



Military Assistance Project

SERVING THOSE WHO SERVED US

By Dr. Cecilia M. Cardesa-Lusardi

MAP is a 501.c.3 non-profit, headquartered in Philadelphia, established to provide free legal services for active duty, reserve component or veteran military personnel and their widows/spouses in the form of consumer and veterans' administrative law services. MAP serves clients throughout the nation—targeting intake within the tristate area but receiving requests for assistance from individuals in 26 states. In 2017, MAP opened 334 client matters and discharged \$2,247,429.95 in debt (Consumer Law Division) on behalf of its clients; and over \$15 million since its inception. It has represented over 100 VA disability clients seeking substantial life-saving benefits (Veterans Administrative Law Division), and through a laser-focused mission and application of the law, it has been our honor to serve to those who have served.

Established in 2011, Military Assistance Project provides pro bono Chapter 7 no-asset bankruptcies; assistance with filing back taxes, or dealing with IRS debts through offers in compromise with volunteer accountants; has financial planners who will volunteer to speak with clients if bankruptcy is not the right course of action; and attorneys who can also provide assistance with VA benefit claims, discharge upgrades and appeals.

MAP believes the attorney-to-veteran-client ratio simply does not add up and has, since 2011, been a key variable in the access-to-justice equation—serving those who served us

through the delivery of free legal services.

There are over 1.2 million veterans in Pennsylvania, Delaware and New Jersey. In Pennsylvania alone, there are over 790,000 veterans; approximately 26 percent of these veterans live in the greater Philadelphia area. At some point, virtually all these individuals will attempt to apply for benefits through the Department of Veterans Affairs, and many of them will be denied.

Weaving a trauma-informed approach into MAP's service delivery model enables us to provide legal services innovatively, thoughtfully and compassionately by connecting



our practice with how the law can be an instrument for healing along the continuum of a veteran's life. The hallmarks of trauma-informed practice the prioritizations of the realities of the client's trauma experiences and adjustment of the practice approach informed by that experience. This ensures that individuals feel physically and emotionally safe, noticed and given a voice. That connects a person's behavior to their trauma response, rather than isolating their actions or assuming a character flaw. For instance, a service member who is given a bad discharge from the military (although exhibiting symptomology of post-traumatic stress) will likely be barred from needed VA benefits (MAP's Veterans' Administrative Law Division) and then face financial insecurity (MAP's Consumer Law Division). At MAP, we believe in a holistic approach to the delivery of free legal services to our service members and utilize the law as an instrument of healing along a veteran's continuum of life.

The best definition of a veteran is a person who, at one point, signed a blank check to the U.S. government for an amount up to, and including, their life. Yet, our nation's veterans still need legal services as many issues related to their service negatively affect the quality of their mental health, well-being and life.

A veteran begins the process of seeking benefits by applying with VA. If the veteran receives an unfavorable decision, they begin an appeal by filing a Notice of Disagreement. Once the NOD is filed, VA issues the Statement of the Case. On average, VA takes 500 days to prepare the SOC. After receiving the

SOC, a veteran may then file a notice of appeal with the Board of Veterans Appeals. Once the veteran files with the BVA, the VA certifies the appeal. On average, VA takes 773 days to certify the appeal and an additional 321 days to transfer the appeal to BVA. After these often-significant periods of delay, BVA will issue its decision. Overall, the average time from the filing of the NOD to issuance of a BVA decision is over 1,878 days.

VA is a seemingly unnavigable system of paper, rules and policies. The daunting task of fighting through this agency turns so many people away. Those who decide to engage run the risk of being turned away—especially those in most need of assistance—entering the seemingly endless appeals process. As one client said, "I really think the VA is just waiting me out, waiting for me to die."

The level of anxiety, shame, frustration and anger we see at MAP each day is palpable and heart-wrenching. Unfortunately, it can also lead to suicidal ideation, as we recently experienced with a Purple Heart veteran, Tommy.* Tommy had service-connected post-traumatic stress disorder, major depressive disorder and traumatic brain injury.

