

A TIME TO HEAL: STATE BENEFITS FOR CONNECTICUT VETERANS WITH BAD PAPER



Returned Soldier Monument at the Connecticut Veterans Home and Hospital, Rocky Hill

February 2018

A Proposal for the Connecticut General Assembly

Prepared by: Veterans Legal Services Clinic, Yale Law School, for the Connecticut Chapter of Iraq and Afghanistan Veterans of America

A Time to Heal: State Benefits for Connecticut Veterans with Bad Paper

A PROPOSAL FOR THE CONNECTICUT GENERAL ASSEMBLY

EXECUTIVE SUMMARY

Connecticut has a long tradition of supporting its veterans with programs and resources designed to recognize their service and ease the transition back into their communities. However, not all veterans are eligible for these programs—individuals with other than honorable (OTH) discharges, considered “bad paper,” are often barred from accessing these important state services and benefits. Many of these veterans experienced Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), or Military Sexual Trauma (MST) while serving. These medical conditions often cause behavioral changes that can result in an OTH discharge. In addition to struggling with mental health challenges in their daily lives, affected veterans often have difficulty finding work¹ and experience high rates of substance abuse and homelessness as compared to their peers.²

Connecticut can ensure equal access to its benefits system for these veterans without imposing costly new administrative burdens. The legislative proposal outlined in this report would allow mental health professionals at U.S. Department of Veterans Affairs (VA) medical centers or Vet Centers to certify that a veteran with an OTH discharge has PTSD, TBI, or an experience of MST. The mental health professional would fill out a short, standardized form on the veteran’s behalf. The veteran would present the completed form to the relevant state or local agency along with any necessary application materials to access benefits.

Connecticut state benefits are vital to the wellbeing of its veterans and key to facilitating their transition back into civilian life, including integration into the broader veterans’ community. The Connecticut General Assembly can and should act quickly to ensure that veterans who have earned these vital benefits, and often need them most, are not left behind because of bad paper attributable to invisible wounds such as PTSD, TBI, or MST.

I. “Bad paper” veterans call Connecticut home

Every year, the U.S. military discharges more than 20,000 veterans with less-than-honorable discharges.³ These discharges—known collectively as “bad paper”—represent 15% of all annual discharges.⁴ Veterans with a bad paper discharge are typically ineligible for state and federal veterans’ benefits,⁵ and often face significant barriers to employment.⁶ Veterans with bad paper must also confront significant social stigma, as it is often wrongly assumed that these veterans are guilty of severe, or even criminal, misconduct.

A Time to Heal: State Benefits for Connecticut Veterans with Bad Paper

The stigma faced by veterans with Other-than-Honorable (“OTH”) discharges stems largely from civilian ignorance regarding the structure of the military justice system. Upon separation from the military, every veteran receives a discharge status that characterizes his or her time in service. A veteran’s discharge status, along with a brief “narrative reason for separation,”⁷ appears at the bottom of the veteran’s DD-214, the one-page document that records the veteran’s military service, and which for the rest of the veteran’s life may be requested by public and private employers, government agencies, educational institutions, and others. Every veteran is separated with one of five possible discharge statuses.⁸ In order from most to least favorable, these are:

Military Discharge Statuses:

- **Honorable**
- **General (under honorable conditions)**
- **Other-than-Honorable (“OTH”)**
- **Bad Conduct**
- **Dishonorable**

The vast majority—more than 90%—of veterans with bad paper discharges are administratively separated from the military with a General or OTH discharge status. General and OTH discharges are classified as non-punitive “administrative discharges,”⁹ in contrast with more severe “punitive discharges.”¹⁰ Administrative discharges are often assigned on the basis of relatively minor misconduct. Misconduct resulting in a General or OTH discharge can include self-medicating behaviors like taking unprescribed painkillers for a back injury,¹¹ and until 2011, “homosexual acts.”¹² Unfortunately, veterans facing administrative separation are subject to few procedural protections,¹³ and the military’s own statistics show that the system is plagued by discrimination on the basis of sexual orientation¹⁴ and race.¹⁵

II. Many of Connecticut’s veterans suffer from PTSD, Traumatic Brain Injury, or Military Sexual Trauma

All too often, the misconduct resulting in a less-than-honorable discharge can be attributed to undiagnosed conditions like PTSD and Traumatic Brain Injury (TBI), or to experiences like Military Sexual Trauma (MST). The Department of Defense has long recognized the relationship between military misconduct and conditions like PTSD.¹⁶ In 2017, the Government Accountability Office found that 62% of servicemembers separated for misconduct from 2011-2015 had been diagnosed with PTSD, TBI, or other mental health conditions that could be associated with misconduct.¹⁷

Studies by RAND¹⁸ and the VA¹⁹ have found that approximately 20% of Iraq and Afghanistan veterans have experienced PTSD or TBI. Similarly, a prominent, large-scale VA study estimated that more than 30% of Vietnam veterans suffer from PTSD.²⁰ Many Vietnam veterans struggled to obtain treatment for their PTSD, which was not fully recognized by the medical community until 1980.²¹ In contrast, less than 8% of people among the entire U.S. population will develop PTSD.²²

Researchers also estimate that 16% of military personnel have experienced sexual harassment and assault while in service.²³ Female veterans who experience sexual assault while serving, for example, frequently receive OTH discharges, sometimes accompanied by stigmatizing narrative reasons (e.g. “personality disorder”) for the separation.²⁴ Some servicemembers have even received OTH discharges after suicide attempts triggered by untreated PTSD.²⁵

There are no precise data on how many Connecticut veterans have a bad paper discharge. However, based on a past collaboration between Yale Law School’s Veterans Legal Services Clinic and the Connecticut Department of Veterans Affairs, there are an estimated 1,700 to 2,500 veterans with bad paper currently living in Connecticut.²⁶ Combining these estimates with statistics on the prevalence of PTSD, TBI, and MST, it is likely that approximately 800 Connecticut residents have a bad paper discharge and suffer from a mental health condition like PTSD or TBI, or an experience of MST. **With a current population of 217,947 veterans living in Connecticut, the veterans directly affected by this proposal represent fewer than 0.4% of this state’s currently eligible veteran population.**

III. Connecticut denies benefits to less-than-honorably discharged veterans

Connecticut has a strong veterans’ benefits delivery system designed to supplement the VA benefits system²⁷ and honor the service of Connecticut’s veterans. As veterans return home to their communities and families, the benefits system facilitates the transition back into civilian life through a combination of education and occupational training grants, financial assistance in housing and car ownership, and medical and mental health counseling and support.²⁸ These programs are tailored to Connecticut veterans’ needs and fill in the gaps left by

Thomas’s Story

The Marine Corps issued Thomas Burke an OTH discharge in the summer of 2010 – only months after he stood on an Afghan riverbank with the barrel of his rifle in his mouth. He returned home to Connecticut with substance abuse disorders and combat-induced PTSD.

Thomas is now in recovery, having benefitted from federal policies that provide VA mental healthcare for some veterans with PTSD. However, because the federal discharge review board has denied him an upgrade, he remains shut out of most veterans’ benefits in his home state.

