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COMMITTEE ON VETERANS

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON VETERANS

November 26, 2018
Start: 2:08 p.m.
Recess: 3:38 p.m.

HELD AT: 250 Broadway-Committee Rm, 14th Fl.

B E F O R E: CHAIM M. DEUTSCH
Chairperson

COUNCIL MEMBERS:
JUSTIN L. BRANNAN
MATHIEU EUGENE
ALAN N. MAISEL
PAUL A. VALLONE
DANIEL DROMM

A P P E A R A N C E S (CONTINUED)

1
2
3 Loree Sutton

4 Commissioner for the New York City Department of
5 Veterans' Services, DVS

6 Eric Henry

7 General Counselor and Director of
8 Intergovernmental Affairs with the New York City
9 Department of Veterans' Services, DVS

10 Kent Eiler

11 Project Director of the City Bar Justice Center's
12 Veterans' Assistance Project

13 Ashton Stewart

14 Coordinator of SAGEVets Program at SAGE

15 Coco Culhane

16 Director of the Veteran Advocacy Project, Teacher
17 Veteran Clinic at Brooklyn Law School

18 Yonatan Teleky

19 Jews for Morality

20 Samuel Molik

21 Director of Policy and Legislative Advocacy for
22 The New York City Veterans Alliance

23 Joe Bello

24 Representing Self

25 Vadim Panasyuk

Senior Veteran Transition Manager, VA Benefits
Lead of Iraq and Afghanistan Veterans of America

Denny Meyer

President of American Veterans for Equal Rights
New York and the National Public Affairs Officer
Of AVER as well as of Transgender American
Veterans Association

Cecilia Gentili

Managing Director of Policy and Public Affairs at
Gay Men's Health Crisis, GMHC

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2 [gavel]

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CHAIRPERSON BRANNAN: Are we good? JB

4

we're good. Okay, welcome to the Veterans Committee,

5

I am not Chaim Deutsch, I am Council Member Justin

6

Brannan but I'm going to... before I get into opening

7

remarks, I want to hand it over to my colleague,

8

Councilman Danny Dromm. Wait I have to gavel in,

9

right? Now it's official.

10

COUNCIL MEMBER DROMM: Okay, thank you

11

very much Council Member Brannan and thank you for

12

the opportunity to speak first. I do have to leave

13

early because I'm going to the wake and then the

14

funeral tomorrow for State Senator Jose Peralta, who

15

was a very close friend of mine. So, anyway our

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service members have given much to this country often

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at great personal sacrifice. Among these are many

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lesbian, gay, bisexual and transgender individuals.

19

Sadly, for decades LGBTQ service members who laid

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their lives on the line for this nation were unfairly

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discharged and barred from future service simply for

22

being who they are. While members of the LGBTQ

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community can now serve openly although Trump is now

24

trying to take away that right from transgender

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Americans, the lives of countless veterans have

1
2 already been upended by receiving less than honorable
3 discharges. Due to institutionalized homophobia and
4 transphobia, these brave individuals lost access to
5 benefits that could have helped them advance their
6 education and achieve financial stability. My bill,
7 Intro 479 will help restore honor to these American
8 heroes by extending city veteran benefits to those
9 who were unjustly discharged because they are LGBTQ.
10 It will also have the city's Department of Veterans'
11 Services offer discharge upgrade assistance thereby
12 helping these veterans secure the federal benefits
13 that they are due. It is important to stand up and be
14 present for the many service members who fought to
15 keep this country safe but were not treated with the
16 dignity and fairness they deserve. While we can never
17 undo the pain of past discrimination this legislation
18 brings us closer to achieving these justice... through
19 achieving justice for these individuals. I thank the
20 members of the Veterans' Committee for their support
21 of this important effort. I especially want to thank
22 Chair Deutsch for recognizing the importance of this
23 issue and scheduling a hearing and for his bill,
24 Intro 1218, which will also be a great help to LGBTQ
25 veterans. And most of all I applaud the members of

1
2 the United States armed forces both current and
3 former for all that you do for this nation. Thank
4 you.

5 CHAIRPERSON BRANNAN: Thank you Council
6 Member Dromm, please extend my condolences to Jose's
7 family. So, good afternoon, my name is Justin Brannan
8 I'll be chairing this meeting of the Veterans'
9 Committee today in the absence of Council Member
10 Chaim Deutsch who unfortunately could not be here
11 today. I'd like to thank you for being here and
12 extend, extend my warmest regards to the veterans who
13 have joined us this afternoon first and foremost.
14 Today we'll be hearing two pieces of legislation that
15 Councilman Dromm had mentioned, both of which are
16 designed to help veterans who have been unfairly
17 impacted by their discharge categorization status. As
18 our veterans can tell, tell you better than I can
19 certainly, many local state and federal benefits
20 available to former service members hinge on the
21 discharge status they receive at the end of their
22 military service. There are five types of discharges
23 that a service member can receive; honorable,
24 general, other than honorable, bad conduct, and
25 dishonorable. Of these five, three discharge types

1
2 are administrative in nature and allow veterans to
3 qualify for benefits; those are honorable, general
4 and other than honorable. Honorable discharge is the
5 highest status a service member can receive, those
6 discharged under this status are eligible for the
7 full array of benefits offered on the local, state,
8 and federal levels. General and other than honorable
9 statuses of discharge however impact service members
10 by denying them certain benefits such as from the GI
11 bills or even access to, to VA healthcare. Often
12 these two discharge statuses are referred to as bad
13 paper discharges. The problem is that many veterans
14 have unfairly received bad paper discharges due to
15 circumstances beyond their control that impacted
16 their service. For example, under Don't Ask, Don't
17 Tell, the US military discharged over 13,000 LGBTQ
18 members of the armed forces. Many of these discharged
19 individuals received general or other than honorable
20 designations solely because of their sexuality.
21 Veterans have also faced bad paper discharges because
22 of actions stemming from trauma such as PTSD, mental
23 illness, brain injury, sexual harassment and sexual
24 assault. There is no understanding or forgiveness
25 here, these veterans lose access to critical benefits

1
2 simply because of their discharge status. The federal
3 government offers a remedy for impacted service
4 members, veterans can appeal their discharge statuses
5 to their relevant military discharge review board. On
6 the state level, the New York State Department of
7 Veterans' Affairs offers free discharge upgrade
8 advisory services to help veterans adjust their
9 status. This program is the first of its kind offered
10 to veterans in the nation. The two bills we'll be
11 hearing today seek to supplement that work on a local
12 level by helping veterans adjust their status and
13 connecting them to resources and groups that will
14 help them adjust their status accordingly. Intro 479,
15 sponsored by my colleague, Council Member Dromm would
16 require the Department of Veteran Services to offer
17 assistance to veterans discharged other than
18 honorably from the military... the military solely on
19 the basis of their sexual orientation or gender
20 identity and upgrading their discharge papers or
21 changing the narrative reason for their discharge.
22 The bill would also extend all city benefits and
23 services to LGBTQ veterans who've had bad discharge
24 papers solely because of their sexual orientation or
25 gender identity and it would require the Department

1
2 of Veteran Services to issue discharged LGBTQ
3 veterans a certificate of eligibility that could be
4 used as proof that a discharge LGBTQ vet is eligible
5 for certain city benefits or services available to
6 benefits... sorry, available to veterans. Intro two...
7 Intro 1218, sponsored by the Chair of this Committee,
8 Council Member Chaim Deutsch is a compliment to Intro
9 479, which would require the Department of Veteran
10 Services to create a unit to assist veterans with
11 discharged character... discharged characterization
12 upgrades and offer non-binding advisory opinions on
13 appeals upon request. The Department would also
14 engage in outreach and education efforts to inform
15 veterans about the discharge characterization upgrade
16 process and the newly established unit. So, I am now...
17 okay, here we go... so, although we can never fully
18 repay veterans for the service they have rendered, we
19 can and must do all we can to support them as they
20 transition back into civilian life. It is our duty as
21 a city to help our veterans where and when they need
22 it the most especially when they are disadvantaged
23 because of unfair or discriminatory policies or
24 because of trauma they faced. It's my hope that
25 today's legislation will do exactly that. I want to

1
2 thank the Committee Staff, Counsel Nuzhat Chowdhury;
3 Policy Analyst, Michael Kurtz; Finance Analyst
4 Zachary Harris; my Legislative Director Jonathan
5 Yedin for their work in making this hearing possible
6 and I now want to hand it over to my Counsel to swear
7 in the folks from the administration.

8 COMMITTEE CLERK: If you could both raise
9 your right hands. Do you affirm to tell the truth,
10 the whole truth and nothing but the truth in your
11 testimony before this Committee and to respond to...
12 honestly to Council Member questions?

13 LOREE SUTTON: I do.

14 COMMITTEE CLERK: And if you could both
15 state your names and title for the record please and
16 then we can hear your testimony.

17 LOREE SUTTON: Yes, I'm Loree Sutton... my
18 name is Loree Sutton and I serve as Commissioner for
19 the Department of Veterans' Services.

20 ERIC HENRY: Eric Henry, General Counsel
21 and Director of Intergovernmental Affairs with the
22 New York City Department of Veterans' Services.

