

**NVLSP**  
NATIONAL VETERANS LEGAL SERVICES PROGRAM

**INTRODUCTION AND  
MOA BETWEEN  
TDVS AND NVLSP**

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**RICK SPATARO** 



- Director of Training and Publications
- Has practiced Veterans Law since 2004 at CAVC, Federal Circuit, and BVA
- Veterans Benefits Manual Editor
- Former Managing Attorney of NVLSP's *Nehmer* Lawsuit Division

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**PEGGY COSTELLO** 



- NVLSP Staff Attorney
- Represents appellants before CAVC and BVA
- Former Associate Professor and Director of Veterans Law Clinic at University of Detroit Mercy School of Law

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**WHAT IS NVLSP?** 

- Nonprofit Veterans Service Organization
- Founded in 1981
- Works to ensure that the gov't delivers to Vets and active duty personnel the benefits to which they are entitled because of disabilities resulting from their military service

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**WHAT IS NVLSP?** 

- Individual representation at CAVC, Federal Circuit, other courts
- Class actions
  - Including: *Nehmer, Wolfe, Beaudette*
- Represents Burn Pit claimants at the RO/BVA

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**WHAT IS NVLSP?** 

- Since 1981, our successful litigation has resulted in over **\$5.4 billion** in disability, death, and medical benefits being awarded to hundreds of thousands of veterans and their survivors that had been unfairly denied
- All representation completely free!
  - No fees taken from client's VA benefits

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**WHAT IS NVLSP?** 

- In-person trainings
- Webinars
  - 10 per year on different topics in veterans law
  - Library of past webinars
- Online Basic Training Course on Veterans Benefits



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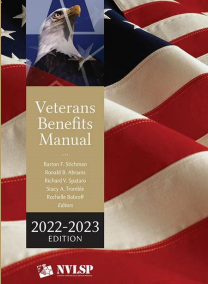
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**WHAT IS NVLSP?** 

- Veterans Benefits Manual
- Federal Veterans Laws, Rules and Regulations



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**WHAT IS NVLSP?** 

- NVLSP VA Benefit Identifier App
  - Helps Vets and VSOs figure out what VA disability benefits they might be entitled to
  - 3 WAYS to Access:

[app.nvlsp.org](http://app.nvlsp.org)

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**WHAT IS NVLSP?** 

- **Lawyers Serving Warriors – free legal assistance through network of volunteer attorneys:**
  - Discharge upgrades
  - CRSC applications
  - Applications to BCMRs for Vets seeking medical retirement
  - Assistance with TSGLI applications and appeals of denied claims
  - Representation for svc members being processed through IDES

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**WHAT IS NVLSP?** 

- **Legislative Impact**
  - Has met with Congressional staffers regarding the PACT Act, Agent Orange Act, Blue Water Vietnam Veterans Act, Caregiver Issues, etc.
  - Submitted statements for the record on hearings relating to toxic exposures and burn pits
  - Continues to work with key committees to advance legislative solutions for issues impacting Vets

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**NVLSP-TDVS MOA** 

- **Since June 2019, NVLSP and TDVS have had an MOA**



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**CAVC REPRESENTATION** 

- NVLSP provides pro bono representation at the CAVC to claimants represented by TDVS who were erroneously denied benefits by BVA
- VA POA stays with TDVS while case at CAVC

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**CAVC REPRESENTATION** 

- NVLSP attorneys are accredited by TDVS
- NVLSP screens BVA decisions to identify BVA errors
- NVLSP offers pro bono representation to claimant
  - Letter to claimant w/ TDVS letter of introduction

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September 7, 2023

John Doe  
123 Main Street  
Cookeville, TN 38506

Dear Mr. Doe:

I am an attorney with the National Veterans Legal Services Program (NVLSP). NVLSP is a nonprofit veterans service organization that works in association with the Tennessee Department of Veterans Services, the organization that represented you before the Board of Veterans' Appeals (Board).

The Tennessee Department of Veterans Services asked us to review the Board's August 23, 2023, decision, to evaluate whether an appeal to the U.S. Court of Appeals for Veterans Claims (Court) is warranted. We have concluded that the Board made one or more errors in denying your claimant's entitlement to a total disability rating based on individual unemployability (TDIU) on an extraschedular basis, prior to May 11, 2008. Therefore, we believe that you may benefit from exercising your right to appeal the Board's decision to the Court.