Denied state veterans’ education benefits but determined to pursue his calling to the ministry, Thomas finished college in poverty, and went without electricity in his first year of divinity school. He will graduate this spring and lead his first congregation this fall.

An active member of IAVA-CT, Thomas is a relentless advocate for his peers. “I have been lucky in many ways,” he says. “So many others go without the treatment, even, that they need. These vets deserve to be embraced by their communities and by the state.”

A Time to Heal: State Benefits for Connecticut Veterans with Bad Paper

Federal veterans' benefits programs, particularly when the federal VA turns veterans away.²⁹

Unfortunately, the generally applicable statutory definition of a veteran (Conn. Gen. Stat. § 27-103) limits the term to "any person honorably discharged from, or released under honorable conditions³⁰ from active service in, the armed forces."³¹ This definition excludes any veteran with an OTH discharge and below. Connecticut's definition is in fact more restrictive on its face than the federal government's, which states, "[t]he term 'veteran' means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable."³² Although the federal definition is interpreted to presumptively exclude OTH veterans as well, there is a VA administrative process to grant some OTH veterans' benefits.³³ Thus, there are Connecticut residents who have served in the armed forces who might be granted benefits by the federal government, but denied by their home state.

Connecticut's Restrictive Definition of "Veteran"

"Any person honorably discharged from, or released under honorable conditions from active service in, the armed forces."

CONN. GEN. STAT. § 27-103(a)

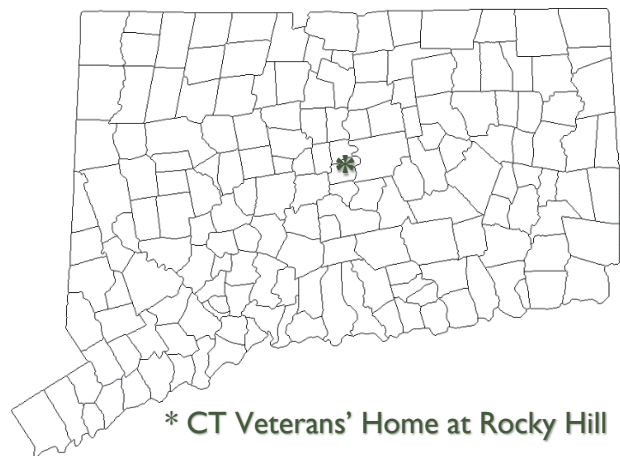
As a result of Connecticut's narrow definition of "veteran," veterans with OTH discharges are categorically excluded from the vast majority of state benefits programs. There are a handful of programs that do not rely on the § 27-103(a) definition of "veteran," and so are open to veterans with OTH discharges. Because of the patchwork-like nature of the state's benefits system, however, veterans with OTH discharges are often unaware of the programs that they are eligible for, either by statute or discretion. Appendix B catalogues discharge

eligibility requirements for state benefits, as compared to the benefits provided by the federal VA. In brief, these benefits fall into three broad categories:

A. Rocky Hill and other healthcare, substance abuse, and housing programs

Healthcare, housing, and drug rehabilitation programs are of particular importance to veterans with OTH discharges, because these veterans often experience significant mental health challenges which may manifest in substance abuse and homelessness. The Connecticut Department of Veterans Affairs at Rocky Hill provides housing, inpatient, and outpatient care for veterans with substance abuse problems and other severe health challenges, and who have no other adequate means of financial support. It is a crucial lifeline and focal point for veterans' services in the state.

In addition to Rocky Hill, Connecticut provides emergency funding to veterans facing illness and unemployment through the Soldiers', Sailors', and Marines' Fund³⁴ and excludes federal veterans' pension income from Medicaid eligibility calculations.³⁵ Connecticut also permits municipalities to award property tax exemptions to veterans,³⁶ assisting them in becoming and remaining homeowners, which strengthens their ties to the community and state, and builds intergenerational



wealth for their families. Veterans who have received OTH discharges through no fault of their own deserve equal access to these programs.

CT Benefit	Description	Open to OTH-Discharged Vets ?	Purpose
CT Veterans' Home at Rocky Hill: CGS § 27-108	Provides inpatient and outpatient care for veterans with substance abuse and health challenges, and who have no adequate means of support	Rocky Hill services are limited to CT veterans discharged honorably or under honorable conditions by statute, but CR § 102/(d)-100 expands eligibility to OTH and "bad conduct" discharges by discretion. DVA has never used its discretion to admit an OTH veteran, however.	Care for those who have served our country in a supportive facility specifically designed to meet veterans' needs
Soldiers', Sailors' and Marines' Fund, CGS § 27-140	Provides temporary emergency financial assistance to veterans who are disabled, unemployed, or sick	No. CT veterans discharged honorably or under honorable conditions who served in a time of war, as defined by CGS § 27-103	Recognize the service and sacrifice of wartime veterans and provide for them in their time of need
Optional Municipal Property Tax Exemptions; CGS § 12-81	Reduces the assessed value of a veteran's property for tax purposes; provides property tax exemptions for certain veterans. The exemption is assessed and applied by the municipality	No. CT veterans discharged honorably and under honorable conditions per CGS § 27-103 are generally eligible for a \$1000 credit. Veterans with 90 days' wartime service are eligible for \$1500 property tax exemption if low-income. Disabled veterans may be eligible for additional tax exemptions	Assists CT veterans in becoming and remaining homeowners, strengthening their roots in and building intergenerational wealth within their communities and the state

B. Higher education, training, and employment programs

Those who join today's all-volunteer military do so out of a desire to serve. Connecticut stands to benefit by providing these highly-motivated individuals with the tools to thrive in the state. Veterans return home with the skills and discipline necessary to contribute positively to Connecticut's economy, but may require some assistance in transitioning to the civilian workforce, particularly if they had planned for a career in the military prior to discharge. Yet, Connecticut locks veterans with OTH discharges out of the largest—and most life-changing—educational and workforce development program that it operates: the veteran tuition waiver at Connecticut universities and community and technical colleges. Like federal education benefits (including the "GI Bill"), state tuition waivers are available only to honorably discharged veterans.³⁷

**A Time to Heal:
State Benefits for Connecticut Veterans with Bad Paper**

The military’s promise to fund higher education is especially valuable to servicemembers, particularly those from lower-income backgrounds for whom joining the military was a way not only to serve their country, but to bring themselves and their families into the middle class.³⁸ Higher education transfers veterans’ skills into the civilian workforce, provides personal fulfillment, and may have positive effects on veterans’ families’ educational outcomes and income for generations. For veterans whose OTH discharges are the result of



University of Connecticut, Wikimedia Commons

PTSD, TBI, or MST, this broken promise is particularly devastating.

