clinic, the State of Michigan provided UDM with a \$200,000 grant to fund a year-long statewide tour, educating and assisting Michigan veterans.

While UDM expanded its services in Michigan, it continued receiving requests from veterans outside Michigan. In order to respond to these requests (and in an effort to expand the reach of UDM's efforts), UDM's dean approached General Motors to donate a vehicle which would enable the school to undertake a national tour. (UDM has a separate Mobile Law Office in use for the Michigan tour.) With General Motors' donation and initial sponsorship by the Post-Newsweek TV Stations, Project SALUTE was born.

The first leg of Project SALUTE's national tour began in Detroit on February 7, 2008. Stops were then made in San Antonio, Austin, Houston, Pensacola, Orlando, Tampa, Jacksonville, Atlanta, and Miami. The second leg of Project SALUTE is scheduled to commence in New York City on Memorial Day, with the tour to continue along the east coast and then west across the country. The list of upcoming cities on the Project SALUTE itinerary includes: Philadelphia, PA; Baltimore, MD; Washington, D.C.; Portland, ME; Buffalo, NY; Detroit, MI; Chicago, IL; Cincinnati, OH; Pittsburgh, PA; Norfolk, VA; Raleigh-Durham, NC; Fayetteville, NC; Charleston, SC; Atlanta, GA; St. Louis, MO; Dallas, TX; Albuquerque, NM; Phoenix, AZ; San Diego, CA; Los Angeles, CA; Las Vegas, NV; San Francisco, CA; Sacramento, CA; Portland, OR; Seattle, WA; Salt Lake City, UT; Denver, CO; Omaha, NE; Minneapolis, MN; and Milwaukee, WI. Additional stops are in the planning stages.

The faculty working with Project SALUTE are attorneys trained by the National Organization of Veterans Advocates (NOVA) and admitted to practice before the U.S. Court of Appeals for Veterans Claims. Working with the faculty and attorneys are students who have registered for UDM's Veterans Law Clinic, a law school course in which students receive two hours per week of classroom training in veterans law together with at least 12 hours per week assisting clients under the supervision of faculty attorneys. Most students far exceed the 12 hour minimum requirement. Each week, different students are flown to the city where the Project SALUTE Mobile Law Office is located, and those students spend the week working with veterans in that area.