23 CHAIRPERSON BRANNAN: Go ahead.

24 LOREE SUTTON: Good afternoon Council
25 Member Brannan, Council Member Dromm, Council Member

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2 Maisel, Committee Council, members of the audience
3 here, which include veterans, veteran advocates,
4 allies, and organizations who are gathered to
5 participate in today's hearing. My name is Loree
6 Sutton and I'm honored to serve as the founding
7 Commissioner of the New York City Department of
8 Veterans' Services. I am joined today by Eric Henry,
9 General Counselor and Director of External Affairs.
10 As you know, DVS was created to facilitate access to
11 and coordination with organizations and entities
12 throughout New York City which serve our veterans'
13 community. From outreach and employment assistance,
14 to facilitating peer mentoring and whole health
15 services, to veteran homelessness reduction, DVS
16 staff members work with veterans one on one to help
17 them figure out what benefits they might be eligible
18 for and how to get access to services. Over this past
19 year, the city ramped up its efforts to serve New
20 York City's most underserved veteran populations to
21 deliver real results for our over half million
22 veterans and their families, in the following ways:
23 when the federal government fell behind on delivering
24 the GI Bill benefits that our over 12,000 student
25 veterans rely on as their sole means to pay rent, DVS

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2 and the Department of Social Services stepped in to
3 provide emergency rent arrears assistance. This year,
4 through public/private partnerships, we were able to
5 dedicate the first monument to the over 13,000 women
6 service members and veterans in the New York City
7 area, Women Serve, at Calverton National Cemetery to
8 honor the service and sacrifice of women in the
9 military. DVS and NYCHA proudly volunteered to be the
10 first city in the country to test out a pilot program
11 to help over 100 formerly disconnected veterans and
12 families, who were not eligible for federal subsidy,
13 move from transitional housing into safe, permanent
14 homes. Recognizing that nobody serves alone and that
15 families serve too, DVS teamed up with two national
16 organizations; the Elizabeth Dole Foundation's Hidden
17 Heroes Initiative and the Reimagine Project, to
18 organize programs dedicated to shining a light on the
19 tireless efforts of our veteran caregivers, who
20 provide much needed support to some of our most
21 vulnerable veterans. On Veterans' Day, the Mayor
22 proudly announced that DVS has launched Vet Connect
23 NYC, a coordinated care network. This is partnership
24 with Northwell Health, Syracuse University's
25 Institute for Veterans and Military Families, the

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2 veteran owned business Unite Us and over 80 community
3 service providers. Vet Connect NYC's goal is to
4 ensure every veteran gets access to the services they
5 need to lead fulfilling and purpose driven lives.
6 These are just a few of the ways DVS has leveraged
7 the work of governmental nonprofit and private
8 stakeholders to deliver coordinated response and
9 services to our city's underserved veteran
10 populations and we look forward to future
11 opportunities to do so. Today I welcome the
12 opportunity to share our views about Council Member
13 Dromm's proposed Intro 479 as well as Chair Deutsch's
14 proposed Intro Number 1218. Given the history of
15 discrimination against generations of LGBTQ service
16 members in this country, DVS applauds the City
17 Council for exploring ways to remedy continued
18 injustices against this population. DVS also
19 appreciates the council's intention to assist
20 veterans who may have been unfairly given an improper
21 discharge status for other reasons, including mental
22 health conditions. However, while the spirit of the
23 two bills is indeed laudable, DVS recommends
24 collaborating with the council to identify
25 alternative means to achieve the goal of providing

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2 discharge upgrades other than those proposed in Intro
3 479 and Intro 1218. First, let me share some
4 background about discharge upgrades. Apart from
5 retirement, service members generally separate from
6 the United States military by means of a discharge.
7 There are two types of discharges; administrative and
8 punitive. The most common types of administrative
9 discharge are honorable, under honorable conditions
10 and general, other than honorable and entry level
11 separation for those in service less than 180 days.
12 The most common types of punitive discharge are bad
13 conduct for enlisted service members, dismissal
14 equivalent to bad conduct but only for officers and
15 dishonorable. Administrative discharges are issued by
16 a high-ranking officer through a non-judicial process
17 and are generally less severe than punitive
18 discharges. Punitive discharges are generally given
19 for more serious violations and can result from a
20 conviction after a court martial, which is a military
21 court where prosecutions are tried under the Uniform
22 Code of Military Justice. In order to change a
23 veteran's discharge status, for example, from a bad
24 conduct discharge to an other than honorable, an
25 applicant must apply to their appropriate branch of

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2 the armed services discharge review board for a
3 discharge upgrade. The applying veteran must convince
4 the board that the discharge in contention was
5 inequitable or improper, which is most effectively
6 facilitated by a veterans' service organization or
7 attorney well versed in the procedural complications
8 associated with discharge upgrades. With respect to
9 the proposed legislation before us, I will first
10 discuss Intro 479, which would extend city veteran
11 benefit to service members who were discharged
12 because of their LGBTQ status by requiring DVS to
13 issue certificates of eligibility. These certificates
14 would be used as proof that a discharged L, LGBTQ
15 veteran is eligible for certain city benefits or
16 services. One of the tenants of good government is
17 fair allocation and application of resources, with an
18 eye towards establishing equity for all residents.
19 Discrimination of any kind, especially when based on
20 sexual orientation or gender identification is a
21 societal stain which should not be facilitated
22 through consideration for city benefits or services.
23 Reflective of this belief, discharge status and LGBTQ
24 status are not identifiers used to screen out
25 applicants for city resources. Neither DVS nor other

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2 city agencies that have interactions with veterans
3 with whom we've discussed this issue are aware of
4 instances where discharged LGBTQ veterans have been
5 denied city benefits because of their LGBTQ status or
6 their discharge status. For that reason, we believe
7 it is difficult to justify creating such special
8 certificates that would declare or prove their
9 eligibility. That said, we welcome any information
10 that the committee may have that indicates there is a
11 problem and we will explore further any such
12 incidents. With regard to any selective eligibility
13 criteria encountered by veterans, we are aware that
14 the federal and state governments determine
15 eligibility for housing subsidies and civil service
16 credits respectively by considering factors such as
17 discharge status and period of service. However, no
18 veteran who applies for city benefits is ever
19 foreclosed from consideration due to discharge,
20 sexual orientation, length of service or any other
21 identifier. Intro 1218 would require, in addition to
22 the creation of a discharge upgrade assistance unit
23 within DVS, that the Department issue non-binding
24 opinions to veterans on their discharge upgrade
25 appeal that they may then submit as evidence with

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2 their claim. Where the unit does not deem a claim
3 meritorious, DVS would inform the veteran, in
4 writing, the reason for its opinion. With the
5 Department prides itself on its ability to evaluate
6 veteran concerns and needs and assist coordination of
7 services for delivery, DVS is not a subject matter
8 expert on evaluating the legitimacy of discharge
9 upgrade claims. This bill would require that DVS
10 provide what is actually legal advice and counseling,
11 which is beyond its capacity and is inappropriate
12 because city agencies do not provide direct legal
13 counsel to members of the public. instead, the city
14 contracts with a range of nonprofit legal services
15 provider organizations that provide free high-quality
16 legal assistance to New Yorkers through the Office of
17 Civil Justice located at the Human Resources
18 Administration. Since the Council and Mayor De Blasio
19 amended the City Charter in 2015 to establish the
20 Office of Civil Justice at HRA, OCJ has been tasked
21 with procuring, managing and monitoring the city's
22 civil legal service programs for New Yorkers in need,
23 including veterans, facing legal challenges in the
24 areas of housing, immigration, employment law,
25 benefits advocacy and other areas of civil legal

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2 need. HRA's OCJ works in partnership with a number of
3 agencies and mayoral offices, including DVS. As part
4 of this work, OCJ administers the Legal Services for
5 veterans' program, which in fiscal year 2019 provided
6 funding through discretionary grants by the Council
7 for four experienced nonprofit legal services
8 providers, the New York Legal Assistance Group, Legal
9 Information for Families Today, Legal Services NYC,
10 and the Urban Justice Center. In total, this year's
11 450,000 dollars supports legal services for veterans
12 in New York City on a broad range of matters,
13 including family law, housing, public benefits,
14 healthcare and home care, financial planning and
15 consumer protection. DVS will continue to refer
16 veterans who seek discharge upgrades to the experts
17 at organizations such as these that conduct this
18 important work, for they possess the experience and
19 expertise necessary to see these applications from
20 intake to ultimate disposition. We believe that this
21 is the best means of connecting veterans with the
22 legal assistance they need and indeed have earned for
23 this sensitive, fact specific application process.
24 The Council approved almost two weeks ago Intro 394,
25 which specifically provides the discharge upgrade

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2 resource information should be part of services
3 offered in veteran resource centers in the five
4 boroughs. The Council recognized in that bill and in
5 Intro 396 which it approved that same day, that
6 referrals to organizations having subject matter
7 expertise is the most effective way to help our
8 veterans. Ultimately the administration and City
9 Council must determine what are the best policies and
10 practices to support the organizations that provide
11 these invaluable legal resources to our veteran
12 population. We welcome further discussion with the
13 City Council, veterans' legal service providers, many
14 of whom are testifying today and advocates to
15 establish the best mechanisms to help veterans
16 connect with legal service providers, to receive the
17 valued assistance they need. Thank you again for this
18 opportunity to meet with you today. At this time, I
19 am happy to address any questions you may have.

20 CHAIRPERSON BRANNAN: Thank you very much
21 Commissioner. I'm going to hand it over to Councilman
22 Dromm to, to start with some questions.

23 COUNCIL MEMBER DROMM: Thank you Council
24 Member Brannan. Thank you Commissioner also for your
25 testimony, good to see you again and nice talking to

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2 you just before the hearing started and in our
3 discussion we mentioned a little bit about what has
4 been done or what could be done and I'm grateful for
5 your recognition to collaborate with us here in the
6 City Council to look at ways that we can do outreach
7 but has any outreach been done since the department
8 itself was created specific to the LGBT community?