The state has in fact recognized that a less-than-honorable discharge does not erase a former servicemember’s job skills; several workforce integration benefits are available to all Connecticut veterans, regardless of discharge status.³⁹ However, the state excludes veterans with bad paper from several other important programs, including reinstatement guarantees for state employees,⁴⁰ the GED fee waiver,⁴¹ eligibility for high school diplomas based on military service,⁴² and preference for veteran-owned small businesses in state contracting.⁴³

CT Benefit	Description	Open to OTH-Discharged Vets?	Purpose
Tuition Waiver: CGS § 10a-77; § 10a-99; § 10a-105	Waives tuition at CT community and technical colleges; state universities	No. The statute limits this benefit to CT veterans with honorable discharges or release “under honorable conditions” who served 90 days’ active duty in a period of war	Higher education transfers veterans’ skills into the civilian workforce, provides personal fulfillment, and improves intergenerational education outcomes
CT State Employment Credit on exams: CGS § 5-224	Provides credit for military service on exams for original appointments	No. CGS § 5-196(28) limits this protection to veterans who are discharged honorably or under honorable conditions and who served in a time of war	Recognizes that veterans have demonstrated an exemplary capacity to serve the public good, and possess unique skills beneficial to state and municipal agencies
Awards high school diplomas CGS § 10-221(a)	Allows boards of education to award high school diplomas to WWII, Korea, or Vietnam vets	No. The program is limited to CT veterans discharged honorably or under honorable conditions as defined by CGS § 27-103	Honor veterans who left high school early to serve by awarding them the diplomas that they otherwise would have received
Veteran-Owned Small Businesses: Public Act No. 16-184 (2016)	Gives preference in state contracts to veteran-owned businesses	No. The preference is limited to CT veterans discharged honorably or under honorable conditions as defined by CGS § 27-103	Promotes entrepreneurship among veterans, and increases their financial stability

C. Recognition by the state and the veterans’ community

Finally, Connecticut stigmatizes veterans with OTH discharges by refusing to recognize their service in symbolically important ways. The state has several programs that are designed to honor its veterans’ service and sacrifice, including veteran-designated license plates and driver’s licenses⁴⁴ and—perhaps most meaningfully for veterans and their families—low-cost burial in a state veterans’ cemetery.⁴⁵

An Army Widow's Story

Shortly before his third deployment, Mark* suffered a suicide attempt related to his then-undiagnosed PTSD and depression. Because he missed a training exercise, his commander chose to issue him an OTH discharge. The VA denied him healthcare as a result of his OTH, and then rejected his discharge upgrade application. Mark died by suicide before he could seek alternative care. “The Army was everything to Mark,” his wife explains. “To have [them] tell him that his service wasn’t honorable caused him incredible shame . . . with the way [they] treated him and the lack of resources available, they signed his death warrant the moment they turned him away.”

There is no way to know whether guaranteed access to Rocky Hill services might have saved Mark’s life – it may, however, save others. *Anonymized

Veterans with OTH discharges and PTSD, TBI, or MST face significant stigma and shame, which is exacerbated by the dignitary harm suffered upon exclusion from these benefits. They deserve to be supported as they transition back into their communities in Connecticut, not cast out from the veterans’ community in the face of their most difficult challenges. Recognizing these veterans is a small step that would have immeasurable significance in their lives, to their families, and within the veterans’ community.

CT Benefit	Description	Open to OTH-Discharged Vets?	Purpose
Burial in CT Veterans’ Cemetery: CGS § 27-122(b)	Permits burial in a state veterans’ cemetery	No. CT veterans discharged honorably or “under honorable conditions” – OTH veterans are explicitly excluded by CR § 27-102/(d)-321(a)	Provides a dignified, low or no-cost burial and final resting place
Veterans’ License Plate: CGS § 14-20(b)	Provides a veteran-designated license plate with an American flag image	No. The CGS § 27-103 limitation to those discharged honorably and under honorable conditions applies	Honors veterans’ service
Operators’ License Veteran Marker: CGS § 14-36(h)	Provides veteran identifier on licenses and identity cards	No. CGS § 27-103 limits benefits to veterans discharged honorably and under honorable conditions	Honors veterans’ service; may provide access to veterans’ discounts

Sarah's Story

Sarah* joined the Connecticut National Guard (CTNG) after serving on active duty, where she experienced TBI and MST. Diagnosed with PTSD, Sarah found her symptoms worsening in the CTNG. She checked in to a VA PTSD program to address her anxiety, headaches, and loss of sleep, among other issues, and requested to be excused from drill until her symptoms were under control. Her command denied her requests.

Eventually, a chaplain in her unit convinced her chain of command that she should be allowed to separate. In addition to suffering from PTSD, Sarah lost her sister unexpectedly, and had recently battled cancer. Because she missed drill and was unable to make up the time, however, her command issued her an OTH discharge.

Today, despite that she is rated 100% disabled by the VA for PTSD, TBI and other conditions, Sarah's OTH discharge bars her from accessing state veterans' benefits. "I have been left," Sarah says, "to figure [things] out by myself." *Anonymized

IV. Connecticut should equalize access to state veterans' benefits programs

Connecticut should ensure that veterans with OTH discharges and PTSD, TBI, or MST have equal access to state benefits as quickly as possible, particularly because the federal government has consistently failed over many decades to provide redress for these veteran populations.

For example, veterans with bad paper discharges normally are eligible to apply for discharge upgrades through the Congressionally-established Discharge Review Boards (DRBs) and Boards for the Correction of Military/Naval Records (BCM/NRs). However, these boards are not functioning as Congress intended. Prior to 2013, the boards denied more than 95% of applications from Vietnam veterans with PTSD.⁴⁶ In 2014, in part in response to a proposed nation-wide class action filed by Conley Monk — a Connecticut resident who served in the Marines in Vietnam and received an OTH discharge based on undiagnosed PTSD — the Secretary of Defense ordered DRBs and BCM/NRs to reform their practices, specifically directing the boards to apply "liberal consideration" to applications from veterans with PTSD and other related conditions.⁴⁷ Unfortunately, implementation of the guidance has been poor.⁴⁸ Ultimately, very few servicemembers with less-than-honorable discharges ever receive VA benefits.⁴⁹

Recognizing their need, the General Assembly should enact legislation that would make these veterans eligible for benefits on the basis of their medical diagnoses. The operation of this legislative scheme would be simple— eligible veterans would elect to go to a VA Hospital or Vet Center, and would request that a licensed mental healthcare provider fill out a standardized form confirming that the veteran has a qualifying condition.⁵⁰ When applying for benefits at the agency administering the pertinent program, veterans with OTH discharges would follow the same process as all other veterans. The only difference would be the submission of this additional form. A sample form is attached in Appendix A.

In essence, this proposed system creates a waiver for veterans with OTH discharges and diagnoses of PTSD or TBI, or experiences of MST while in service.

This proposal strikes a balance between prioritizing accessibility for applicants and minimizing administrative burdens on the state. Using VA hospitals and Vet Centers ensures that veterans will be able to secure the required diagnosis by appropriately trained mental health professionals familiar with veteran-specific issues, and the standardized form will further minimize administrative costs for the government. The following outlines the process envisioned for the veteran, the mental health care provider, and the state:

Waiver Process for CT Veterans with OTH Discharges and PTSD, TBI, or MST

A. For Veterans

Under this system, veterans with OTH discharges may apply for state benefits by:

- I. Bringing the standardized form to a qualified mental health professional at a VA hospital or Vet Center in Connecticut, in order to receive either:
 - i. Confirmation that the veteran has had a qualifying diagnosis or experience based on the veteran's medical records, or
 - ii. An assessment that will allow the mental health professional to make a qualifying diagnosis.
2. Submitting all other information as required by state law, which will be reviewed along with the completed form.

