



PRESS RELEASE

For Immediate Release:
April 28, 2021

Contact:
Deepen Gagneja and Joshua Britt
kennedy.settlement@yale.edu
(203) 364-4588

Federal Court Approves Nationwide Settlement Securing Relief for Post-9/11 Army Veterans

NEW HAVEN, CT – The U.S. Army will review the discharges of thousands of veterans affected by post-traumatic stress disorder, traumatic brain injury, military sexual trauma or other behavioral health conditions, and implement administrative reforms for individuals who apply to have their discharge statuses upgraded in the future. These reforms follow a settlement reached in the nationwide class action lawsuit *Kennedy v. Whitley*. A federal court granted final approval of the settlement on April 26, 2021.

Under the settlement, the Army will automatically reconsider certain discharge-status-upgrade decisions made by the Army Discharge Review Board between April 17, 2011, and April 26, 2021, that partially or fully denied relief to Iraq- and Afghanistan-era veterans with less-than-fully-honorable discharges. The settlement also expands reapplication rights for eligible applicants who were discharged and received an adverse ADRB decision between Oct. 7, 2001, and April 16, 2011.

“What was most important going forward to me was that everyone else got the same review that I did,” said Steve Kennedy, a named plaintiff in the case who received a discharge upgrade during the litigation. “And that’s the opportunity that thousands of deserving veterans are going to receive in this settlement.”

The settlement also ensures that veterans who submit applications for discharge upgrades in the future will benefit from procedural reforms and new protocols for decision making in cases involving symptoms or diagnoses of PTSD, TBI, MST or other behavioral health conditions. These changes include that the ADRB will inform veterans of their potential right to medical evaluation and possible resources for free legal counsel to aid them in completing their applications. The ADRB will also be required to ensure each applicant has access to a telephonic hearing from their residence or other location, document in more detail any future negative decisions, and train its staff on DOD guidance.

“Thousands of veterans who were denied full relief from 2011 to 2021 will receive automatic do-overs of their applications, but with the benefit of new, more generous standards and procedures. Those denied full relief from 2001 to 2011 will be eligible to reapply and receive liberal consideration of their application,” said Adam Henderson, a law student intern in the Veterans

Legal Services Clinic at Yale Law School, which represents the plaintiffs with co-counsel Jenner & Block LLP. “For many veterans, this could mean the difference between struggling with PTSD symptoms without adequate healthcare and finally receiving the benefits guaranteed by law.”

Veterans of the Army, including the National Guard and Reserve, who were discharged with less-than-fully-honorable service characterizations while having a diagnosis of, or showing symptoms of, the conditions listed above may be eligible for relief. Discharge upgrades are not guaranteed and applications will be decided on a case-by-case basis. Eligible veterans who have been identified by the Army will receive notice of their rights under the settlement. Veterans who do not receive notice may still be eligible for relief.

The full text of the settlement can be found at <http://www.kennedysettlement.com>.

For more information, please contact the Yale Veterans Legal Services Clinic at kennedy.settlement@yale.edu or (203) 364-4588.

###

About Veterans Legal Services Clinic

Established in 2010, the clinic is part of the Jerome N. Frank Legal Services Organization at Yale Law School. Students and faculty represent Connecticut veterans in litigation before administrative agencies and courts, on benefits, discharge upgrade, and other civil rights matters. In addition, students represent local and national organizations in state and federal policy advocacy relating to the legal needs of veterans.

About Jenner & Block LLP

Jenner & Block LLP is a law firm with global reach, with offices in Chicago, London, Los Angeles, New York, San Francisco, and Washington, DC. The firm is known for its prominent and successful litigation practice, global investigations, and experience handling sophisticated and high-profile corporate transactions. Its clients include Fortune 100 companies, technology companies, large privately held corporations, emerging companies, Native American tribes, and venture capital and private equity investors. In 2020, *The American Lawyer* recognized the firm for the fourth consecutive year as the #1 pro bono firm in the United States, marking the 10th time in 13 years the firm has received this recognition. In 2020, the publication also recognized the firm as the #3 international pro bono firm, and in 2018, named the firm as its first "Pro Bono Champion." In 2020, *Reuters Legal* named the firm its inaugural "Pro Bono Hero."