Neha Y. Chiaramonte, a HAP staff attorney, Duffy Fellow and JB, a decorated combat Air Force veteran during Operation Iraqi Freedom. JB was in the process of getting medically discharged from military service when the Air Force decided to release him with an “Other than Honorable” discharge, resulting in a total loss of benefits. Neha advocated on JB’s behalf in front of both the Department of Veterans Affairs and the Air Force Board for Correction of Military Records. She also wrote several briefs and communicated with both entities hundreds of times. JB’s discharge was finally characterized as Honorable and he was awarded service-connected disability benefits at 100 percent and back benefits amounting to almost $88,000 with an on-going benefit of nearly $3,000 a month.
Before 9/11, before the wars in Iraq and Afghanistan, the Homeless Advocacy Project began to notice that Philadelphia, like many large cities in the U.S., had a sizeable number of homeless veterans living on its streets. After investigating, HAP intern Stephen JohnsonGrove was surprised to learn that almost all of these veterans lacked legal representation on their claims for compensation benefits from the Department of Veterans Affairs, so he asked HAP to sponsor a fellowship proposal designed to provide homeless veterans with legal assistance on their VA claims. With their VA benefits in hand, HAP envisioned that Philadelphia’s homeless veterans would be able to afford stable and dignified housing, thereby reducing the outrage of veteran homelessness in the city.

With HAP’s full-blown support, Stephen was awarded an Independence Foundation Fellowship in 2001. Within a short time thereafter, HAP began holding a bi-monthly legal clinic at the Perimeter, a drop-in center for homeless veterans located in Philadelphia’s Old City section. In addition to Steven, the clinic was staffed by pro bono attorneys from Blank Rome LLP.

Thus began HAP’s ongoing commitment to Philadelphia’s homeless veterans, which proudly celebrated its fifteenth year in 2016. Over the course of those years, HAP has provided specialized legal services to countless
homeless veterans, most of whom had lost all hope of receiving VA benefits prior to HAP’s intervention. With HAP’s assistance, however, a great many have been awarded VA compensation and able to put a life on the streets behind them.

Initially, most of HAP’s cases involved veterans who experienced on-and-off homelessness (mostly on) since the end of the Vietnam War. Veterans returning from Vietnam were greeted with protests rather than parades, disdain rather than gratitude, and they struggled to reintegrate into civilian life. On top of that, the VA had little understanding of how severely the experience of war can damage a person’s psyche, so treatment for post-traumatic stress disorder was limited. Some veterans did not even know they were eligible for VA healthcare, while still others were so ashamed of their service that they shied away from anything military, including the VA.

Fast forward several years, and the landscape of HAP’s Veterans Project began to change. With both the wars in Afghanistan and Iraq underway, new veterans began to sporadically emerge at the Perimeter. Initially few in number, it was nevertheless clear that a new generation of homeless veterans was coming into focus, overlapping with aging Vietnam-era veterans. It was around this time, in the winter of 2003, that Stephen, who had joined HAP as a staff attorney, left Pennsylvania with his family and I replaced him as HAP’s veterans attorney.

Soon after I started, it became clear that four outside forces would guide, even dictate, the evolving nature of HAP’s Veterans Project. First, the VA’s erratic handling of claims for service-connected compensation was beyond anything I had read, or, for that matter, could possibly imagine. Early on, just reaching a reliable and informed VA employee on the telephone was challenging. Second, the length of time that many homeless veterans had already been fighting for benefits, or even for a clear explanation as to why they were not eligible for benefits (some are not), was astounding, even by bureaucratic standards. Even today, despite assurances by two presidents and VA secretaries since the wars in Iraq and Afghanistan began, significant delays remain.

One of the first big cases HAP won involved a veteran who filed more than five claims for service-connected benefits over a 30-year period, but who could not explain why the VA denied his claims. I read the VA’s denials, and about the only thing I knew for sure was that they contained multiple errors. When HAP won his case on appeal, the VA paid him more than $125,000. It was 30 years too late, but at least the veteran now had the financial security he deserved. Just as importantly, he finally achieved the closure he needed to find peace with the VA.

The third outside force to guide HAP’s early work was the lack of other attorneys who understood the basic tenets of veterans law. At the time of the project’s inception, attorneys’ fees were severely restricted by a law, now amended, dating back to the Civil War. As a result, private attorneys stayed away, and free legal services programs lacked capacity to fill the void. To make serious inroads with Philadelphia’s homeless veterans, HAP had to rely on its pro bono partners and train a sizeable number of attorneys on VA benefits law. I held my first training within a year of starting at HAP.

The last, and I would argue most important, factor to influence HAP’s work with homeless veterans was, and continues to be, how greatly they appreciate HAP’s assistance, despite having given so much to their country while receiving so little in return. Expecting a clientele of mostly downtrodden veterans, the veterans I have come to know and love often feel defeated by the VA, but not by life. Yes, they are homeless. Yes, they feel let down by the country they served. But win or lose, they appreciate every minute I give to them, which to me never feels like enough.

