First-of-Its-Kind Challenge to Racial Discrimination in Veterans Benefits Moves Forward

Federal Judge Rejects Government Arguments that VA Is Immune from Suit by Black Veterans

New Haven, CT — On Friday, National Vietnam War Veterans Day, a federal judge in Connecticut issued a landmark decision allowing a lawsuit to proceed against the U.S. Department for Veterans Affairs ("VA") for racial discrimination in veterans benefits stretching back to World War II. The lawsuit, filed on behalf of Black veterans, seeks damages for the failure of VA leaders to address persistent bias against Black veterans since 1945. The Court's opinion makes this case one of the only cases seeking to redress historic discrimination ever to survive a motion to dismiss.

Judge Stefan R. Underhill denied the government's motion to dismiss *Monk v. United States*, which claims that the VA has harmed Black veterans for decades by pervasively and systematically subjecting them to a discriminatory benefits system. The government had argued that the court lacked the power to hear the case, brought by Conley Monk Jr., a Vietnam veteran, on behalf of himself and the estate of his father, a World War II veteran, and the National Veterans Council for Legal Redress (NVCLR). On Friday, the court disagreed, finding that the allegations of systemic and continuing racial discrimination were sufficient for the case to advance. The Court also denied a government request to shield Margarita Devlin, a former VA official, from being deposed in the case.

Mr. Monk's claims arise from a backdrop of "systematic benefits obstruction for Black veterans," which the Plaintiffs allege have caused "dignitary, emotional, and psychological harm," Judge Underhill wrote in his 25-page opinion. "The VA should have known as early as the 1970s that Black veterans were at a greater risk of benefits denials than white veterans."

"I am so relieved and proud of my team," **Plaintiff Conley Monk Jr. said**. "It has been some 50 years of waiting for some sort of justice and resolution for how the VA system treats Black veterans. This decision not only excites and inspires me, but also brings hope to other veterans who have suffered."

"My father fought on the beach at Normandy. My sister and another brother as well as myself served. But like generations of Black veterans, when we returned home, the VA refused to provide us with the benefits and care that our service had earned," **said Garry Monk, Executive Director of Plaintiff NVCLR and brother of Conley Monk Jr.** "I hope this opinion will open the door to a measure of justice and redress for myself and many other Black veterans and their families."

"*Monk v. United States* is the most important legal case reckoning with the legacy of racial discrimination against Black veterans in our nation's history," **said Richard Brookshire, the Chief Executive and Co-Founder of Black Veterans Project (BVP).** "Since its inception, the Department of Veterans Affairs has designed and implemented its benefits programs to reinforce our nation's racial caste system, neglecting its moral, ethical and legal responsibility to intervene to ensure racism was not a barrier to accessing home loans, education benefits and disability compensation. The consequence has been dire, resulting in hundreds of billions in economic loss to Black veterans and their families since World War II. The court's ruling denying the Department of Veterans Affairs motion to dismiss is a historic step toward justice. Black Veterans Project stands in solidarity with Mr. Monk and looks forward to working collaboratively to make reparations real in our lifetime."

"Black veterans deserve their day in court, an opportunity to shine a light on the VA disability determination process and ensure that all veterans' claims are treated fairly and equally," **said Connecticut Senator Richard Blumenthal (D-CT).** "I commend Conley Monk and the Veterans Legal Services Clinic for their steadfast determination to ensure justice for all veterans."

"This effort was born from the imagination and strategic vision of Richard Brookshire and the Black Veterans Project, who joined forces with Conley Monk, Jr., his brother Garry Monk, and NVCLR to make this vision a reality," **said Jared Hirschfield, a student in the Veterans Legal Services Clinic at Yale Law School**, which represents the Plaintiffs. "BVP and NVCLR sued VA to force it to release data showing decades of discrimination against Black veterans in benefits decisions. But rather than take steps to redress the harm of years of pervasive anti-Black bias, the VA moved to dismiss this lawsuit on various technical and procedural grounds. We are pleased that the Court rejected each of VA's arguments."

Conley Monk Jr. filed the lawsuit in November 2022. Mr. Monk served in the Vietnam War, where he was exposed to Agent Orange and developed PTSD. For over 40 years, the VA repeatedly denied him access to education, housing, and disability benefits.

"Black veterans should never have to fight systemic unfairness and racial discrimination in the VA, much less in 2024," **said Theo Benjamin, an attorney at Edelson PC**, which also represents the Plaintiffs. "But this ruling is an important step toward ending those harms."

If you are a Black veteran who experienced racial discrimination by the VA and are interested in filing an administrative claim with the VA, please contact the Clinic via email at **ftca.veterans@ylsclinics.org**.

Conley Monk Jr. and NVCLR are represented in Monk v. United States *by the Yale Law School Veterans Legal Services Clinic, which is part of the Jerome N. Frank Legal Services Organization, and Edelson PC.*

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