



FACTS SHEET

S.B. No. 918:

AN ACT CONCERNING THE DEFINITION OF VETERAN

LEGISLATIVE PROBLEM

Current Connecticut law denies state benefits to certain veterans eligible for benefits under federal law. This practice disproportionately harms veterans who have survived traumatic experiences and suffer from mental illness. If the Department of Veterans Affairs (“VA”) has determined that veteran’s military service was “honorable,” the state of Connecticut should defer to that decision.

BACKGROUND INFORMATION

The military typically releases service members under one of five different characterizations of service on their discharge document (DD214): (1) honorable; (2) general under honorable conditions (“general”); (3) other than honorable (“OTH”); (4) bad conduct; and (5) dishonorable. This discharge is used to determine initial benefit eligibility by the VA and the State of Connecticut.

Service members may experience trauma, the onset of mental illness, discrimination, or other factors during service that can lead to an unfair or improper discharge status. Veterans with OTH discharges, or worse, are presumptively excluded from federal and state veterans’ benefits, even when they may be deserving and in need.

CURRENT SYSTEM

The Federal System

- Under federal law, a veteran is defined by 38 USC 101 as “a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.”
- Discharge status can be affected by two processes after service:
 - 1) a discharge upgrade by the Dept. of Defense which, if successful, results in a new DD214;
 - 2) a “characterization of discharge” review by the VA. If successful, this results in access to VA benefits and a status of “honorable for VA purposes” without altering the DD214 document.
- The VA processes all veterans with OTH discharge status through the “characterization of discharge” review. During a rigorous administrative adjudication, veterans can prove to the VA that their service was “honorable for VA purposes” if their service meets the criteria defined in 38 CFR 3.12. After such a determination, they are entitled to federal VA benefits but their DD214 remains unchanged.

Connecticut’s System

- Connecticut’s definition of a veteran is governed by CGS 27-103. It relies entirely on the discharge stated in a DD214 document. It excludes veterans with OTH discharges from state benefits.

The law provides a narrow exception for OTH discharges with one of three “qualifying conditions” – post-traumatic stress disorder, traumatic brain injury or military sexual trauma. The process to take advantage of these exceptions is onerous and exposes personal medical history unnecessarily. For example, a veteran covered under this exception must assert and document the existence of one of these conditions to the DMV to get a fee waiver, or to any other entity from which they seek the benefits they are entitled to.

LEGISLATIVE SOLUTION

Under SB918, the State of Connecticut would accept the VA determination of “honorable for VA purposes.” Veterans who have proven to the VA that they are “honorable for VA purposes” would be entitled to Connecticut veterans’ benefits just like veterans who have an honorable or general character of service on their DD214.