Part of the reason that my efforts have, at times, felt inadequate is because the VA makes the claims process unnecessarily challenging. Whether based on a misunderstanding of the law or common bureaucratic lapses, the VA is often guilty of denying meritorious claims. I remember one client I met at Philadelphia’s Stand Down, an annual, three-day retreat that offers homeless veterans a wide range of social services, including cots for a decent night’s sleep. The veteran sat down with me on a hot September day and told me his story: He played football for Penn State. Afterwards, he got married and had children. In 1990, he was called to active duty and shipped off to Kuwait. From there, he and his fellow Marines entered southern Iraq and engaged in combat with enemy Iraqi forces. Now, he could not erase the image of dead soldiers from his mind. He lost his job, his marriage ended, and he barely knew his daughter. He sat across from me sobbing.

After active duty, the veteran was hospitalized at several VA hospitals, all of which diagnosed him with chronic and severe PTSD. He filed for VA benefits and the VA denied his claim. Despite multiple VA doctors having diagnosed him with PTSD – PTSD unquestionably related to his time in Iraq – the VA determined that it could not verify his status as a combat veteran.

Within months of meeting the veteran, we filed an appeal of the denial. A law student I was working with (now a Marine herself), unearthed declassified government documents that tracked the veteran’s unit’s movements in Iraq.
in astonishing detail: the tanks crossing from Kuwait to Iraq, distant sightings of Iraqi forces, incoming artillery fire, Iraqi tanks destroyed, the bodies of dead Iraqi soldiers, charred and rotting in the desert. As I read the documents, I too had a flashback, a flashback of the veteran telling me the exact same story at Stand Down.

The VA ultimately ruled in the veteran’s favor. A large lump sum of money awaited him. He began paying child support for his daughter. He found an apartment and bought furniture. For several years afterward, I ran into him again at Stand Down, but by then he was there as a volunteer tent leader for other homeless veterans.

Of course, homeless veterans have legal needs that do not involve the VA. After all, veterans are also everyday Americans, and they are confronted with many of the same legal barriers as non-veterans. If they do not qualify for VA benefits, but are nevertheless disabled and unable to work, they should qualify for Supplemental Security Income. However, when these claims are denied, which they usually are, HAP attorneys assist with their appeals or help them re-apply for SSI through a successful rapid application program, SSI Outreach Access & Recovery. HAP attorneys also represent veterans who face eviction in landlord and tenant court or who seek more time with a son or daughter through family court.

Despite their best efforts to reintegrate into the civilian world, many younger veterans are plagued by an “Other Than Honorable” discharge from the military. If they apply for a job, they have to say that they were not honorably discharged. If they apply for VA healthcare, even to treat for a service-connected condition like PTSD, more often than not they do not get past the front door of the clinic or hospital. Of course, it is the active duty military, not the VA, that issues these discharges, and all too often they are issued for relatively minor infractions, even to soldiers who have deployed to Iraq or Afghanistan and who are suffering from PTSD while still in the service. The military’s lack of understanding and sympathy for these young soldiers is difficult to comprehend. This is also true for the many HAP clients who have been victims of military sexual assault.

To enhance services for veterans with OTHs and those victimized by sexual trauma, HAP expanded its presence to two veteran homeless shelters in the city, as well as to the VA Medical Center in West Philadelphia. These clinics are staffed by two new veterans attorneys, Duffy Fellow Neha Chiaramonte and Alie Muolo. Recently Chiaramonte obtained a discharge upgrade for a Vietnam combat veteran whose OTH discharge previously made him ineligible for PTSD treatment at the VA. Now, after his 40-year fight, he receives monthly compensation and treatment by VA doctors expertly trained to treat his lingering condition. Muolo led a similar charge by making sure that veterans with OTHs were still treated by the Philadelphia VA Medical Center when the law required, and by obtaining SSI for countless veterans who were either not eligible for VA benefits or whose appeals were still pending.

Most recently, I was awarded the Mary Philbrook Public Interest Award by Rutgers School of Law-Camden. The award was a timely celebration of HAP’s 15 years advocating for Philadelphia’s homeless veterans. The award would not have been possible without the dedication of all members of the HAP staff, who have never wavered in their support for those experiencing homelessness, both veterans and non-veterans alike.

As I stated in my remarks at Rutgers, those who live on the streets exhibit a resiliency that is worthy of our admiration, not our scorn. They move through the day without any of the certainties that most of us take for granted: food, warmth, shelter, love. For the last 15 years, HAP has advocated like no other legal services organization in Philadelphia to ensure that as many homeless veterans as possible do not want for basic necessities. We are proud of that commitment, and we will continue to serve veterans, even though we know deep in our hearts that we will never serve them in the same way that they served us, in uniform, as members of the U.S. military.