B. For VA Hospital and Vet Center Mental Health Professionals

Upon receipt of the standardized form, a mental health professional at a VA hospital or Vet Center will assist with the following:

- I. Confirming that the veteran has a qualifying diagnosis or experience, either by:
 - i. Accessing previous medical records, or
 - ii. Performing the appropriate assessment in order to make such a determination.
2. Completing and signing the form so that the veteran can submit it to the appropriate administrative agency.

C. For Administrative Agencies

Once the appropriate administrative agency receives the completed form, agency employees will be tasked with reviewing it along with the rest of the veteran applicant's materials. Veterans with an OTH discharge will be considered eligible for the respective benefit as long as the submitted form contains confirmation of PTSD, TBI, or MST from a qualified mental health professional.

V. The projected budgetary impact is small; the positive impact for veterans would be enormous

This report cannot provide an in-depth fiscal impact analysis, as there are no precise data on how many Connecticut veterans possess bad paper, nor are there precise estimates of how many Connecticut veterans with bad paper have either a diagnosis of PTSD or TBI, or a past experience of MST. Even among the population of veterans with an honorable discharge, it can be difficult to forecast how many eligible veterans will choose to apply for any particular benefit.

However, recent data collection efforts provide a partial answer. Again, the collaboration between Yale Law School's Veterans Legal Services Clinic and the Connecticut Department of Veterans Affairs, estimated that there are between 1,700 and 2,500 veterans with bad paper currently living in Connecticut. Based on the statistical prevalence of PTSD, TBI, or MST, it is likely that approximately 800 Connecticut residents have both a bad paper discharge and one of these qualifying conditions. The veterans directly affected by this proposal represent less than 0.4% of this state's currently eligible veteran population of 217,947. As such, it is highly unlikely that this proposal will have more than a negligible effect on the state's spending on veterans' programs.

Moreover, certain benefits—including programming at the Veterans' Home at Rocky Hill, tuition waivers for state colleges and universities, and municipal property tax exemptions—are currently funded with minimal or no appropriations from the state's general revenues. As such, a small increase in the population of eligible recipients is unlikely to result in more than a negligible impact on the state budget. For the Connecticut veterans who will become newly eligible for state benefits, the positive impact on their individual lives may be immeasurable. Support for veterans transitioning back into their communities is an investment in their ability to contribute positively to the state and its economy moving forward.

VI. Connecticut is well-positioned to equalize access to state benefits for veterans with OTH discharges

The state of Connecticut has long been a leader in providing for its veterans. The DVA is a descendent of the Connecticut Veterans' Home, the first residential facility for veterans in the country, founded in the midst of the Civil War in 1864. The DVA maintains this tradition today, and continually finds ways to innovate and expand on federal benefits. The DVA's recent efforts have included, for example, conducting outreach to veterans with PTSD in order to advise them of new opportunities to apply for discharge upgrades, in part so that more Connecticut veterans may access federal benefits rather than rely on state safety-net programs.⁵¹

Connecticut is well-suited to continue this trend by ensuring benefits coverage for its OTH veterans with PTSD or TBI, or who have experienced MST. The state definition of "veteran" relies on a characterization of service that Congress has recognized is not error-free.⁵² The federal VA has acknowledged that the OTH population should not be categorically prevented from receiving benefits.⁵³ Connecticut, too, has acted before in response to perceived systemic errors with the discharge review process, passing a law in 2013 that makes state benefits available to veterans regardless of discharge classification if the federal government grants blanket upgrades to those whose less-than-honorable discharge status was due to their

sexual orientation.⁵⁴ This move is in line with other states that have determined that reference to military discharge status is not only unnecessary, but potentially discriminatory.⁵⁵

The approximately 800 Connecticut veterans with bad paper and PTSD, TBI, or MST never should have been given less-than-honorable discharges and excluded from benefit delivery. As the VA recently recognized, these are the very veterans who may be most in need of benefits programs. Veterans with OTH discharges and PTSD, TBI, or MST are members of Connecticut's communities who need jobs, housing, transportation, and healthcare. Connecticut has the infrastructure in place to help these veterans build stable, fulfilling lives here in the state, and should take the opportunity to do so.

* * *

¹ See Claire Voegelé, *Never Again: Correcting the Administrative Abandonment of Vietnam Veterans with other than Honorable Discharges Induced by Post-Traumatic Stress Disorder*, 68 S.C. L. REV. 245, 272 (2016).

² See, e.g., Marisa Peñaloza, *Other-Than-Honorable Discharge Burdens Like a Scarlet Letter*, NPR (Dec. 9, 2013), <http://www.npr.org/2013/12/09/249342610/other-than-honorable-discharge-burdens-like-a-scarlet-letter> (paraphrasing Phil Carter of the Center for a New America Security as saying that veterans with OTH discharges “show up in high numbers among the homeless, drug and alcohol abusers and those with untreated PTSD”).

³ See SWORDS TO PLOWSHARES & NATIONAL VETERANS LEGAL SERVICES PROGRAM, *UNDERSERVED: HOW THE VA WRONGFULLY EXCLUDED VETERANS WITH BAD PAPER* 42-43 (2016).

⁴ *Id.*

⁵ CONGRESSIONAL RESEARCH SERVICE, *VETERANS' BENEFITS: THE IMPACT OF MILITARY DISCHARGES ON BASIC ELIGIBILITY* 1-2 (2015).

⁶ See ALI R. TAYYEB & JENNIFER GREENBURG, “BAD PAPERS”: THE INVISIBLE AND INCREASING COSTS OF WAR FOR EXCLUDED VETERANS (2017).

⁷ The narrative reason for separation is typically no more than a few words long. It may be something as innocuous as “miscellaneous/general reasons,” as personal as “weight control failure,” or as stigmatizing as “personality disorder,” a code often applied without a specific medical diagnosis.

⁸ There is a sixth discharge status – uncharacterized – given to servicemembers who are discharged within the first 180 days of service. It is neither an honorable nor dishonorable discharge status.

⁹ See 32 C.F.R. § 724.110.

¹⁰ See 32 C.F.R. § 724.111.

¹¹ Martin Kuz, *VA policy hinders veterans court in aiding thousands of vets with “bad paper,”* THE SAN ANTONIO EXPRESS-NEWS (Sept. 1, 2017).

¹² Christine Hauser, *Gay Veteran, 91, Gets Honorable Discharge After 69 Years*, N.Y. TIMES (Jan. 10, 2017).