9 LOREE SUTTON: So, the outreach that has
10 been done to this point Council Member Dromm has been
11 for example our active participation during pride
12 month activities, we have for example this week, I
13 know that we're getting ready to meet with SAGE,
14 we've met with them in the past as well and we
15 greatly appreciate the work that you folks have done
16 and, and continue to do and we know that when it
17 comes to this particular area of discharge upgrades
18 we had testified in the past and we'll continue to
19 actively seek out veterans who may be suffering in
20 silence because they served in the shadows and, and..
21 for example, it was just a few years ago the New York
22 Times in 2015, you may recall that article that so
23 poignantly talked about LGBTQ veterans who were in
24 their 70's and 80's who were finally at a point
25 where, you know they mustered up the courage to apply

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2 for the discharge... service discharge upgrades. So, we
3 know that there's more work to do, we certainly,
4 certainly applaud the Council's support for these
5 bills and I know when talking with you that there's
6 no daylight between you and me and the Council and
7 the Department on this set of issues and I truly look
8 forward to collaboration because I know that we have
9 most likely more than our share of LGBTQ veterans who
10 have come to New York City much like myself and my
11 sweet Loree and others who come to New York City to
12 find a home, to find a community, to find acceptance
13 and to be safe in serving here in the city we love so
14 much. So, I look forward to working with you and your
15 team to enhance our outreach efforts as we go
16 forward. Thank you.

17 COUNCIL MEMBER DROMM: Good and, and you
18 know I represent the Jackson Heights and Elmhurst in
19 Queens so a big... [cross-talk]

20 LOREE SUTTON: Yes... [cross-talk]

21 COUNCIL MEMBER DROMM: ...Queens person and
22 I'm wondering... [cross-talk]

23 LOREE SUTTON: Largest number of veterans
24 in the city.

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2 COUNCIL MEMBER DROMM: Yes, so have you
3 done any outreach in those boroughs to the... to the
4 senior centers there or to any of the existing
5 organizations in what we call the outer boroughs?

6 LOREE SUTTON: You know what I'll need to
7 do Chairman... or Council Member Dromm is I'd like to
8 get a full accounting of the work that we have done
9 going to both the outer boroughs as well as Manhattan
10 and I'll be glad to put that information together for
11 you.

12 COUNCIL MEMBER DROMM: Okay, good and you
13 know I think that one of the reasons why we put this
14 legislation forward is because while we recognize
15 Mayor De Blasio's commitment to LGBT rights and this
16 administration's, your personal involvement in it as
17 well we don't know what the next Mayor is going to
18 bring and so we've seen an administration in
19 Washington D.C. that is already attempting to take
20 away our rights and god forbid something like that
21 should happen here in New York City and all of the
22 work that either you have done or the work that the
23 council has done in terms of supporting our LGBT
24 veterans could be lost if in fact we don't codify it
25 and so that really is the, the intent of this law,

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2 it's not so much to say that we don't feel that you
3 have been, you know negligent in terms of support for
4 the LGBT community although of course I, I have many
5 ideas about where we could see further visibility for
6 example but we would like to codify this so that we
7 can ensure that future generations will benefit from
8 this law as well.

9 LOREE SUTTON: I understand, thank you.

10 COUNCIL MEMBER DROMM: Thank you, okay.

11 CHAIRPERSON BRANNAN: Thank you

12 Councilman. I just want to acknowledge that we've
13 been joined by Councilman... yeah, okay, Alan Maisel
14 and my colleague Councilman Mathieu Eugene.
15 Commissioner just to, to zoom out a little bit, what,
16 what city benefits are available for veterans and
17 which... or are there any, any city benefits in which
18 we take discharge status into account?

19 LOREE SUTTON: At the city level, no,
20 there are... there are no such city leveled benefits.

21 CHAIRPERSON BRANNAN: Okay. So... [cross-
22 talk]

23 LOREE SUTTON: I mentioned in my
24 testimony that at the state and federal... [cross-talk]

25 CHAIRPERSON BRANNAN: Right... [cross-talk]

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2 LOREE SUTTON: ...level there certainly are
3 such distinctions that are made but... [cross-talk]

4 CHAIRPERSON BRANNAN: Of the city..
5 [cross-talk]

6 LOREE SUTTON: ...we, we open the... [cross-
7 talk]

8 CHAIRPERSON BRANNAN: ...there's not..
9 [cross-talk]

10 LOREE SUTTON: ...aperture at the city
11 level, we really feel like we're the back stone. If..
12 for anyone who has ever raised their hand and taken
13 that oath no matter what their discharge status is,
14 when they come in our doors or we find them out in
15 the city they're our veterans, they're our family..
16 [cross-talk]

17 CHAIRPERSON BRANNAN: That's great..
18 [cross-talk]

19 LOREE SUTTON: ...they're our community and
20 this is why in my testimony and I mean... I found it
21 really shocking to, to hear in reading through the
22 introduction from Council Member Dromm that there
23 might be such city services but we are not aware of
24 them, we have looked around and talked to our
25 colleagues across city government, if there are any

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2 such city services that someone is aware of that I'm
3 not aware of please let's, let's shut that down right
4 away but we are not aware of any city services that
5 are, are limited to veterans based upon either their
6 LGBTQ status or their discharge upgrade status.

7 CHAIRPERSON BRANNAN: Okay. I know your,
8 your... you and your team are usually great about
9 sticking around to hear advocates to, to speak..
10 [cross-talk]

11 LOREE SUTTON: Absolutely... [cross-talk]

12 CHAIRPERSON BRANNAN: ...so just make sure
13 for... [cross-talk]

14 LOREE SUTTON: There's no more important
15 place for us to be than right... [cross-talk]

16 CHAIRPERSON BRANNAN: Yeah, right..
17 [cross-talk]

18 LOREE SUTTON: ...here to hear... [cross-
19 talk]

20 CHAIRPERSON BRANNAN: Yeah... no,
21 absolutely... [cross-talk]

22 LOREE SUTTON: ...from our advocates.

23 CHAIRPERSON BRANNAN: So, what city
24 benefits if any are veterans restricted from if they
25

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2 have anything less than an honorable discharge
3 status?

4 LOREE SUTTON: So, for example at the
5 federal level the HUD VASH program... [cross-talk]

6 CHAIRPERSON BRANNAN: Uh-huh... [cross-
7 talk]

8 LOREE SUTTON: ...would be one such program
9 although I mentioned that we've volunteered this last
10 year, 12 to 18 months for a federal pilot program
11 where we've been partnering with HUD at the federal
12 level and have actually been able to open the door
13 for veterans who otherwise wouldn't have qualified,
14 over 100 veterans thus far who wouldn't have
15 qualified for the HUD VASH voucher program. So, so
16 certainly this is an area that we'll continue to look
17 for ways to work with our state and federal
18 colleagues in terms of the distinct, distinctions and
19 limitations that are placed on their benefits, we
20 don't have any direct authority of course to change
21 that. At the state level the example... one such
22 example would be the civil service employment veteran
23 benefit.

24

25

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2 CHAIRPERSON BRANNAN: Okay. Currently
3 what services does DVS offer in terms of, of
4 assistance with discharge upgrades?

5 LOREE SUTTON: Yeah, so what we do is we
6 work with, you know a number of... [cross-talk]

7 CHAIRPERSON BRANNAN: I guess take me
8 like on soup to nuts, you know... [cross-talk]

9 LOREE SUTTON: Yeah... [cross-talk]

10 CHAIRPERSON BRANNAN: ...a veteran walk
11 into your office and what, what happens?

12 LOREE SUTTON: So, for example, one such
13 veteran was recently referred to us by one of the
14 providers at the VA, worked with this veteran, there
15 were a number of complicating issues, we had to do
16 some research first working with this veteran to see
17 really what the full scope of the situation was, Eric
18 and his, his... our, our employment counsel dug into
19 this and really then started scouting around. We
20 talked to legal counsel in D.C., we talked to legal
21 counsel on the west coast, we talked to a number of
22 the legal service providers right here in our own
23 area, this particular veteran lives in Long Island
24 and we were able to link this veteran up with legal
25 services at Hofstra, at their legal clinic. So,

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2 there... it... you know it just really depends on what
3 the situation is, what the complicating issues might
4 be, every situation is a little bit different as you
5 might imagine but we are very blessed to have in our
6 city just some of the most experienced expert legal
7 services providers that our country... that are
8 available anywhere and so we're, we're, we're in a...
9 we're in a position where what we strive to do is to
10 engage with any veteran who has for example in this
11 case a legal discharge issue we establish the
12 relationship, we know that this is an area that's
13 fraught with traumatic experiences, perhaps really
14 episodes of one's life that would... that are very
15 difficult to access or to even describe to someone
16 else and so we build that bond of trust and that's
17 the bond of trust that allows us then to one,
18 communicate to that veteran that their city cares
19 about them, that their city has their back, we care
20 so much about them that we're going to make sure we
21 will move heaven and earth, we will leave no stone
22 unturned to get them with the right, the best, the
23 most qualified expert legal provider to meet their
24 particular needs and depending on whether it's a
25 family service law issue, a service discharge upgrade

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2 issue, a TBI or PTSD issue, a sexual harassment
3 issue, I mean there are any number of complicating
4 issues and sometimes as in the case of this
5 particular veteran, it was so complex that it was
6 just about every one of those issues that was
7 involved which is why we consulted so widely. Now
8 you... I would also say that we're very excited with
9 the recent announcement on Veterans Day, Mayor De
10 Blasio as I mentioned announced the launch of our
11 coordinated service network, the Vet Connect NYC,
12 this is a rebranding of the pilot program that
13 started here in New York City that, that has over 80
14 vetted service providers which includes legal service
15 providers so we already have legal service providers
16 that we have, you know direct professional collegial
17 relationships with, with the, the launch of Vet
18 Connect NYC that's in... you know increasing even our
19 reach and as I mentioned with the change to the city
20 charter by the Speaker and the Mayor in 2015 in the,
21 the, the establishment of the Office for Civil
22 Justice this, this really provides us as a city, it's
23 a... it's a pioneering position for any city to take to
24 invest this kind of treasure, resources, time,

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2 expertise, caring for those who are most vulnerable
3 in our midst including our veterans.

