

Won a pro bono appeal that included an award of military disability benefits for a 79-year-old veteran whose claim had previously been denied.

2023

WTO lawyers won a healthcare benefits victory for a military veteran who filed a disability claim for a severe knee disability more than 10 years ago. The decision from the Board of Veterans' Appeals landed just a few days following Veterans Day, and WTO represented the client pro bono for almost four years.

WTO lawyers originally took on the case in January 2020 while it was on appeal before the U.S. Court of Appeals for Veterans Claims. On behalf of their client, a 79-year-old veteran who served in the Army as a parachutist and also in the National Guard, WTO lawyers successfully negotiated a remand of the case by the CAVC after convincing the VA's lawyer that the Board of Veterans Appeals erred in its order denying benefits.

On remand, WTO gathered and submitted new evidence that ultimately convinced the board that the veteran's current knee disability was connected to a knee injury he sustained in a 1986 military training exercise. Combined with other disabilities connected with his military service, the veteran

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now has a disability rating of 100% and stands to receive retroactive benefit payments.

WTO took on the case as part of the firm's partnership with the Veterans Consortium Pro Bono Program. The client first filed for benefits in 2009, and the claim was denied, appealed, remanded, and denied again.

A significant challenge was the lack of evidence showing a connection between the client's current disability and the knee injury he sustained in the National Guard. Although he had knee surgery a few years later, he hadn't kept—and the hospital had already destroyed—the related medical records. Working with the client's wife, WTO lawyers tracked down the surgeon who remembered the veteran and signed a statement confirming he performed the surgery. This, combined with additional lay statements and a new medical opinion, were key to the win.