¹³ Veterans receiving administrative discharges are distinguished not only by the relatively minor nature of their alleged misconduct, but also by the meager procedural protections to which they are entitled. Commanders are endowed with broad discretion to initiate an administrative separation proceeding, and veterans facing administrative separation are afforded far fewer procedural protections than one would receive in a court martial or civilian criminal proceeding, although the branches have the discretion to implement additional procedural safeguards. For example, they often waive their right to speak to counsel or challenge the outcome of the proceeding. In recent years, the military has made increasing use of the administrative discharge. Since World War II, the share of servicemembers who receive punitive discharge by court martial has stayed roughly constant at just 1% of annual separations, whereas the share of servicemembers receiving less-than-Honorable administrative discharges – either General or OTH – has increased five-fold. SWORDS TO PLOWSHARES & NATIONAL VETERANS LEGAL SERVICES PROGRAM, *supra* note 3 at 43.

¹⁴ More than six years after the repeal of the military's facially discriminatory “Don't Ask Don't Tell” policy, there has been no blanket discharge upgrade for the more than 100,000 veterans who received less-than-Honorable discharges on the basis of their sexual orientation. See Dave Philipps, *Ousted as Gay, Aging Veterans Are Battling Again for Honorable Discharges*, N.Y. TIMES (Sept. 16, 2015).

¹⁵ According to a June 2017 report by Protect Our Defenders (“POD”) – a national organization that advocates for reforms to the military justice system – Black servicemembers are disciplined at significantly higher rates than their white peers. The report, which analyzed the DoD’s own data, found that Black servicemembers are between 1.29 and 2.61 times as likely to face disciplinary action. Given the military’s uniformly rigorous recruiting standards, it is highly unlikely that this disparity could be explained by pre-existing differences among recruits. See DON CHRISTENSEN, COL. (RET.) & YELENA TSILKER, PROTECT OUR DEFENDERS, RACIAL DISPARITIES IN THE MILITARY JUSTICE SYSTEM: FINDINGS OF SIGNIFICANT AND PERSISTENT RACIAL DISPARITIES WITHIN THE UNITED STATES MILITARY JUSTICE SYSTEM (2017).

¹⁶ See, e.g., SECRETARY OF DEFENSE, DEPARTMENT OF DEFENSE, SUPPLEMENTAL GUIDANCE TO MILITARY BOARDS FOR CORRECTION OF MILITARY/NAVAL RECORDS CONSIDERING DISCHARGE UPGRADE REQUESTS BY VETERANS CLAIMING POST-TRAUMATIC STRESS DISORDER (Sept. 3, 2014) (“Hagel Memo”).

¹⁷ See U.S. GOV’T ACCOUNTABILITY OFFICE, ACTIONS NEEDED TO ENSURE POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY ARE CONSIDERED IN MISCONDUCT SEPARATIONS 12 (2017).

¹⁸ TERRI TANELIAN AND LISA H. JAYCOX, THE INVISIBLE WOUNDS OF WAR: PSYCHOLOGICAL AND COGNITIVE INJURIES, THEIR CONSEQUENCES, AND SERVICES TO ASSIST RECOVERY 3 (2008).

¹⁹ Jessica J. Fulton et al, *The Prevalence of Posttraumatic Stress Disorder in Operation Enduring Freedom/Operation Iraqi Freedom (OIF/OEF) Veterans: A meta-analysis*, 31 J. ANXIETY DISORDERS 98 (2015).

²⁰ JENNIFER L. PRICE, PH.D., FINDINGS FROM THE NATIONAL VIETNAM VETERANS’ READJUSTMENT STUDY (2016).

²¹ See MATTHEW J. FRIEDMAN, M.D. PH.D., PTSD HISTORY AND OVERVIEW (2016), <https://www.ptsd.va.gov/professional/ptsd-overview/ptsd-overview.asp>.

²² Jaime L. Gradus, *Epidemiology of PTSD*, NATIONAL CENTER FOR PTSD, US DEPT. OF VETERANS AFFAIRS (Mar. 30, 2017), <https://www.ptsd.va.gov/professional/PTSD-overview/epidemiological-facts-ptsd.asp>.

²³ See Laura C. Wilson, *The Prevalence of Military Sexual Trauma: A Meta-Analysis*, TRAUMA, VIOLENCE, & ABUSE 1, 3 (2016).

²⁴ See SARA DAREHSHORI, HUMAN RIGHTS WATCH, BOOTED: LACK OF RECOURSE FOR WRONGFULLY DISCHARGED U.S. MILITARY RAPE SURVIVORS 32 (2016).

²⁵ See John Rowan, *A Less than Honorable Policy*, N.Y. TIMES (Dec. 30, 2016).

²⁶ See Peggy McCarthy, *Connecticut to Help PTSD Vets Upgrade ‘Bad Paper’ Discharges*, HARTFORD COURANT, Nov. 16, 2016, <http://www.courant.com/news/connecticut/hc-vets-discharges-ptsd-20161116-story.html>.

²⁷ The U.S. government promises servicemembers joining today’s all-volunteer military that after they serve, the VA will provide them and their families with the resources and financial support necessary to thrive when the time comes to reenter civilian society – particularly if they are injured, wounded, captured, or killed. Rather than keep this promise to servicemembers who experience PTSD, TBI, or MST, the military separates far too many of them with an OTH discharge, and, as a result, the VA denies them the very benefits necessary for their recovery. In fact, evidence suggests that as the number of wounded veterans has risen, so has the number of less-than-Honorable discharges. Dave Philipps, *Disposable: Surge in Discharges Includes Wounded Soldiers*, GAZETTE (May 19, 2013), <http://cdn.csgazette.biz/soldiers/day1.html>.

As the Congressional Research Service summarized in 2015:

“The VA generally accepts discharges that are characterized as “honorable” or “general” (under honorable conditions) for purposes of veterans’ benefits. Such discharges generally do not disqualify a veteran for a wide range of VA benefits, including disability compensation and pension, health care services, educational assistance, vocational rehabilitation and employment services, home loan guaranty, and memorial and burial services. . . [however] for purposes of the Montgomery GI Bill and the Post-9/11 GI Bill, a veteran must have received an honorable discharge.”

Umar Moulta-Ali & S.V. Panangala, *Veterans’ Benefits: The Impact of Military Discharges on Basic Eligibility*, CONG. RES. SERV. ii (2015), <https://fas.org/sgp/crs/misc/R43928.pdf> (emphasis original).

²⁸ For an online compilation of state veterans’ benefits, see *State of CT Guide to Benefits*, CONN. STATE DEP’T OF VETERANS AFFAIRS, <http://portal.ct.gov/DVA/Pages/State-of-CT-Guide-to-Benefits/Benefits>.

²⁹ For example, while the VA will provide medical care for service-related conditions to veterans with OTH discharges, it denies them access to the full suite of healthcare benefits that honorably discharged veterans receive, including treatment at VA hospitals for conditions that arise post-service. See IB 10-44: OTHER THAN HONORABLE DISCHARGES: IMPACT ON ELIGIBILITY FOR VA HEALTH CARE BENEFITS, DEP’T OF VETERANS AFFAIRS (May 2017), https://www.va.gov/healthbenefits/resources/publications/IB10-448_other_than_honorable_discharges5_17.pdf.

³⁰ Release “under honorable conditions” is currently considered to be a “general” discharge.

³¹ CONN. GEN. STAT. § 27-103(a).