4 CHAIRPERSON BRANNAN: Do you have an idea
5 of or an exact number of how many veterans call or,
6 or visit looking for information on upgrading their
7 discharge status?

8 LOREE SUTTON: You know I, I know... let me
9 say this, that's not something that we track
10 specifically but we track in terms of folks who are
11 calling to look into legal service issues or general
12 questions, let me dig into that data and if I can...
13 maybe Eric's got this right here... okay, so for FY '18
14 105 veterans have contacted us specifically asking
15 that question.

16 CHAIRPERSON BRANNAN: Do you feel like
17 that's a low number?

18 LOREE SUTTON: You know... [cross-talk]

19 CHAIRPERSON BRANNAN: Like do you feel
20 that this is a tool that is not... [cross-talk]

21 LOREE SUTTON: We feel... we, we feel like
22 our... you know as we've stood up this new agency over
23 the last couple of years, we feel like now we're at a
24 point where we can increasingly devote time and
25 attention and resources to enhancing our outreach,

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2 our engagement. We've started a newsletter this last
3 year, we're active on social media but we know that
4 there's more to it as well... [cross-talk]

5 CHAIRPERSON BRANNAN: Of course... [cross-
6 talk]

7 LOREE SUTTON: ...so, we look forward to
8 really vamping up and continuing to enhance the means
9 by which we reach out to our veteran community and
10 to, to, to include families in that as well, families
11 serve as well.

12 CHAIRPERSON BRANNAN: Now of that 105 do
13 you... can you say how many were LGBTQ veterans?

14 LOREE SUTTON: I do not have that
15 information.

16 CHAIRPERSON BRANNAN: Okay. And... because
17 you don't... you don't break it down like that or
18 because you just don't know?

19 LOREE SUTTON: What I'll need to do
20 Council Member... [cross-talk]

21 CHAIRPERSON BRANNAN: Yeah... [cross-talk]

22 LOREE SUTTON: ...is I'll need to go back
23 to our records and see if we, you know can extract
24 that. What... when we talk... when we engage with
25

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2 veterans it's, it's a voluntary identification if
3 they... [cross-talk]

4 CHAIRPERSON BRANNAN: Sure... [cross-talk]

5 LOREE SUTTON: ...choose to, to share that
6 with us and so they don't always and certainly they
7 don't always up front, but I'll see what level of
8 granularity we have in that... [cross-talk]

9 CHAIRPERSON BRANNAN: Okay... [cross-talk]

10 LOREE SUTTON: ...data and get back to you
11 on that, sure.

12 CHAIRPERSON BRANNAN: Okay.

13 LOREE SUTTON: And I would just, just,
14 just emphasize the point again that particularly with
15 veterans who have experienced military sexual trauma
16 or in the case of whether it be veterans who served
17 during the Don't Ask, Don't Tell era or even before
18 trust is a huge issue and so we don't press that
19 point up front but we... [cross-talk]

20 CHAIRPERSON BRANNAN: Sure... [cross-talk]

21 LOREE SUTTON: ...certainly work to
22 establish the relationship and to build the bonds of
23 trust.

24 CHAIRPERSON BRANNAN: Okay. And, and
25 which of these two pieces of legislation do you

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2 anticipate the most, you know acute challenges in
3 terms of logistics or implementations, the most acute
4 logistically challenges in terms of implementation?

5 LOREE SUTTON: Well... so, for example the...
6 Intro 1218, the creation of a discharge upgrade
7 assistance unit... [cross-talk]

8 CHAIRPERSON BRANNAN: Right... [cross-talk]

9 LOREE SUTTON: ...our view is we, we, we
10 applaud the aim, the intent, the concern that this
11 introduction reflects but the creation of a discharge
12 upgrade assistance unit in... another words bringing
13 that legal service expertise in house we're not
14 allowed as city employees to give direct legal advice
15 and counsel and we already have a mechanism that's
16 set up where we can connect to, we can refer with the
17 most expert qualified, experienced legal service
18 providers anywhere... [cross-talk]

19 CHAIRPERSON BRANNAN: Uh-huh... [cross-
20 talk]

21 LOREE SUTTON: ...and they happen to be
22 here in our city and the state has also recently in
23 this last year, in fact we were just talking to Kent
24 Eiler who was recently appointed to this seven
25 member, I think seven legal providers, service

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2 providers who from the state level are now also set
3 up to review claims so there are a number of
4 mechanisms both to review claims and to issue a
5 decision whether or not there are moratoriums to move
6 forward and that's the, the... really the, the purview
7 of experienced legal service providers who have been...
8 have been authorized to do that kind of work and then
9 with what we already have at DVS we've got the, the
10 capacity to do what we need to do to establish the
11 relationship with the veteran and or the family
12 member, sometimes it's an ally, it's a buddy but we
13 establish that relationship, we get all of the
14 information and then we work with the legal service
15 providers to make sure that we make the most
16 appropriate and targeted referral and we stay
17 connected and that's really our role, that's where we
18 shine as a... as a brand new city agency is that we can
19 reach across city government and across our city
20 itself, the public sector, the private sector, the
21 not for profit, the philanthropic sectors and it's a
22 role that we, we cherish, we're continuing to build
23 our capacity in this area and its one which I think
24 is a... an essential link that has never existed to
25 this degree in this city and as I talked to my city

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2 government counterparts around the country they are..
3 as I've said before in this setting they've told me
4 in no uncertain terms Sutton we've got our eyes on
5 you, you better get it right in New York because we
6 have what you used to have, which... a little Mayor's
7 Office, never more than a couple of folks if that,
8 sometimes a little more, a little less but my city
9 government counterparts are, are looking at what
10 we're building here and saying this is what we need,
11 this is the essential municipal investment that both
12 communicates to veterans and their family members how
13 their city cares about them, has their back and not
14 just the administration but the City Council, the..
15 all of the city government approach and that not only
16 communicates that but has the built of capacity that..
17 doing infrastructure, the relationships at the
18 federal, at the state, at the local level. It's, it's
19 a privilege beyond anything I can possibly describe
20 to you to work with veterans and their families who
21 have for so long felt like they've been forgotten,
22 felt like they've been dismissed as somehow broken or
23 defective and nothing could be further from the
24 truth. So, when they hear, you know the concerns
25 coming out of this committee or this Council or this

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2 administration or our agency talking about veterans
3 as extraordinary civic assets as we like to say,
4 veterans and their families are our city's leading
5 natural renewable resource and what's to be renewed
6 is that commitment to and capacity for ongoing
7 service because that's in our DNA, that's in our DNA,
8 good enough to say thank you for your service that's
9 better than what our brothers and sisters coming out
10 of the Vietnam War experienced but the next thing we
11 want to say here in New York City is welcome home, we
12 need you here and now and if... to serve to your
13 fullest capacity now in your civilian post military
14 uniformed life you need a service discharged upgrade
15 because something happened way back when or even in
16 the near past, we've got the legal services here to
17 be able to link you up and to make the most of... out,
18 out of whatever your situation is because even the
19 Department of Defense has acknowledged that
20 particularly not just in the post 9/11 era, I mean
21 when you look for example with our LGBTQ brothers and
22 sisters over 100,000 have been discharged since World
23 War II, you talk about an impact on our national
24 security, what a... an enormous squandering of human
25 capital and an enormous wound to our collective soul

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2 and so for us as a city to have made this investment
3 and stood up this Department of Veterans' Services I
4 think we can all be proud in this room and we want to
5 share what we're doing, we always want to... you know I
6 mean like I like to say for however much we've done
7 and however, however much we've achieved there's
8 always more that we can do, when it comes to this
9 area of ensuring access to quality legal services we
10 have a mechanism here in the city, in the state that
11 works and we look forward to collaborating with you
12 and our advocates in the community to assess the
13 ongoing needs and figure out how we can even get
14 better at what we're already doing well.

15 CHAIRPERSON BRANNAN: Right, thank you
16 Commissioner. I'm going to hand it over to Councilman
17 Eugene who has some questions.

18 LOREE SUTTON: Council Member Eugene so
19 nice to see you... [cross-talk]

20 COUNCIL MEMBER EUGENE: Thank you very
21 much Mr. Chair, pleasure to see you Commissioner.

22 LOREE SUTTON: Nice to see you over the
23 veteran's week festivities, thank you so much...

24 [cross-talk]

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2 COUNCIL MEMBER EUGENE: It's always a...
3 it's always a pleasure to see you and thank you for
4 the job that you are doing on behalf of all veterans
5 and we all know that all of us in New York City we
6 owe... we owe to the veterans a good deal of gratitude
7 for what they have done for this country and for this
8 city and I'm always pleased to see when we are
9 working together to make the effort to provide them
10 with what they need, thank you very much.