Since 1989, NVLSP has represented thousands of veterans, their survivors, and dependents on an appeal of their Board decision to the Court. If you appeal your Board decision to the Court, the Tennessee Department of Veterans Services has arranged for NVLSP to represent you **for free**.

We are available to discuss the possibility of NVLSP representing you before the Court. You **will not** be charged money for NVLSP's work on your appeal, and you **will not** have your VA benefits reduced to pay for NVLSP's work on your appeal.

If you are interested in appealing your case, please contact me by telephone at (202) 808-8616, or email me at [robin@nvlsp.org](mailto:robin@nvlsp.org). It is very important that you contact us as soon as possible because the deadline to file your Notice of Appeal is December 21, 2023. In order for us to file an appeal on your behalf, you must contact me at the number above no later than 5:00 p.m. Eastern time on December 21, 2023.

Very Respectfully,  
/s/ Rozelle S. Hoffman  
Rozelle S. Hoffman  
Appellate Attorney

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**STATE OF TENNESSEE**  
**DEPARTMENT OF VETERANS SERVICES**

**TOMMY BAKER**  
COMMISSIONER

**BILL LEE**  
GOVERNOR



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Dear Tennessee Veteran:


Thank you for allowing the Tennessee Department of Veterans Services (TDVS) to represent you in your appeal before the Board of Veterans' Appeals (BVA). As you know, the BVA recently denied some or all of the benefits you have requested.

To best serve you, TDVS sent a copy of your decision to the National Veterans Legal Services Program (NVLS) for their review. NVLS is a nonprofit organization that has a great deal of experience in appealing BVA decisions to the next appellate level – the United States Court of Appeals for Veterans Claims (CAVC). NVLS lawyers have represented veterans in thousands of appeals at the CAVC. We have asked NVLS to analyze your case and determine whether there are any errors which may be corrected by appealing your BVA decision.

NVLS lawyers have now finished analyzing your case and have informed us that they believe the BVA made one or more errors in denying you benefits. They recommend that you appeal your case to the CAVC. If you wish to appeal the BVA's decision, we have arranged for NVLS to represent you – at no cost to you.

Enclosed is a letter from NVLS with details about their offer to represent you at the CAVC for free. We want you to get the benefits you have earned through your service to our Nation and strongly encourage you to contact NVLS for further assistance. The enclosed letter from NVLS contains detailed information about contacting them for free representation.

Sincerely,



Tommy H. Baker  
Commissioner

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## CAVC REPRESENTATION



- After CAVC case is completed
  - Closing letter to claimant with advice for remand proceedings
  - Copy of JMR / CAVC decision
  - Copy to TDVS (Liza Quinn and Travis Murphy)

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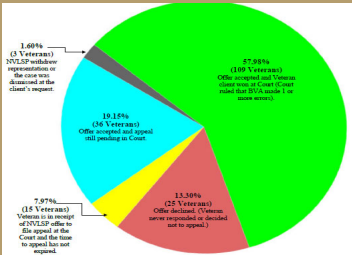
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## CAVC REPRESENTATION



- From 2019 to April 2023, NVLS has offered to represent 188 TDVS Vets at CAVC



Percentage	Number of Veterans	Description
1.66%	13	NVLS withdrew representation at client's request
7.97%	65	Vet was in receipt of NVLS offer to file appeal but did not appeal
10.15%	84	Offer accepted and appeal pending in Court
13.26%	122	Offer declined, CV appeal was requested or denied, not to appeal
27.95%	268	Offer accepted and CV appeal was filed at Court, CV appeal was granted by Court on appeal

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**BVA REPRESENTATION** 

- NVLSP will find pro bono attorney to represent appellant at BVA for some cases remanded by CAVC:
  - BVA likely to make decision without further remand
  - NVLSP-trained/VA-accredited attorney in LSW pro bono network

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**BVA REPRESENTATION** 

- NVLSP will contact client for permission
- NVLSP will inform TDVS if claimant agrees
- TDVS keeps POA
- NVLSP will provide to pro bono attorney:
  - Screening memo
  - RBA (copy of c-file used for CAVC case)
  - Mentoring

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**BVA REPRESENTATION** 

- Pro bono attorney will
  - Draft BVA brief
  - Gather lay statements, if necessary/possible
  - Obtain medical opinion, if necessary/possible

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**TRAINING & CONSULTATION** 

- Up to 8 hours of in-person training
- 4 free webinar trainings
- Consultation with TDVS senior officials on:
  - Legal issues
  - Advocacy strategy
  - Individual benefits claims

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**QUESTIONS** 



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