³² 38 U.S.C. § 101(2) (2016).

Prepared by: Veterans Legal Services Clinic, Yale Law School, for the Connecticut Chapter of Iraq and Afghanistan Veterans of America

³³ Through a “character of discharge” determination process, the VA will occasionally extend benefits to OTH veterans, though they are presumptively locked out. See *infra* note 49, and accompanying text.

³⁴ CONN. GEN. STAT. § 27-138.

³⁵ CONN. GEN. STAT. § 17b-28i.

³⁶ CONN. GEN. STAT. § 12-81.

³⁷ CONN. GEN. STAT. §§ 10a-77; 10a-99; 10a-105.

³⁸ See, e.g., Brennan Shearer, *America’s Elite Colleges Need More Veterans*, ATLANTIC (Nov. 12, 2017), <https://www.theatlantic.com/business/archive/2017/11/elite-colleges-veterans/545615/>.

³⁹ See, e.g., CONN. GEN. STAT. §§ 10a-149(d); 27-102(b).

⁴⁰ CONN. GEN. STAT. § 5-255.

⁴¹ CONN. GEN. STAT. § 10-5.

⁴² CONN. GEN. STAT. § 10-221(a).

⁴³ PUB. ACT NO. 16-184 (2016).

⁴⁴ CONN. GEN. STAT. § 14-20(b); § 14-36(c)(3); § 14-36(h).

⁴⁵ CONN. GEN. STAT. § 27-122(b).

⁴⁶ Between 1998 and 2013, for example, the Army Board for Correction of Military Records (ABCMR) reviewed 371 upgrade applications from Vietnam veterans with an Other-than-Honorable discharge and a diagnosis or alleged symptoms of PTSD. The ABCMR granted discharge upgrades to only 4.6% of them. SUNDIATA SIDIBE & FRANCISCO UNGER, UNFINISHED BUSINESS: CORRECTING BAD PAPER FOR VETERANS WITH PTSD (VVA & NVCLR: 2015).

⁴⁷ See Hagel Memo, *supra* note 16.

⁴⁸ Statistics on the DRBs and BCM/NRs’ grant rates were obtained through a Freedom of Information Act request to the Department of Defense. See also, generally, SIDIBE & UNGER, UNFINISHED BUSINESS, *supra* note 47.

⁴⁹ Veterans with OTH discharges may undergo a lengthy “character of discharge” determination process at the VA to access some of these benefits. However, they are presumptively locked out, and the VA’s presumption of ineligibility operates more like a rule in practice. As of March 2016, 90% of post-2001 veterans with less-than-Honorable discharges had not undergone the VA character of discharge determination process, and those who had waited an average of 1,200 days to receive a decision. Ultimately, the VA granted benefits eligibility to only 13% of the bad paper veterans who applied. VETERANS LEGAL CLINIC, LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL, UNDERSERVED: HOW THE VA WRONGFULLY EXCLUDES VETERANS WITH BAD PAPER 10, 11 (2016), <https://www.swords-to-plowshares.org/wp-content/uploads/Underserved.pdf>.

⁵⁰ For a sample of such a standardized form, see Appendix A.

⁵¹ U.S. Dep’t of Veterans Affairs, *Connecticut First in Nation to Help PTSD Vets Upgrade ‘Bad Paper’ Discharges*, <https://www.va.gov/WOMENVET/pressreleases/201611161.asp> (last visited Nov. 6, 2017).

⁵² Both the state and federal definitions of “veteran” function by utilizing the characterization of an individual’s service that was likely assigned at the time of separation. However, Congress has recognized that such determinations are often incorrectly assigned, which is why it has established the Board of Correction of Military/Naval Records and Discharge Review Board systems to provide an opportunity for veterans to have their discharge status upgraded. Unfortunately, the Department of Defense data reveals that the discharge boards are systematically failing veterans with PTSD, TBI, and MST.

⁵³ This summer, VA Secretary Shulkin announced that veterans with bad paper would be able to obtain emergency mental health care at VA medical centers. See CT. DEP’T OF VETERANS AFFAIRS, *VA Secretary Formalizes Expansion of Emergency Medical Mental Health Care to Former Servicemembers with Other-Than-Honorable Discharges*, <https://www.va.gov/OPA/pressrel/pressrelease.cfm?id=2923> (last visited Nov. 6, 2017).

⁵⁴ CONN. GEN. STAT. § 27-102q (2016).

⁵⁵ Nevada recently passed a law that prohibits discrimination in state benefits programs against LGBT veterans with less than honorable discharge statuses. Nev. Rev. Stat. Ann. § SB 148, § 3 (West). Illinois designates veterans with unfavorable military discharge statuses above “dishonorable” as a protected class under the Illinois Human Rights Act. 775 ILCS 5/1-103. Similarly, Wisconsin incorporates unfavorable discharges into its statutory definition of “conviction record,” and then prohibits reliance on “conviction records” in employment decisions in most circumstances. WIS. STAT. § 111.32(3); WIS. STAT. § 111.335.

APPENDIX A
SAMPLE BENEFITS WAIVER FORM

CONNECTICUT PTSD, TBI, MST VERIFICATION FORM

NAME OF PATIENT/VETERAN

PATIENT/VETERAN'S SOCIAL SECURITY NUMBER

NOTE TO MEDICAL HEALTH PROFESSIONAL - Your patient is applying for Connecticut state veterans' benefits. In order to qualify for many state veterans' benefits, former servicemembers with an "other than honorable" discharge must be diagnosed with one of the following conditions, as defined in the DSM-V and associated with his or her service: post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), military sexual trauma (MST).

Connecticut state agencies will consider the information you provide on this questionnaire as part of their evaluation in processing the veteran's claim. Please note that this questionnaire is for disability evaluation, not for treatment purposes.

NOTE: If the Veteran experiences a mental health emergency during the interview, please terminate the interview and obtain help, using local resources as appropriate. You may also contact the Veterans Crisis Line at 1-800-273-TALK (8255). Stay on the Crisis Line until help can link the Veteran to emergency care.

The following health care providers can perform examinations for PTSD, TBI, or MST: a board-certified or board-eligible psychiatrist; a licensed doctorate-level psychologist; a doctorate-level mental health provider under the close supervision of a board-certified or board-eligible psychiatrist or licensed doctorate-level psychologist; a psychiatry resident under close supervision of a board-certified or board-eligible psychiatrist or licensed doctorate-level psychologist; a clinical or counseling psychologist completing a one-year internship or residency (for purposes of a doctorate-level degree) under close supervision of a board-certified or board-eligible psychiatrist or licensed doctorate-level psychologist; a licensed clinical social worker (LCSW), a nurse practitioner, a clinical nurse specialist, or a physician assistant, under close supervision of a board-certified or board-eligible psychiatrist or licensed doctorate-level psychologist; a similarly licensed and/or supervised health care provider.

DIAGNOSTIC INFORMATION

NOTE: This section should be completed based on the current examination and clinical findings.

