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University of Miami legal clinic helps secure benefits for ill Army veteran

Hosea Smith, like many other veterans, struggled to apply for federal benefits despite having a disability until he found help at the University of Miami School of Law clinic.

BY MONICA DISARE

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Veteran Hosea D. Smith and his wife Deborah talk with Ryan Foley and Col. Noel Pace at the University of Miami School of Law on Wednesday, July 2, 2014. Hosea finally received Social Security Disability after being denied several times despite having cancer. He received legal help from a veterans helping veterans program which is run through a clinic at the University of Miami School of Law. EL NUEVO HERALD

When veteran Hosea Smith was diagnosed with cancer, chemotherapy and IV tubes became an unwelcome aspect of everyday life – and so did his struggle to get disability benefits.

Smith, 54, was denied federal benefits twice until he found legal assistance in what he now calls his “A team,” attorney Ryan Foley and third-year law student Col. Noel Pace. Both are Equal Justice Works AmeriCorps Legal Fellows who help veterans apply for federal assistance through a clinic at the University of Miami School of Law.

“Without these guys’ help, I couldn’t have gotten as far as I have,” said Smith, who uses a walker and continues to battle chronic lymphocytic leukemia. He served three years in the Army.

Foley and Pace explained their work helping veterans navigate the murky process of applying for benefits, such as medical compensation and Social Security. Thanks to their help, Smith will now receive \$10,000 in Social Security disability back pay and future monthly payments of \$960.

The two lawyers are also helping Smith apply for veteran disability benefits, which means connecting Smith’s cancer to his military service. Smith believes that his years of operating a printing press in the service, and inhaling the fumes produced by the heavy machinery, exposed him to hazardous chemicals that caused his leukemia.

Though Smith’s case is more “extreme” than many others because of the severity of his medical condition, it is normal for veterans to have difficulty obtaining federal benefits, said Foley, who is working on approximately 70 cases of veterans seeking compensation for ailments that range from back pain to depression.

Michael Allen, a law professor and the director of the Veterans Law Institute at Stetson University College of Law, said veterans often need legal assistance to maneuver the bureaucratic maze of benefits.

“This is an exceedingly complicated process,” said Allen, about applying for federal benefits with complex medical conditions like PTSD, trauma related to sexual assault or cancer.

The frustration experienced by Smith is not with the VA hospital system, which has drawn national attention over its care and treatment of veterans. Smith said he has no complaints about his healthcare; his grievance is with the fight for benefits.

There are approximately 1.3 million veteran disability claims nationwide and about 60,000 appeals on cases from veterans dissatisfied with their original ruling. The sheer number of cases leads to a dearth of lawyers and a long wait for many veterans, said Allen, noting it can take years for veterans to receive benefits.

Some cases, like Smith's, need to be pushed in front of a judge to avoid being lost in a sea of paperwork. Compounding the issue, many veterans hate complaining about their medical problems or lack of federal benefits, Pace said.

"Men don't want to go to the doctor," said Deborah Smith, Hosea's wife, shaking her head.

She explained that despite her husband's daily battle with cancer, including an achy body, painful chemotherapy and physical weakness, he was reluctant to seek medical help.

"I'd much rather be working," Hosea said.

For the UM law school legal team, getting Smith's Social Security disability benefits restored – just days before the nation's Fourth of July holiday – was poetic justice.

"We need to pay them back for what they did," Pace said.