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Winning battles for veterans

Volunteer John Marshall clinic attorney aids 89-year-old who fought in World War II

BY PATRICIA MANSON
Law Bulletin staff writer

Frank J. Del Barto's personal experiences have led him to lend his time and skills free of charge to military veterans seeking disability benefits.

"I am a veteran myself, and I have seen with my father and my brother — and even my own claim — the amount of time it takes for a claim to go through the system," Del Barto said.

Del Barto, an associate in the Schaumburg office of Masuda, Funai, Eifert & Mitchell Ltd., is among more than 350 volunteer attorneys who represent military veterans on a pro bono basis.

The attorneys provide such legal assistance through The John Marshall Law School's Veterans Legal Support Center & Clinic (VLSC).

Del Barto recently won a fight on behalf of a World War II veteran.

His client, Joseph Groner, 89, served in the Army in both the European and Pacific theaters. He worked for several months at the end of the war as an X-ray technician.

With no formal training, Groner did not know he needed to protect himself from radiation.

He eventually developed cancer and sought disability benefits from the U.S. Department of Veterans Affairs.

After going it alone for four years, Groner in 2011 turned to the VLSC for help.

The center referred Groner to Del Barto, who successfully obtained back pay as well as monthly disability payments for the veteran.

Del Barto said it would be "a little

bit of an understatement" to say Groner is pleased with the outcome of his case.

"I talked to him the other day," Del Barto said. "He said he's still walking on the clouds."

Groner believed the Veterans Administration "was trying to outlast him until he died," Del Barto said.

Many veterans feel the same way, he said.

Veterans often decide to seek benefits they are entitled to receive simply because they want to supplement their income, Del Barto said.

He said that attitude can change after the veteran meets roadblocks that seem to suggest the validity of his or her claim is being challenged.

"By the time they're dragged through the process by the Veterans Administration, they just want to be vindicated," Del Barto said.

He said having a lawyer while going through the "daunting" process of seeking disability and other benefits can mean the difference

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Frank J. Del Barto

between success and failure.

A lawyer can help the veteran put together information in a logical manner and present the appropriate legal arguments to the VA, Del Barto said.

When Del Barto sought to obtain his own disability benefits, he represented himself. But he had the advantage of the training he received through the VLSC, he said.

Del Barto suffered partial hearing loss and tinnitus as a result of his military service. He served as an active-duty armor officer in the Army from 1987 to 1991. He served in the reserve from 1991 to 2001.

Del Barto worked in the insurance industry for several years before undergoing what he describes as a midlife crisis that drove him to enter law school.

He earned his law degree in 2007 at John Marshall.

Del Barto now has a labor and employment practice. He advises businesses on employee benefits plans and other corporate matters.

Groner's was the third case referred by the VLSC that Del Barto has successfully handled. He currently is pursuing claims on behalf of three other veterans.

John Marshall Dean John E. Corkery praised Del Barto's efforts.

"This is a tremendous victory for Mr. Groner and for the work our clinic does to help veterans get their lone overdue benefits," Corkery said in a statement. "It's through the hard work of our at-

torneys, our clinic staff and students that we're able to get veterans the funds and help due to them for their service to our country."

The VLSC was founded in 2006 and began taking clients the following year.

John Marshall students supervised by professors and attorneys help handle the more than 1,000 calls a year the clinic receives each year.

While the majority of the cases involve claims for benefits, others — such as housing, pension and family law issues — are not related to a veteran's military service.

Matters that are not handled by the clinic are referred to volunteer attorneys, who are required to undergo at least three hours of training.

The VLSC was among the first of its kind to be established by a law school. It has become a model for others across the nation.

Volunteer attorneys who take on benefits claims for veterans often have a long job ahead of them.

Del Barto's own request for disability benefits took six or seven months to wind its way through the claims process.

But that was a quick trip.

Brian E. Clauss, the VLSC's executive director, said it can take up to two years to get a decision on a benefits request, even when the veteran is represented by counsel.

The typical case does not set any speed records, either.

In May, U.S. Sen. Richard J. Durbin, D-Ill., said the average time a veteran waits for a decision on a request for disability benefits is 273 days nationwide and 359 days in Illinois.

Durbin said the VA's Chicago regional office, which processes all claims submitted by Illinois veterans, is the fourth most backlogged office in the United States.

Durbin made his statements following a roundtable in Washington, D.C., on a plan to modernize the system for processing claims.

Both Del Barto and Clauss said the VLSC could use more attorneys to help guide veterans through the claims process.

Lawyers interested in volunteering may contact Clauss at bclauss@jmls.edu.

pmanson@lbpc.com