Tommy served as a combat engineer in Afghanistan, and in 2009, while patrolling outside of Kandahar, Tommy's vehicle was the target of a 1,600-pound improvised explosive device. While these vehicles are supposed to protect those inside from the blasts of an IED, they're not indestructible. According to a bystander, "The blast blew the [vehicle] 40 feet into the air. It landed on its roof ... Someone had fallen out of one of the



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hatches. When it came down on top of him, there was no way to survive that.”

From this explosion, Tommy suffered multiple physical and mental health injuries. Tommy began to self-medicate, and because of his drug usage was discharged from the U.S. Army with a Bad Conduct Discharge (effectively barring him from access to benefits from the VA).

Tommy’s substance abuse did not end with his discharge, and he became addicted to opioids. Tommy suffers from TBI, PTSD and MDD, all stemming from his period of service, and leading to periods of self-harm and suicidal ideation. A few weeks ago, Tommy wanted to kill himself, and when he sought

treatment at the VA Medical Center, he was turned away.

A MAP attorney and I personally witnessed with Tommy the exhausting and exorbitant wait times veterans face at the VAMC every single day. We stayed with Tommy at the VAMC for 12 hours, including being with him in the emergency department at the VAMC for five of those long and dark hours. After writing letters and literally knocking on doors for assistance, he was finally admitted and is now receiving the treatment he deserves. Through MAP’s trauma-informed lawyering and advocacy, Tommy is safe and, most importantly, alive. My heart and mind cannot afford to think about what would have happened to him if strong advocates had not been



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there for him. I believe a key variable in the access-to-justice equation is our mission of caring and utilizing the law as an instrument for healing.

With over 2.7 million service members deployed since 9/11 and more than 200,000 service members returning to civilian life each year, our nation will only see more veterans struggling to access perpetually limited services. Approximately 55,500 (or 6.2 percent) of Pennsylvania’s veterans live below the poverty line—15 percent of these veterans live in Philadelphia. In addition to the complex set of factors influencing homelessness and poverty, many displaced and at-risk veterans live with lingering effects of post-traumatic stress, traumatic brain injury and substance abuse, compounded by a lack of support networks.

Twenty-two veterans kill themselves every day, and debt plays no small role in this epidemic; unemployment and debt pose significant challenges to mental health, and a 2012 Army study found that people who are facing serious debt and unable to repay are more than twice as likely to commit suicide as those who can repay. The Army believes that the primary stressor for 12 percent of active duty suicides is financial pressure, which also ranked as a co-stressor in an even greater percentage of military suicides.

Stepping in to help a veteran or active duty member in crisis can empower them to rebuild their life, and, in some cases, may save a life.

According to the Pennsylvania Rules of Professional Conduct, “a lawyer should render public interest legal service .

. . . by providing professional services at no fee or a reduced fee to persons of limited means or to public service or charitable groups or organizations” Furthermore, the writers remind us, “the basic responsibility for providing legal services for those unable to pay . . . can be one of the most rewarding experiences in the life of a lawyer. Every lawyer . . . should find time to participate in or otherwise support the provision of legal services to the disadvantaged”

Service is the rent we pay to live in this world. A legal education is an amazing thing. However, the best way to see whether your education has meant anything is to use it to help our community. There is absolutely no reason in our modern society that, with the great number of attorneys that we have, any person should fear entering the courthouse (or administrative agency) due to an inability to pay.

There are organizations like MAP that need your talent and support. In Philadelphia alone, there are over 30 legal service nonprofits devoted to assisting individuals with specific needs. Take a case and help advance the mission.

Unequal access to justice is one of the gravest sins of our society. Our vets deserve better. MAP can help, and our public interest work is vital for those who signed that blank check on our behalf. ■

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