1. Does the veteran have a diagnosis of PTSD or TBI, or did the veteran experience MST during service?

Yes

No

2. Is it at least as likely as not that the veteran's PTSD or TBI arose during military service?

Yes

No

N/A

Prepared by: Veterans Legal Services Clinic, Yale Law School, for the
Connecticut Chapter of Iraq and Afghanistan Veterans of America

MENTAL HEALTH PROFESSIONAL CERTIFICATION AND SIGNATURE

CERTIFICATION: To the best of my knowledge, the information contained herein is accurate, complete and current.

3. MENTAL HEALTH PROFESSIONAL SIGNATURE AND TITLE (*sign in ink*)

_____	_____
Print	Title
_____	_____
Signature	Date

4. MENTAL HEALTH PROFESSIONAL INFORMATION

Phone _____ Fax: _____ National Provider Identifier Number: _____
Address: _____

PATIENT/VETERAN RELEASE

I, _____ AUTHORIZED THE RELEASE AND USE OF THE CONFIDENTIAL
(*Print Name*)
HEALTH INFORMATION ABOVE FOR THE SOLE PURPOSE OF ACCESSING VETERANS' BENEFITS
PROGRAMS IN THE STATE OF CONNECTICUT.

_____	_____
Signature	Date

APPENDIX B

CONNECTICUT VETERANS' BENEFITS AND THEIR FEDERAL VA AND CIVILIAN COROLLARIES

CT Benefit	Description	Are OTH-Discharged Veterans Eligible?	Purpose	Federal VA Equivalent	Civilian Equivalent
Healthcare and Housing					
CT Veterans' Home at Rocky Hill: CGS § 27-108	Provides inpatient and outpatient care for veterans with substance abuse and health challenges, and who have no adequate means of support.	Rocky Hill services are limited to CT veterans discharged honorably or under honorable conditions by statute, but CR § 102/(d)-100 expands eligibility to OTH and "bad conduct" discharges by discretion. DVA has never used its discretion to admit an OTH veteran, however.	Care for those who have served our country in a supportive facility specifically designed to meet veterans' needs.	VA hospitals and health care services are available to veterans with "other than dishonorable" discharges. The VA may characterize OTH veterans' service as "honorable" for benefits purposes.	CT residents may receive general HUSKY and Medicaid health services.
Soldiers', Sailors' and Marines' Fund: CGS § 27-140	Provides temporary emergency financial assistance to veterans who are disabled, unemployed, or sick.	No. Applies to CT veterans discharged honorably or under honorable conditions who served in a time of war, as defined by CGS § 27-103.	Recognize the service and sacrifice of wartime veterans and provide for them in their time of need.	N/A	N/A
Temporary State Financial Assistance: CGS § 27-125	Allows the DVA commissioner to provide temporary emergency financial assistance to veterans and their survivors.	No. Applies to CT veterans discharged honorably or under honorable conditions who served in a time of war, as defined by CGS § 27-103.	Recognize the service and sacrifice of wartime veterans and provide for them in their time of need.	N/A	N/A

CT Benefit	Description	Are OTH-Discharged Veterans Eligible?	Purpose	Federal VA Equivalent	Civilian Equivalent
Optional Municipal Property Tax Exemptions: CGS § 12-81	Reduces the assessed value of a veteran's property for tax purposes; provides property tax exemptions for certain veterans. The exemption is assessed and applied by the municipality.	No, unless the veteran has a $\geq 10\%$ disability rating. CT vets discharged honorably and under honorable conditions per CGS § 27-103 are eligible for a \$1000 credit; vets with > 90 days' wartime service are eligible for \$1500 property tax exemption if low-income. Disabled and severely disabled vets may be eligible for additional tax exemptions.	Assists CT veterans in becoming and remaining homeowners, strengthening their roots in and building intergenerational wealth within their communities and the state.	VA-guaranteed home loans are available only to veterans with other than dishonorable discharges who meet length of service requirements.	Surviving spouses, minor children, and a sole surviving parent of an eligible veteran whose death was due to service and occurred on active duty may also be eligible for certain benefits.
Disregard pension benefits for Medicaid eligibility CGS § 17b-28(i)	Excludes veterans' or their survivors' income from pension benefits in calculating Medicaid eligibility.	No. Applies to CT veterans discharged honorably or under honorable conditions as defined by CGS § 27-103.	Increases veterans' financial stability and ensures their access to healthcare.	N/A	N/A
State Coverage of Veteran's Hospital Expenses CGS § 27-109	The state will reimburse hospitals for otherwise reimbursed expenses for the care of veterans; veterans have a hospital admission preference	No. Applies to CT veterans discharged honorably or under honorable conditions as defined by CGS § 27-103.	Ensures that impoverished veterans are not denied hospital care.	N/A	N/A

CT Benefit	Description	Are OTH-Discharged Veterans Eligible?	Purpose	Federal VA Equivalent	Civilian Equivalent
<p>Pretrial diversionary programs CGS § CGS 54-56(e), 54-56(i), 54-56(l)</p>	<p>Pilot program that rerouted veterans – particularly those with substance abuse and mental health conditions – away from the justice system and into appropriate treatment twice, rather than only once.</p>	<p>Yes. Any veteran who was discharged or released under “conditions other than dishonorable.” The state appears to have interpreted this incorrectly as veterans discharged honorably or under honorable conditions, or who have received an honorable VA characterization.⁵⁶</p>	<p>Recognizes that veterans face particularized mental health and substance abuse challenges, and that they will be rehabilitated better through treatment, not the criminal justice system.</p>	<p>N/A</p>	<p>N/A</p>
<p>Education and Workforce Development</p>					
<p>Tuition Waiver: CGS §10a-77; §10a-99; §10a-105</p>	<p>Waives tuition at CT community and technical colleges; state universities</p>	<p>No. The statute limits this benefit to CT veterans with honorable discharges or release “under honorable conditions” who served 90 days active duty in a period of war.</p>	<p>Higher education transfers veterans’ skills into the civilian workforce, provides personal fulfillment, and improves inter-generational education outcomes.</p>	<p>Post 9/11 GI Bill available to honorably discharged veterans of the current wars; additional programs provide less generous assistance to reservists and other honorably discharged veterans.</p>	<p>State and federal loan programs and grants may be available to low-income veterans who meet certain criteria.</p>

CT Benefit	Description	Are OTH-Discharged Veterans Eligible?	Purpose	Federal VA Equivalent	Civilian Equivalent
CT Municipal Employment Retirement Credit: CGS § 7-436(b)	Allows public employees to receive time credit in the Fund B retirement system, equivalent to the length of their service in a time of war.	Yes. This section refers simply to “any veteran” – it references CGS § 27-103 for the period of service, but not for the definition of “veteran.”	Ensures that public employees who serve in the military are not disadvantaged in retirement savings.	Pensions are available to military retirees.	Fund B provides for civilian retirement as well, but there is no similar allowance for absences.
CT Municipal Employment Re-instatement: CGS § 7-462	Automatically reinstates public employees who leave to serve in the armed forces, provided they apply for reinstatement within 90 days.	Yes. As the section refers to “any employee who leaves . . . for the purpose of entering the armed forces” rather than to “veterans,” and makes no reference to CGS § 27-103, the credit applies to all veterans.	Ensures that public employees have a job to return to after military service.	N/A	N/A
CT State Employment Credit on exams: CGS § 5-224	Provides credit for military service on exams for original appointments.	No. CGS § 5-196(28) limits this protection to veterans who are discharged honorably or under honorable conditions and who served in a time of war.	Recognizes that veterans have demonstrated an exemplary capacity to serve the public good, and possess unique skills beneficial to state and municipal agencies.	The federal government extends a hiring preference only to veterans with honorable or general discharge statuses.	N/A

