

Kansas Legal Services helped Navy veteran, attacked by pirates, secure disability benefits



(Above) Matt Keenan is the executive director of Kansas Legal Services, a legal aid organization that served more than 18,000 Kansans in 2023, including a veteran who needed help obtaining disability benefits.

By: [Anna Kaminski](#) - September 3, 2024 [Kansas REFLECTOR](#)

TOPEKA — When pirates attacked Leah Delamarter and her U.S. Naval crewmates at sea, somewhere between the east African countries of Djibouti and Somalia in 2009, she suffered injuries to her central nervous system that caused lifelong damage to the right side of her body.

She looks back on her time in the Navy with no regrets. But the frustrations and complications that have accompanied her return to life in Independence were exacerbated by a years long struggle with the Social Security Administration to obtain disability benefits.

“Most people think that veterans are out for a handout. They don’t want to hear about it,” Delamarter said. “I tell them I hope they never have to step a day in my life.”

It wasn’t until Delamarter sought help from Kansas Legal Services, a statewide legal aid organization, that she was able to obtain the disability benefits that now help her sustain her livelihood.

The organization has been working to track its impact across the state. It assisted with more than 18,000 cases across Kansas in 2023 with \$23,000 in court awards and an economic impact valued at more than \$22 million, according to its first statewide impact report, which was released earlier this month.

That includes an award for Delamarter, whose case shocked the organization’s executive director, Matt Keenan, because she wasn’t given “a fair shake,” he said.

“Nobody who buys a billboard is going to be interested in taking her case. The length of time that that went on, the level of commitment, the stick-to-itiveness — that’s only going to be a legal aid lawyer,” he said.

Defying logic

Delamarter was a hull maintenance technician in the Navy in 2009, a torrid and notorious year for pirate attacks. She was inspired to join the military after the events on Sept. 11, 2001, but she had young children to raise at the time, so she didn’t enlist until 2005. She’s still in touch with the crewmates who weathered the 2009 attack with her.

“I’m the only one that ended up with lifelong injuries, but there were others,” she said.

Two years after the attack, Delamarter was medically retired from the Navy at 34 years old.

Doctors told her she'd never walk again. She wouldn't live past 40, one said.

But she turned 47 in August, and she participated in adaptive sports for a time.

"Just because a medical professional tells you you can or can't do something doesn't mean that's always accurate," she said.

Regaining her life was difficult. She was unable to work, and disability benefits seemed like the only option. She first filed for disability rights in 2011.

Even though she was injured while serving her country, a Social Security Administration judge deemed her "not disabled enough" to receive benefits.

Delamarter navigated four levels of appeals in the Social Security Administration over roughly seven years despite evidence of physical and psychological disability, said Delamarter's legal services lawyer, Michael Hilleary.

"It's very hard to overturn the judge's decisions even when they defy logic, unless they make a mistake," Hilleary said.

In Delamarter's case, Hilleary discovered a technicality the judge had overlooked. Delamarter was deemed disabled by Veterans Affairs.

The judge didn't acknowledge that.

"It baffles me, many times, why they do this," Hilleary said.



Michael Hilleary, left, an attorney with the legal aid organization Kansas Legal Services, helped a veteran from Independence obtain her public disability benefits after years of denials.

Social Security denied Delamarter's application for benefits several times before she took her case to a judge in 2017, where she was denied again. The same happened in 2020. Then her case went to federal court in 2022, where it was returned to the Social Security Administration. After that, Hilleary took the case to the administration's Appeals Council, and on March 28, 2024, a judge decided Delamarter was due back pay for the years of missing benefits along with a monthly

payment.

“I don’t have the constant worry and stress of where the next bill payment is going to come from,” Delamarter said.

‘Change the dynamics’

Wins like Delamarter’s case are rare, Hilleary said. Hers was a unique situation, and she had a roughly 3,000-page medical record with the VA, he said.

“She’s fortunate that she has the record to support it,” Hilleary said. “Most people don’t.”

Delamarter was one of an estimated 175 Kansans the legal aid organization assisted in obtaining public disability benefits in 2023, according to its statewide report.

Keenan, the Kansas Legal Services director, said the organization is staffed with around 145 people, roughly 45 of them attorneys and the rest paralegals. He said the staff are “advocating in every corner of the state” with clients in each of Kansas’ 105 counties.

Community Services Analysts authored the organization’s report on 2023 services and estimated the organization’s long-term financial impact to be around \$53.7 million. The estimate is based on data collected from the organization and predicted savings to government agencies and community support resources, reductions in medical care costs and added income and tax revenues from benefit programs.

“There is a particular joy that is brought to this advocacy when we completely change the dynamics,” Keenan said.

That includes keeping a roof over a family’s heads, helping people put food on their tables, obtaining child support payments, and getting veterans their benefits, he said.

He added: “It’s simply getting them what they are entitled to receive.”

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