11 LOREE SUTTON: Thank you and thank you
12 for your leadership Councilman.

13 COUNCIL MEMBER EUGENE: You're very
14 welcome. So, I got a question for the... I need some
15 clarification about the discharge, so I've been
16 reading the concept paper and seen that in the city
17 there are five types of discharges... [cross-talk]

18 LOREE SUTTON: Uh-huh... [cross-talk]

19 COUNCIL MEMBER EUGENE: ...that a service
20 member may receive; honorable discharge, general
21 discharge and dishonorable, you know three
22 categories... [cross-talk]

23 LOREE SUTTON: Uh-huh... [cross-talk]

24 COUNCIL MEMBER EUGENE: ...and the, the
25 mention also that the general discharge is given to

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2 those who's service was faithful and honest in spite
3 of some trouble as determined by the commander and
4 they said also that some reason, reasons a member may
5 receive a general discharge as opposed to honorable
6 included failure to maintain military standards...

7 [cross-talk]

8 LOREE SUTTON: Uh-huh... [cross-talk]

9 COUNCIL MEMBER EUGENE: ...in weight,
10 fitness, dress or appearance and fail... and failing to
11 progress in training or series of minor disciplinary
12 infractions... [cross-talk]

13 LOREE SUTTON: Uh-huh... [cross-talk]

14 COUNCIL MEMBER EUGENE: ...and this is the
15 part that I'm needing to receive, you know to know
16 more clarification about, general discharge can also
17 be keeling for conditions such as illness and injury
18 and they mention also that while general discharge is
19 often equated with honorable discharge this discharge
20 category actually disqualifies the veteran from
21 receiving certain benefit... [cross-talk]

22 LOREE SUTTON: Uh-huh... [cross-talk]

23 COUNCIL MEMBER EUGENE: ...so I'm thinking
24 about the, the, the veteran was discharged because of
25 illness or injuries... [cross-talk]

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2 LOREE SUTTON: Uh-huh... [cross-talk]

3 COUNCIL MEMBER EUGENE: Are they also
4 disqualified from receiving certain services?

5 LOREE SUTTON: So, Council Member Eugene
6 you, you are absolutely illuminating the complexities
7 of this particular issue because you're right,
8 Commanders have the discretion to determine what
9 discharge status is appropriate and to understand
10 what the rationale may be for any particular situation
11 you have to really dig into it, there are reentry
12 codes and separation codes and those are changed on
13 an annual basis, I mean when we get a chance to talk
14 to our legal service providers here... [cross-talk]

15 COUNCIL MEMBER EUGENE: Uh-huh... [cross-
16 talk]

17 LOREE SUTTON: ...later in this hearing I
18 think they'll be able to even more fully explain to
19 you that it's a... it's a very, very complex area of
20 law and it really requires folks who know what
21 they're looking for if you know how the system works
22 and who are in it for the long haul who can really
23 follow these very complex cases from the very
24 beginning through adjudication and hopeful resolution
25 but for example, one of the things you mentioned, you

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2 know can someone for a, a medical condition or
3 injury, you know what, what... how does that... how, how
4 does that... how is that effected by a dis... you know a,
5 a particular discharge status. One of the things
6 that's happened in these last 18 years now since the
7 improvised explosive device has become the signature
8 weapon in this set of post 9/11 wars in Iraq and
9 Afghanistan is that we've had a number of service
10 members not just here in New York but around the
11 country who have been honorably discharged but with
12 an administrative separation. For example, with the
13 personality disorder when really what they should
14 have been diagnosed and in fact separated with would
15 have been let's say traumatic brain injury or post
16 traumatic stress disorder and medically discharged
17 that they could then continue to get there, their
18 health care benefits for a service related condition.
19 So, there are all kinds of intricacies here that
20 really needed to be... need to be sorted out by, by
21 competent legal counsel and that's why we
22 understanding this and wanting to ensure that our
23 veterans are receiving the best possible counsel
24 advice, support and assistance, we want to continue
25 with the mechanism that has worked so well and that

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2 with council continued support we'll continue to
3 improve as we go forward but it's a very complex...
4 there's no simple way to answer your question Council
5 Member Eugene other than to lay out just how many
6 openings there are and how many different branches
7 and sequels and possibility, it's a very complex area
8 of law.

9 COUNCIL MEMBER EUGENE: And thank you
10 very much Commissioner for this very useful
11 information and, you know in my ignorance... [cross-
12 talk]

13 LOREE SUTTON: No, no, no... [cross-talk]

14 COUNCIL MEMBER EUGENE: ...and, and we know
15 that... [cross-talk]

16 LOREE SUTTON: We're all... [cross-talk]

17 COUNCIL MEMBER EUGENE: ...you, you, you're
18 clearly qualified in, you know the complexity of this
19 situation and I do appreciate it because I was
20 thinking about does veterans who didn't have any
21 other bad behavior or any other failure in anything
22 but because they were injured or got... they have a
23 sickness and then they cannot be qualified to receive
24 benefits... [cross-talk]

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2 LOREE SUTTON: And that's precisely...

3 [cross-talk]

4 COUNCIL MEMBER EUGENE: ...this is... [cross-
5 talk]

6 LOREE SUTTON: ...one of the issues...

7 [cross-talk]

8 COUNCIL MEMBER EUGENE: ...you know this
9 is... [cross-talk]

10 LOREE SUTTON: ...the... [cross-talk]

11 COUNCIL MEMBER EUGENE: ...something very...
12 [cross-talk]

13 LOREE SUTTON: For example, there are
14 veterans we know, Department of Defense has
15 acknowledged, in fact that's part of why the DOD and
16 the VA they have recently set up an online web portal
17 where veterans can actually apply online to get their
18 discharge applications going forward through the
19 system. Now I will say they also say on the online
20 portal that it's a very good idea to link up with a
21 veteran service organization and or a qualified
22 expert legal service provider but it's because of
23 this... these situations where for example with the IED
24 blast injuries, having been so prevalent in the post
25 9/11 era, we have individuals who they may have shown

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2 up late to PT, they may have been involved in, in
3 behaviors that were characterized as qualifying for a
4 misconduct discharge but in fact can be traced back
5 to their traumatic brain injury and so those are the
6 kinds of things that DOD and the VA have signaled, we
7 know they're out there that's why we've set up these
8 portals, we've set up these supports, we're now all
9 really in a position where we need to get to the
10 outreach as has been said already so that we get the
11 word out to veterans that they know they are not in
12 this alone that we're there as a city and
13 increasingly I think you're going to.. you're going to
14 see more of this effort going on at the state and
15 federal level as well. I can't speak directly to
16 that, I don't have no authority but I will say that
17 as, as complex as it is we're blessed to have the
18 organizational and the institutional recognition that
19 there have been some problem areas which need to be
20 resolved and that have an undue, unintended negative
21 impact on the lives of veterans and their, their
22 family members.

23 COUNCIL MEMBER EUGENE: Thank you very
24 much Commissioner and my hope is to see that miracle
25 expert and legal experts and expert and, and, and..

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2 you know and... related to the same issue can come
3 together and try to address this very, very complex
4 situation... [cross-talk]

5 LOREE SUTTON: Absolutely... [cross-talk]

6 COUNCIL MEMBER EUGENE: ...in order to do a
7 justice to all the veterans who unfortunately receive
8 a general discharge because of their injury or, or
9 disease because before we didn't know about PTSD and
10 this is a... [cross-talk]

11 LOREE SUTTON: Well and as an example...

12 [cross-talk]

13 COUNCIL MEMBER EUGENE: ...very... [cross-

14 talk]

15 LOREE SUTTON: ...and as an example Council
16 Member Eugene just to look at the history of this
17 issue when it comes to trauma, you know World War II
18 this was a... this was a criminal matter and was
19 handled as such, as psychiatry my field be... sort of
20 matured and came of age then things sort of shifted,
21 it was... it was regarded as a medical disorder, that
22 changed in 1980 thanks so much to the service that
23 sacrificed the courage of our Vietnam brothers and
24 sisters in the veterans community who came forward
25 and demanded better treatment and set up the vet

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2 centers and, and, and the diagnosis then of
3 posttraumatic stress disorder became established, it
4 was no longer a, a, a criminal matter or a moral
5 defect but indeed a medical condition that requires
6 early intervention when, whenever possible, social
7 support, medical treatment and ongoing, ongoing
8 vigilance. So, you're right, we've made progress over
9 time, but we still have a lot of work to do
10 particularly for those veterans who are out there
11 today who are unable to access the medical, support,
12 treatment and benefits that they deserved by virtue
13 of their discharge status. So, whatever we can do to
14 intervene as early as possible to get them linked up
15 with quality expert legal service provider help, we
16 have done a huge... we have... we've, we've, we're made a
17 dent in repaying that debt and we'll continue to look
18 for every veteran who's possibly in need and can
19 benefit from this kind of support so thank you so
20 much for your concern and, and questions and I...

21 [cross-talk]

22 COUNCIL MEMBER EUGENE: And thank, thank
23 you also Commissioner for your dedication and your
24 outstanding service on behalf of the veterans, thank
25 you very much. Thank you, Mr. Chair. Thank you.

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2 LOREE SUTTON: Thank you so much Council
3 Member.