CT Benefit	Description	Are OTH-Discharged Veterans Eligible?	Purpose	Federal VA Equivalent	Civilian Equivalent
CT State Employment Retirement Credit: CGS § 5-180	Allows public employees to receive time credit in the state retirement system for their service in a time of war.	CGS § 5-196(28) limits this protection to veterans who are discharged honorably or under honorable conditions and who served in a time of war.	Ensures that public employees who serve in the military are not disadvantaged in retirement savings.	Pensions are available to military retirees.	There is no similar allowance for civilian absences
CT State Employment Reinstatement of state employees: CGS § 5-255	Reinstates public employees who leave to serve if they apply for reinstatement within 90 days and are absent for fewer than 3 years.	CGS § 5-196(28) limits this protection to veterans who are discharged honorably or under honorable conditions and who served in a time of war.	Ensures that public employees have a job to return to after military service.	N/A	N/A
CT Department of Labor Veterans' Initiative (CTVETS)	Provides a free graduate-level project management certificate to veterans.	No. Applies only to honorably discharged veterans.	Helps veterans translate their military leadership skills to the civilian workplace.	N/A	N/A
College Credit for Military Training; CGS § 10a-149(d)	Awards college credit for military occupational specialty training.	Yes. Applies to CT veterans "released under conditions other than dishonorable" – this statute includes OTH veterans on its face.	Allows veterans to apply their military credentials to a civilian degree.	N/A	N/A
GED Fee Waiver: CGS § 10-5	Waives the fee required for issuance of a high school equivalency diploma.	No. Applies only to CT veterans discharged honorably or under honorable conditions as defined by CGS § 27-103.	Honors veterans' service and helps ensure their transition back into civilian life.	N/A	Civilians' fees may be waived at the commissioners' discretion

CT Benefit	Description	Are OTH-Discharged Veterans Eligible?	Purpose	Federal VA Equivalent	Civilian Equivalent
Awards high school diplomas CGS § 10-221(a)	Awards high school diplomas to veterans of WWII, Korea, or Vietnam who left school to serve.	No. Applies to CT veterans discharged honorably or under honorable conditions as defined by CGS § 27-103.	Honor veterans who left high school to serve their country.	N/A	N/A
Licensure and Certification for Military Training CGS § 27-102(b)	Requires state boards issuing licenses to apply military training towards licensing requirements, and waives licensure fees for a period of time.	Yes. All CT residents who served in the armed forces are eligible for the licensing credit, but only honorably discharged veterans are eligible for the waiver.	Allows veterans to apply their military credentials to a civilian license.	N/A	N/A
Veteran-Owned Small Businesses: Public Act No. 16-184 (2016)	Gives preference in state contracts to veteran-owned businesses.	No. Applies to CT veterans discharged honorably or under honorable conditions as defined by CGS § 27-103.	Promotes entrepreneurship among veterans, and increases their financial stability.	Federal veterans' contract preferences available to other than dishonorably discharged veterans.	N/A
Veterans Agriculture Program CGS § 12-412(63)(D)	Provides a tax incentive to start a farming operation.	No. Applies to CT veterans discharged honorably or under honorable conditions as defined by CGS § 27-103.	Promotes entrepreneurship among veterans, and increases their financial stability.	Federal farm tax breaks apply to veteran and civilian farmers equally.	Civilian farmers are eligible for certain tax breaks as well.
Honorary Designations					
Burial in CT Veterans' Cemetery: CGS § 27-122(b)	Permits burial in a state veterans' cemetery.	No. Applies to CT veterans discharged honorably or "under honorable conditions." OTH veterans are excluded by CR § 27-102/(d)-321(a).	Provides a dignified, low or no-cost burial and final resting place.	Arlington restricted to honorable discharges; VA natl. cemeteries restricted to other than dishonorable.	N/A, although spouses are also eligible for this benefit.

CT Benefit	Description	Are OTH-Discharged Veterans Eligible?	Purpose	Federal VA Equivalent	Civilian Equivalent
Burial Fee Waiver for Veterans: CGS § 27-118	Funds burial and funeral services for veterans who cannot afford the cost.	No. Applies only to CT veterans discharged honorably or under honorable conditions as defined by CGS § 27-103.	Honors veterans' service.	N/A	N/A
Fee Waiver for Veterans' Death Certificate: CGS § 7-74	Waives death certificate fee.	No. Applies only to CT veterans discharged honorably or under honorable conditions as defined by CGS § 27-103.	Honors veterans' service.	N/A	N/A
Veterans' License Plate: CGS § 14-20(b)	Provides a veteran-designated license plate with an American flag image.	No. CGS § 27-103 limitation to those discharged honorably and under honorable conditions applies.	Honors veterans' service.	N/A	N/A
Motor Vehicles Fee Waiver and License Markers; CGS § 14-36(c)(3)	Waives license and examination fees for one licensing period; discretionary fee waiver for disabled veterans' plates; provides veteran identifier on licenses and identity cards.	Yes. CT veterans who apply within (2) years and who have a discharge under conditions other than dishonorable.	Eases veterans' transition back to civilian life by facilitating access to personal transportation; publicly recognizes and provides easily accessible proof of veterans' service.	N/A	N/A

CT Benefit	Description	Are OTH-Discharged Veterans Eligible?	Purpose	Federal VA Equivalent	Civilian Equivalent
Vehicle Registration Fee Waiver CGS § 14-49; § 14-50	Waives registration fees at any point for disabled veterans; waives vehicle registration fee within two years of separation from service for other veterans	No. CGS § 27-103 limits benefits to veterans discharged honorably and under honorable conditions.	Eases veterans' transition back to civilian life by facilitating access to personal transportation.	N/A	N/A
Parking Privileges for Disabled Veterans CGS § 14-254	Provides disabled veterans with license plates, providing access to accessible parking and relief from overtime parking penalties	No. CGS § 27-103 limits benefits to veterans discharged honorably and under honorable conditions.	Facilitates disabled veterans' transportation.	N/A	N/A
Operators' License Veteran Marker: CGS § 14-36(h)	Provides a veteran identifier on licenses and identity cards.	No. CGS § 27-103 limits benefits to veterans discharged honorably and under honorable conditions.	Honors veterans' service; may provide access to veterans' discounts.	N/A	N/A

⁵⁶ See SUPERIOR COURT CRIMINAL DIVISION, A GUIDE TO SPECIAL SESSIONS & DIVERSIONARY PROGRAMS IN CONNECTICUT (2013), <https://www.jud.ct.gov/Publications/CR137P.pdf>.