

Rothwell Figg Obtains Victory for Pro Bono Veteran Client in Front of Court of Appeals for Veterans Claims

Firm News
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In a significant victory for *pro bono* veteran client Luis E. Cueavas-Sanabria, attorney Mark Rawls obtained a remand order forcing the Board of Veteran Appeals (BVA) to re-consider its previously deficient findings on significant issues and obtained attorney's fees under the Equal Access to Justice Act in a matter in front of the Court of Appeals for Veterans Claims (CAVC).

Mr. Cuevas-Sanabria suffered both psychological and physical injuries as a result of his service to this country. The Department of Veterans Affairs (VA) previously recognized some of these injuries as being connected to service, and provided some benefits to Mr. Cuevas-Sanabria as a result. However, a March 2018 decision by the BVA denied service connection for an acquired psychiatric disorder, a higher rating for a left shoulder disability, and a total disability rating based on individual unemployability, therefore denying the Army veteran from receiving the additional benefits afforded to him under the law to accommodate his service-related injuries. On behalf of Mr. Cuevas-Sanabria, Mark appealed the case to the CAVC, arguing among other things that the decision by the BVA was legally deficient in that it failed to provide a reasoned basis for rejecting these benefits. On August 12, 2019, in appeal number 18-1815, the CAVC remanded on these issues, finding that the BVA's decision lacked the required reasoned basis to support its decision. This represents a significant victory for Mr. Cuevas-Sanabria, as the Board of Veteran Appeals will be required to review their initial decision on the matters and properly address them. On remand, Mr. Cuevas-Sanabria will have a good opportunity to obtain the benefits that the VA has so far denied him.

Additionally, earlier this month, the CAVC granted a motion for attorneys' fees under the Equal Access to Justice Act after finding that the case was not "substantially justified."

"Mark's dedication to and passion for getting Mr. Cuevas-Sanabria the justice we strongly believe he deserves is admirable, and the result of his hard work is significant. We are excited about what this

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important decision means for Mr. Cueavas-Sanabria, and we look forward to achieving positive results on behalf of other veterans in the future," stated partner Martin Zoltick, who was also involved in the appeal.