4 CHAIRPERSON BRANNAN: Thank you. I think
5 I'm all set, I mean I think our government certainly...
6 you know all eyes are on New York City and that's the
7 way we like it so we got to make sure we're leading
8 and you know we have an obligation to provide all
9 veterans with the physical and, and mental health
10 care and benefits that they deserve and that they
11 were promised and no questions asked, you know and I
12 often like to say that, that while we may question
13 the wisdom of war we certainly can never question the
14 sacrifice of the warrior... [cross-talk]

15 LOREE SUTTON: Thank you... [cross-talk]

16 CHAIRPERSON BRANNAN: ...and, and that's...
17 and that's, that's why we're here so thank you guys
18 very much.

19 LOREE SUTTON: Thank you so much... [cross-
20 talk]

21 CHAIRPERSON BRANNAN: Thank you... [cross-
22 talk]

23 LOREE SUTTON: ...Council Member Brannan
24 and Eugene.

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2 CHAIRPERSON BRANNAN: Okay, we're going
3 to call up... I don't know... we're going to call up
4 folks in groups of three. The first panel is going to
5 be Kent Eiler, Ashton Stewart, and Coco Culhane. Okay
6 and if you can just say who you're with... your name
7 and who you're with before you give the... your
8 testimony just so we can get it on the record. So,
9 we, we got you guys on a three minute timer so... we
10 have the... if, if we have your... three minutes each, if
11 we have your testimony then just sort of give us some
12 of the... what you really want us to take away and then
13 just remember when you start say your name and your
14 group so we can make sure it's on the record, go
15 ahead when you're ready.

16 KENT EILER: Okay, alright, great. My
17 name is Kent Eiler, I'm the Project Director of the
18 City Bar Justice Center's Veterans Assistance
19 Project. Good afternoon to the honorable members of
20 this committee. My full testimony is available to you
21 in writing. Just in summary, the City Bar Justice
22 Center leverages the volunteered time and expertise
23 of New York City's legal community to serve veterans
24 who have a claim or appeal before the US Department
25 of Veterans' Affairs. Last year the lawyers of the

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2 Veterans Assistance Project helped veterans obtain
3 \$770,532.65 in retroactive benefits from the VA and
4 \$40,322.86 in new monthly recurring benefits. I've
5 been in my role at the City Bar Justice Center for
6 three and a half years and continue to serve as a
7 major in the United States Air Force Reserve Judge
8 Advocate General's Corps. I first began my legal
9 career as JAG over a decade ago on active duty. To be
10 sure, the subject of today's hearing rightly
11 identifies a real problem; the need for assistance by
12 veterans who seek a discharge upgrade. The denial of
13 an honorable service characterization of our LGBTQ
14 service members was a grave injustice and must be
15 corrected. We commend the city taking what steps it
16 can to issue a city certificate of eligibility, as
17 called for by the proposed legislation, to mitigate
18 such effects. In addition, both bills call for the
19 involvement of legal counsel or accredited
20 representatives which raise a concern. To be clear,
21 we certainly believe the city should support
22 experienced, not for profit, lawyers and advocates
23 doing this work, but those of us already working in
24 this field have identified another problem, a
25 secondary problem, that arises in connection with the

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2 need for assistance in connection with discharge
3 upgrades as well as VA benefits. The secondary
4 problem is the demand for able, experienced
5 accredited representatives is vastly outstripped by
6 the demand of veterans who need assistance. The city
7 Bar's program currently has an eight to ten month
8 wait for placements. Veterans who do not wish to wait
9 are given referral information to one of our other
10 legal services providers who do this work but despite
11 this reality we still have a significant wait list.
12 It is not lost on the veteran population that there
13 is a shortage of well-trained lawyers to help. Most
14 of our clients went to non-lawyer advocates before
15 they came to the City Bar Justice Center. The lack of
16 experienced and qualified representatives is a
17 problem the VA itself has suffered from for decades
18 and some would argue, since its inception. All of the
19 good intention in the world will not make someone who
20 is inadequately trained and inadequately supervised
21 effective. We need to be careful not to recreate this
22 problem in the proposed discharge upgrade unit. The
23 veterans community has an expression for veterans who
24 are stuck in endless claims and appeals with the VA.
25 These veterans are stuck in the hamster wheel. The

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2 perfect encapsulation of the hamster wheel came from
3 a caller several years ago to the City Bar's Veterans
4 Project. My coordinator at the time was trying to
5 understand the assistance that the veteran was
6 seeking. At one point she asked the veteran... she
7 asked the veteran are you seeking assistance with
8 filing a claim with the VA, the veteran responded oh
9 no, I've been filing the same claim with the VA each
10 year, every year only to watch it be denied year
11 after year, I've got that process down. The veteran's
12 comment perfectly articulates what the hamster wheel
13 is and encapsulates the problem of the lack of
14 experienced and qualified representatives in this
15 area. The veteran had multiple offers of support,
16 many if not all, I'm sure were well intentioned. I
17 see my time has expired. Finish, okay, just a few
18 more sentences. It will be vital, given limited
19 resources, that DVS and the nonprofit organizations
20 that receive its support, not merely have accredited
21 individuals but have the knowledge that comes from
22 experience so the blind are not leading the blind,
23 that the services offered are being effective, and
24 that we're getting veterans off of the hamster wheel
25 rather than merely extending the time that they spend

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2 on it. To that end, I would urge the members of this
3 Committee to listen to recommendations and speak with
4 experienced practitioners in this area. We look
5 forward to partnering, partnering with the city
6 Council on smart and efficient solutions to help New
7 York veterans to receive the federal benefits that
8 they're entitled to receive. Thank you for your time
9 and commitment to the city's veterans.

10 CHAIRPERSON BRANNAN: Thank you.

11 ASHTON STEWART: Thank you, Council
12 Member Brannan, for holding this hearing today. My
13 name is Ashton Stewart and I'm the Coordinator of
14 SAGEVets, the program at SAGE. SAGEVets was created
15 with the idea that if an individual had discharge
16 issues that had to do with their sexual orientation
17 SAGE would work with other community partners to try
18 to get those discharges overturned or reclassified
19 particularly if they were... they are... they were a bar
20 to receiving VA or other veteran services. For this
21 reason, SAGE wholeheartedly supports the discharge
22 characterization upgrade assistance legislation being
23 proposed to help veterans gain access to benefits
24 they have earned for their service. We believe that
25 taking this step will bring profile to the important

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2 issue of LGBT service members wrongfully, wrongfully
3 discharged from the military because of their sexual
4 orientation. Serving their country is the pinnacle of
5 patriotism for many people and knowing that our
6 military has given a less than honorable discharge to
7 thousands of talented committed individuals for
8 nothing more than their personal sexual orientation
9 in itself is dishonorable. The monetary and
10 psychological implications and repercussions of this
11 hypocritical policy need to be addressed openly and
12 honestly in order to rectify the past. Council
13 Members thank you for your continued support of SAGE
14 and for your support of the rights and fair treatment
15 of all New Yorkers including those who are older
16 adults and members of the LGBT community. We, at SAGE
17 look forward to partnering with the New York City
18 Council and DVS to ensure that LGBT veterans can
19 receive the support that they so richly deserve after
20 serving our country with, with distinction, pride and
21 honor. Thank you.

22 CHAIRPERSON BRANNAN: Thank you.

23 COCO CULHANE: Hi, I'm Coco Culhane, I'm
24 the Director of the Veteran Advocacy Project, I also
25 teach a Veterans Clinic at Brooklyn Law School and I

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2 sit on number of boards regarding discharge upgrades,
3 one national and one the newly formed New York State
4 Division. I'm just... you know I have the written
5 testimony so I'm just going to cover a few things
6 that came up as testimony was ongoing. You know we
7 have seen... we used to have a wait list of 650 names
8 of veterans waiting for us to investigate, not to do...
9 not to take their case just to investigate if there
10 was merit. In the last one year and 11 months they
11 just ran a report, 571 veterans have come to us
12 looking for a discharge upgrade. We recognize that
13 there's no way that we could ever serve all of these
14 individuals and we had to create guidelines and it
15 was one of the most difficult days in our office
16 triaging, cutting all of those individuals. What I'd
17 like to say is that the idea that there are
18 resources, lots of legal services in New York doing
19 this work is a complete fallacy. There are three
20 public interest attorneys I am aware of who are
21 actually trained to do this work and they're all in
22 this room, so I completely and strongly agree with
23 the Commissioner's testimony that this is not
24 something that we should be dumping on DVS, they need
25 to stick true to their mission. I testified a couple

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2 of weeks ago about that, that their role should not
3 be those direct services and certainly not in the
4 legal arena, but the city does need to do more to
5 support this work. The path... you'll read... you can see
6 in my testimony the path of a case from intake to
7 decision, it requires forensic psychiatrists, it
8 requires many partners that we work with. There are..
9 there's rarely a case where you can just change the
10 narrative reason. If a veteran has an honorable and
11 they have homosexual admission, sure, two-page
12 application, perfect, great and that's something that
13 a lot of people can be doing but those are rare..
14 [cross-talk]

15 CHAIRPERSON BRANNAN: So, what, what do
16 you suggest? What, what would be a... like perfect
17 world, what would it look like?

18 COCO CULHANE: A perfect world there
19 would be more outreach and training so that people
20 understand these issues and people understand why
21 individuals are given less than honorable discharges,
22 right, I mean the stats on it. One stat I have in my
23 testimony is that of the veterans who are discharged
24 for misconduct and had a mental illness, a diagnosis
25 already from the years 2011 to 2015 only four percent

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2 were given an honorable discharge. So, that tells us
3 we are basically punishing people because of their
4 mental health condition and a lot of those conditions
5 these... the conditions that they recorded were PTSD,
6 anxiety, depression, a lot of things that they
7 acquired during their service. So, that's a terrific
8 injustice and we need to be doing more at this level
9 to support these individuals who are deeply... a lot of
10 whom are deeply wounded.

11 CHAIRPERSON BRANNAN: And it's not just
12 as simple as coming in and you know changing
13 something on a piece of paper.

14 COCO CULHANE: No, I mean a, a case can
15 take... an average case for us takes two to three
16 years.

17 CHAIRPERSON BRANNAN: Wow. Ashton has,
18 has SAGEVets ever received funding from the City
19 Council or from... or from other city agencies?

