



The Veterans Consortium

DISCHARGE UPGRADE PROGRAMSM

Sponsored By:



FULLFILLING OUR PROMISES
TO THE MEN AND WOMEN WHO SERVED

Charitable Service Trust

TVC Discharge Upgrade ProgramSM

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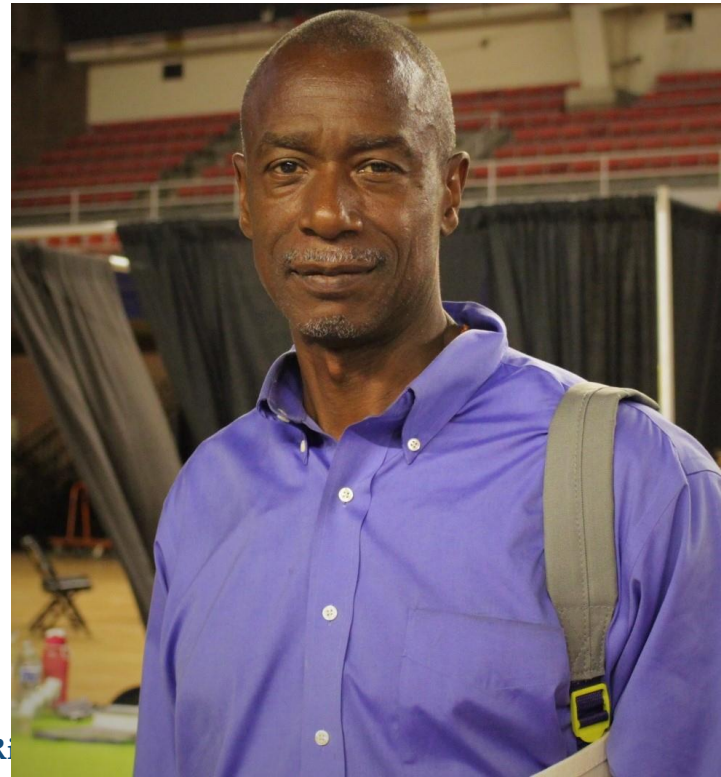
Staff Attorney

Discharge Upgrade Program



Belief Statement

We believe that our Veterans
—our Nation’s defenders—
deserve the care, benefits,
and compensation they were
promised,
and the best legal services,
free of charge,
to meet their challenges.





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Consortium**

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Provides national pro bono legal representation to individuals who received less than honorable discharges for conduct related to Post-Traumatic Stress Disorder (PTSD), traumatic brain injury (TBI), military sexual trauma, or other mitigating factors.

True or False?

- General and Less Than Honorable discharges are automatically upgraded 6-months after separation. **False**
- Veterans apply to the VA for discharge upgrades. **False. VA makes characterization of discharge determinations; Service boards have the authority to upgrade a discharge characterization.**
- Veterans can only apply for a discharge upgrade once. **Sometimes**

Enlisted Discharges as Percent of Characterized Discharges, FY11

	Honorable	General	Other Than Honorable	Bad Conduct	Dishonorable
Army	81%	15%	3%	0.6%	0.1%
Navy	85%	8%	7%	0.3%	0.0%
Marine Corps	86%	3%	10%	1%	0.1%
Air Force	89%	10%	0.5%	0.5%	0.0%
Total	84%	10%	5%	1%	0.1%

Underserved, Swords to Plowshares, NVLSP, Veterans Legal Clinic at the Legal Services Center of Harvard Law School, March 2016

Importance of a Discharge Upgrade

- Eligibility for VA Benefits
 - Medical care
 - Mental health care
 - Disability compensation
 - Housing assistance
 - Employment assistance
 - Survivor and dependent benefits
- Reduce homelessness and suicide
- To be recognized as a veteran
- Veteran employment preferences
- Eliminate discrimination in hiring
- Restore honor

Discharge Review Boards (DRBs) VS. Boards for Correction of Military Records (BCMRs)

DRBs

- DD-293
- <15 Years Post-Discharge
- 5 Officers
- Improper
- Inequitable
- Hearings Granted
- Reconsideration
- Limited Authority

BCMRs

- DD-149
- 3 Years After Discovery, Waiver
- 3 Civilians
- Error
- Injustice
- Hearings Not Usually Granted
- Reconsideration
- Broad Authority

DoD Guidance Re: Applicants with Mental Health Conditions

- September 2014 – Hagel Memo
- February 2016 – Carson Memo
- August 2017 – Clarifying Guidance
- July 2018 – Wilkie Memo

Application Package

Application form: DD-293 or DD-149

Petition for Relief

- Summary of the Story and Arguments with Main Evidence
- Argument for Why Veteran Meets the Standards for the Characterization

Exhibits

- Personal statement, buddy statements, character letters, service personnel and medical records, VA and civilian medical records, etc.

Post-Submission

A LONG WAIT - Expect about 12-36 months

- Naval DRB: 12 months; 18 months for personal appearance
- BCNR: 18 months
- ADRB: 24 months
- BCMR: 36-48 months

Federal Veterans Pro Bono Program

Provides representation for veterans and their families appealing the unjust denial of their VA benefits from the Board of Veterans Appeals (BVA) to the U.S. Court of Appeals for Veterans Claims (CAVC). TVC trains & mentors volunteers to represent them to regain eligibility for benefits.

remands@vetsprobono.org

Veterans Benefits Advocacy Program

Assists veterans who receive a remand from the Court of Appeals for Veterans Claims (CAVC) to pursue their claim against the Board of Veterans Appeals (BVA). Trained attorneys identify arguments and evidence necessary to prevail at the BVA to ensure the veteran receives benefits and/or compensation earned.

volunteer@vetsprobono.org

Client Services

Liases with the Court, our veterans and VSOs to ensure appeals are filed in a timely manner. We operate a national helpline for pro se appellants at the U.S. Court of Appeals for Veterans Claims to help veterans understand the Court's processes. Client Services also provides forms and other documents for representation, as well as resources and referrals as needed.

mail@vetsprobono.org



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WOMEN VETERANS LEGAL ASSISTANCE PROGRAMSM

Women are the fastest growing subpopulation of the military and veteran communities, but many do not seek out resources that are available to them.

The Women Veterans Legal Assistance Program assists women veterans who are filing for VA disability compensation for conditions related to a military sexual trauma.

The goal of the program is to create an environment where women are more likely to engage, share their experiences, and seek out the resources they are entitled to.

Chesley Roberts

Equal Justice Works Fellow

Sponsored by Lockheed Martin Corporation

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VETERANS NATURALIZATION
ASSISTANCE PROJECTSM

Veterans Naturalization Assistance Project (VNAP) assists veterans applying for naturalization through military service. TVC volunteers are trained to assist veterans with their naturalization applications which involve gathering evidence, writing defenses when needed, and ensuring applications are properly completed. Practicing Immigration attorneys serve as Mentors to volunteers when needed.

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The Veterans Consortium Discharge Upgrade Program

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