20 ASHTON STEWART: Not yet.

21 CHAIRPERSON BRANNAN: Okay...

22 ASHTON STEWART: Not at this time, our
23 funding for the SAGEVets programs exclusively, is
24 exclusively from the state legislature... [cross-talk]

25 CHAIRPERSON BRANNAN: Okay... [cross-talk]

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2 ASHTON STEWART: ...since its inception in
3 2014.

4 CHAIRPERSON BRANNAN: Okay, is there a
5 reason for that or you just haven't... [cross-talk]

6 ASHTON STEWART: We just... we've had
7 sufficient funding for doing what we're doing, I've
8 been with the program since May, I'm the only person
9 working on the program along with my supervisor Tom
10 Weber and we have a lot of partner groups throughout
11 the state, it's a statewide program, its gaining a
12 lot of momentum but that's... [cross-talk]

13 CHAIRPERSON BRANNAN: Okay... [cross-talk]

14 ASHTON STEWART: ...where we are so far.

15 CHAIRPERSON BRANNAN: Kent how do... how
16 would you suggest we get more experienced lawyers
17 into this kind of work to help alleviate some of the
18 backlog?

19 KENT EILER: Uh-huh, its, it's a great
20 question. There, there is... we, we have been... as, as,
21 as a profession, a legal profession we have been
22 behind the curve and, and I say that as a
23 representative of my profession. Its, it's a... it's a...
24 we are in law school, we are taught and we learn
25 about property and criminal law cases that are four

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2 and five centuries old, veterans law by comparison I,
3 I tell my volunteers at the New York City Bar who,
4 who want to take one of these cases and work with me
5 veterans law just turned 30 this year... [cross-talk]

6 CHAIRPERSON BRANNAN: Wow, okay... [cross-
7 talk]

8 KENT EILER: ...so, so part of it is, is
9 the academies need to get up to speed and then I
10 think, you know as... and they're in the process of
11 doing that. We, we should have a, a veterans benefits
12 clinic in addition to my colleague Coco's excellent
13 program at Brooklyn in the city that would be... that
14 would be good as... to have, that would be certainly an
15 addition but it's going to take some time, it's going
16 to take some time to... for the academy to get up to
17 speed so that, that... you know I, I... when I look at
18 the veterans space I sort of think the model is what
19 we see in immigration today where we have a robust
20 public interest bar that's doing this work, robust
21 pro-bono response and there's room for private
22 practitioners to do the work as well because there's,
23 there's certainly the need.

24 CHAIRPERSON BRANNAN: Right, okay. Thank
25 you, guys, very much.

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2 KENT EILER: Thank you.

3 CHAIRPERSON BRANNAN: Okay, our next
4 panel is going to be Samuel Molik, I'm sorry if... I
5 can't read your handwriting; Yonatan Teleky... Teleky
6 and Joe Bello. Now when you come up just say your
7 name, the group that you're representing and, and
8 then... before you give us your testimony, so we can
9 get you on the record. Okay, if we have your
10 testimony already and you want to just give us the
11 bullet points that's great, we're going to put you on
12 a three-minute clock but we're not... we're not too
13 strict here so if you want to begin left to right, go
14 ahead, sure. Just say your name and the group that
15 you're with.

16 YONATAN TELEKY: Hello, my name is
17 Yonatan, Yonatan Teleky, I oppose this bill, I'm with
18 Jews for Morality, specifically the Dromm bill I'm
19 opposed. This... the fact was that this conduct was
20 against the law during... at the time period in
21 question for military... for people in the military and
22 thus you're now trying to retroactively reward people
23 for breaking the law. Number, number two, people...
24 there are many other people who were discharged for
25 reasons of... that are much... that are in existence,

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2 those are the... someone who was discharged for, for
3 having a biblical verse out, there were people who,
4 who are now potentially going to be discharged for,
5 for... a Chaplin who refused to perform a same sex
6 wedding who's now under questions if he's going to
7 get dishonorably discharged so they're not going to
8 get... they're... we don't consider anything for them, we
9 don't have any... if you were opposed for religious...
10 for religious reasons which are many people over the
11 past 200 years who've been... who were discharged for
12 different religious reasons, we don't have any bills
13 for them, we have it specifically for another group
14 who was breaking the law that doesn't even have an
15 explicit first amendment right. Number... three, many
16 people who were dishonorably discharged for
17 homosexual behavior when they, they were discharged
18 they could have done other offenses but they went
19 after them for the strongest offense because
20 dishonorably discharge is much greater than
21 discharged for, for, for one of the other three...
22 four... three reasons that would be non-honorably... four
23 reasons for a non-honorable discharge. So, if you
24 have two choices as a prosecutor you would try to go
25 after the higher charge now... if you... its clear cut,

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2 there's no reason to make a case for a lower... so,
3 now... there's no investigation here if there was
4 anything else wrong in the service that could have
5 went... that they could have went after them for, you
6 only have it if it was on record of that's why they
7 were, were discharged but there... because of the fact
8 that they already had a clear cut open door, shut
9 case there's no reason to, to... for, for... at the time
10 to go after them for something else that would have
11 been a minor... more minor offense. So, this... you have
12 no idea someone in... who was discharged for other
13 reasons how they're... how this would affect them for
14 that and many other reasons I oppose this bill.

15 CHAIRPERSON BRANNAN: Good.

16 SAMUEL MOLIK: First of all, my name is
17 Samuel Molik, I'm the Policy Director and Legislative
18 Advocacy Director for the New York City Veterans
19 Alliance. So, good afternoon and thank you to the
20 committee for the opportunity to testify. We are a
21 member driven organization, grassroots policy
22 advocacy and community building organization that
23 advances veterans and their families as civic
24 leaders. On behalf of our members and supporters, we
25 state our firm support for veterans with bad paper

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2 discharges to receive critical services, particularly
3 those veterans unjustly discharged because of their
4 sexual orientation and sexual identity or because of
5 untreated traumas from the battlefield or from sexual
6 assault within the ranks. For this reason, we applaud
7 the intent of this committee in addressing bad paper
8 discharges and seeking to right the wrongs of federal
9 bureaucracy. We do not, however, support the
10 expansion of the New York City Department of
11 Veterans' Services to duplicate the expert legal
12 services already at work in the nonprofit sector that
13 you've already heard from. The New York City Veterans
14 Alliance testified before this committee.. the
15 committee December of 2015 in favor of two
16 resolutions in support of state and federal
17 legislation to restore honor and benefits for
18 veterans unjustly discharged from the military under
19 Don't Ask, Don't Tell and prior policies based in
20 bigotry against LGBT individuals. The New York City
21 Veterans Alliance also brought to hearing Resolution
22 1196 in October 2016, which we proposed to this
23 committee, in support of federal legislation bringing
24 fair policies to the federal discharge review board
25 process. Though none of these resolutions passed this

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2 committee, nor did the corresponding state and
3 federal legislation pass, we bring to this
4 committee's attention that some of measure of
5 progress has been made toward permitting veterans
6 discharged with bad paper to receive potentially
7 lifesaving services from the VA. Although we remain
8 fully committed to justice for veterans who were
9 wrongly discharged and fairness in the discharge
10 review board process, we urge members of this
11 committee to review transcripts of these prior
12 hearings. What prior testimonies by the Veterans
13 Advocacy Project, American Veterans for Equal Rights,
14 High Ground Veterans Advocacy, the Vietnam Veterans
15 of America and others have made clear before this
16 committee is the complexity and you also heard from
17 Commissioner Sutton and others, the complexity and
18 longevity of the discharge upgrade process and the
19 expert legal services involved in advancing these
20 cases over the course of months if not years. If DVS
21 is required to create a standing unit dedicated to
22 discharge upgrades, it will most certainly deplete
23 the agency of considerable resources not provided in
24 its current staffing and budget. We believe the
25 effects of this legislation would be detrimental to

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2 DVS in carrying out its mission and mandate. For
3 these reasons, we urge the committee to table Intro
4 1218. A couple more sentences. Yet support for
5 veterans with bad paper remains urgently needed; as
6 we have testified previously, these veterans are most
7 likely to experience homelessness, substance abuse,
8 incarceration, and are at higher risk for suicide.
9 So, we support the intent of Intro 479 to ensure that
10 all city services for veterans are available to those
11 unjustly discharged but we urge this committee to
12 revise Intro 479 to be more broadly inclusive
13 ensuring that veterans discharge as a result of
14 untreated traumas, including sexual assault, incurred
15 during military service also receive the benefits
16 accorded to the bill. Exclusion of any category of
17 wrongly discharged veterans would merely repeat the
18 historic wrongs of federal policy. We further
19 recommend Intro 479 to be amended to permit DVS to
20 accomplish a cursory review of service records during
21 the course of its processes for aiding veterans and
22 linking them with legal services available through
23 VetConnect NYC network. To offer impactful support to
24 wrongly discharged veterans, we urge this committee
25 to seek to strengthen and support the robust network

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2 of service providers who offer services and support
3 to veterans with bad paper discharges. Instead of
4 saddling a small agency with additional mandates, we
5 urge the council to offer a larger share of support
6 in discretionary funding for service providers who
7 have... already have the expertise and institutional
8 knowledge needed to navigate the complexities of the
9 discharge upgrade process. We also urge the Council
10 to offer further support for mental health services,
11 housing services, employment services and other
12 essential support for veterans with bad paper
13 discharges. On behalf of the New York City Veterans
14 Alliance, thank you for the opportunity to testify
15 and pending your questions, this concludes my
16 testimony.

17 CHAIRPERSON BRANNAN: Thank you, Joe.

18 JOE BELLO: Alright, members of the
19 Veterans Committee thank you for giving me the
20 opportunity to speak today. My name is Joe Bello, I
21 come before you to voice my thoughts regarding Intros
22 479 and 1218. My concerns with these bills both
23 extend back to what DVS actually does. In looking at
24 the city charter, DVS was created to inform and act
25 as a hub for all services that are currently

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2 available out there for veterans. As DVS has moved or
3 been pushed depending on how you look at it towards
4 service-based agency, I would argue that we cannot
5 ask for more money for more services without having a
6 better idea as to what the veterans needs and are
7 they looking for. This comes with the form of better
8 and more detailed data regarding the numbers DVs are
9 seeing and the services they are providing. In
10 looking at the Mayor's MMR report from September
11 where it says veterans and their families engage by
12 DVS, it lists 7,521 for FY '18 and for veterans and
13 their families given assistance to access resources,
14 2,791 that's out of at least 210,000 veterans in New
15 York City not including family members and going back
16 to the 105 that was listed for legal services so
17 obviously there's a gap in the data so we have to
18 have better data in terms of like who's looking for
19 what services, what's coming out of that and I think
20 we heard from particularly Coco, the legal services
21 they're actually seeking the greater numbers and I
22 would actually defer to them. So, there needs to be a
23 conversation between DVS, the legal service providers
24 and even OCJ and... well... and you know what the numbers
25 coming out of VetConnect NYC to see what those

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2 numbers... what those numbers are telling us other than
3 employment, education, and legal and entrepreneurial
4 so when we talk legal we are talking family, family
5 court, you know we're talking disability claims as
6 well so there needs to be a better... a better view
7 looking at more details as to see what, what those
8 things are going to be. I would argue that we have
9 no... we really have no idea how many LGBTQ veterans
10 have come forth over the past year, two or even
11 longer looking for discharge upgrades. We also don't
12 have the data of how many veterans have engaged the
13 Department of Veteran Services for discharge
14 characterization upgrades. Again, this goes back to...
15 going back, take a step back and we need to look at
16 the data and where we go from there. Therefore, to
17 create this unit without any data on the need will
18 look like we're throwing money into hiring more for
19 DVS or for a unit that we have no way... no idea how
20 many veterans will use. Not to mention, and it was
21 said before, the training required for this
22 initiative which I'm sure many legal groups here
23 attested to. There's also the question of redundancy
24 and while we are a city that looks to help all
25 veterans and while I understand the legislation, I am

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2 concerned about those we're leaving behind and
3 segmenting particularly in 479 and as was said by a
4 number of people, I recommend that the legislation
5 include those veterans who were given bad discharges
6 based on mental health issues which has been, been
7 well documented and even said here in the past. In
8 conclusion, I have to agree with my colleague here
9 that I will have... I would like to see these
10 legislations tabled at this time which is probably a
11 first for me. Just looking at the legislation this
12 committee has proposed or passed in the last few
13 months, lets focus on that first. I remind the Chair,
14 the, the Commissioner didn't commit one way or the
15 other against Intro 118 last month for an annual
16 report to include specific personnel and performance
17 indicators, again that goes back to data so we need
18 to have a look in on that. As such, my concern would
19 be that there needs to be a conversation and as I
20 said this before, between the Council, the legal
21 service providers, DVS and all other parties to see
22 what the data is saying and where the need actually
23 is. So, thank you very much for your testimony, thank
24 you.

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2 CHAIRPERSON BRANNAN: Thank you all very
3 much. Okay, we have our last panel now. Vadim from
4 IAVA, Vinnie Meyer, I'm sorry if I can't read your
5 name.

6 DENNY MEYER: Denny...

7 CHAIRPERSON BRANNAN: Denny, Denny Meyer
8 and Cecilia Grentili or Gentili. If you could all
9 just say your name and the group, you're with before
10 you start your testimony.

11 VADIM PANASYUK: Radio check. My name is
12 Vadim Panasyuk, I'm with Iraq and Afghanistan
13 Veterans of America. I've amended my testimony for
14 brevity reasons, full text is available online at
15 IAVA dot org and is also available to you.

16 CHAIRPERSON BRANNAN: Thank you.

17 VADIM PANASYUK: Before I begin, I'd like
18 to acknowledge a second death this month in
19 Afghanistan of a sergeant in the 75th regiment,
20 sergeant Leandro Jasso killed in Khash Rod district
21 of Nimruz Province in southern Afghanistan in the
22 17th year of our war there. Also, this bill... these
23 bills are very timely due to the current
24 administration's redoubling of efforts to band trans
25 troops from serving by requesting the Supreme Court

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2 to let it enforce the ban over the weekend and I will
3 begin my testimony now. Council Member Brannan and
4 distinguished members of the Committee, on the behalf
5 of Iraq and Afghanistan Veterans of America and our
6 more than 45... more than 425,000 members, I would like
7 to thank you for the opportunity to testify here
8 today and, and... on the pending legislation. I'm a New
9 Yorker, a naturalized citizen, a US Army veteran. At
10 IAVA, I am a master's level social worker with a...
11 serving as a senior veteran transition manager, VA
12 benefits lead, with our Rapid Response Referral
13 Program or RRRP for short. RRRP is a high tech, high
14 touch service for veterans and their families with a
15 comprehensive case management component. To date, we
16 have served over 9,000 veterans and family members
17 nationwide and over 1,000 in New York city alone
18 providing critical support and resources. After 14
19 years, IAVA has become the preferred empowerment
20 organization of... for post 9/11 veterans. While our
21 members are spread throughout the nation, we are
22 proud to say that our national headquarters is
23 located here in New York City. IAVA has a proud
24 history of being on the forefront of equal rights for
25 all service members and veterans. Based on feedback

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2 and guidance from our membership during our annual
3 member survey, we became the first mainstream of
4 veteran's organization to come out in support of
5 repeal Don't Ask, Don't Tell, DADT. Promoting equal,
6 equality for all troops and veterans remains a key
7 part of IAVA's policy agenda. It is with this history
8 of promoting equality for all of our veterans and
9 service members that IAVA supports the intention
10 behind both the bills before the committee today,
11 Intro 479 and 1218. We recognize that the changes of
12 status and benefits available to LGBT troops,
13 veterans and past... in the past could leave many of
14 them confused or unaware of what is available to
15 them. This problem is compounded by veterans who are
16 disconnected from the VA and DOD because of their
17 discharge status. Many veterans may not be aware that
18 they can change their status, others may feel shunned
19 or fear, fearful of the VA because of their discharge
20 status. In my experience, these veterans are often
21 the most vulnerable in the population. As the VTM, I
22 have worked with almost 400 veterans and their
23 families. One hundred and sixty-two had a less than
24 honorable discharge while making up a fraction of the
25 total population. Due to loss of access to programs

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2 and benefits, as well as the stigma associated with
3 their discharge status, these veterans often have a
4 much more difficult road ahead when they transition
5 back. While IAVA supports the intention of the bill,
6 we, we do have concerns over implementation.
7 Upgrading a discharge status can be an extremely
8 lengthy process. Additionally, there are already
9 processes in the nonprofit sector that will help
10 veterans upgrade their discharge status for free of
11 charge. IAVA is concerned that the passage of these
12 bills could create confusion among the nonprofit and
13 veteran community. DVS may be better served to
14 compliment these existing services rather than
15 competing or duplicating them. Veterans, veterans
16 discharged solely because of their sexual orientation
17 or, or identity deserve the full benefits of the VA
18 and New York City... and New York's DVS. IAVA is
19 encouraged by Intro 1218's focus on communicate,
20 communication for its services in assisting veterans
21 with their discharge status. However, it may be
22 better served to use the existing government outreach
23 services to complement existing nonprofit discharge
24 assistance. We also encourage Council and DVS to go
25 beyond just, just posting about these services on

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2 their website but also to have an outreach plan
3 through email, social media, and other means in order
4 to maximize awareness of these existing programs. As
5 noted earlier, many veterans may no longer be
6 connected to the VA or DOD community because of their
7 discharge status. Members of the Committee thank you
8 for your... for the opportunity to share IAVA's views
9 on these issues today. I look forward to answering
10 any questions you may have and working with the
11 Committee in the future. Thank you.

12 CHAIRPERSON BRANNAN: Thank you. Denny.

13 DENNY MEYER: Okay, I'm Denny... I'm
14 Sergeant First Class Denny Meyer and a President of
15 American Veterans for Equal Rights in New York and
16 the National Public Affairs Officer of AVER as well
17 as of Transgender American Veterans Association. From
18 World War II to 1994 over 100,000 LGBT American
19 patriots were less than honorably discharged due to
20 being homosexual. And from 1994 to 2011 over 14,000
21 more patriots were involuntarily discharged under
22 Don't Ask, Don't Tell. The major... and, and, and the
23 majority of people on the Don't Ask, Don't Tell many
24 got honorable discharges but the narrative
25 nonetheless spelled out due to homosexuality which

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2 deprived them of many job opportunities. During Don't
3 Ask, Don't Tell, minority women were most likely to
4 receive doubly discriminatory less than honorable
5 discharges during that period. In 2005 Massachusetts
6 Representative Marty Mehan introduced a bill to
7 repeal Don't Ask, Don't Tell, which contained pages
8 of provisions to rectify prior discrimination and
9 policy including discharge upgrades. Congress failed
10 to pass that bill, in 2010 a compromised Don't Ask,
11 Don't Tell repeal bill created in the Senate Armed
12 Services Committee, passed. All provisions to rectify
13 past discriminatory denial of right and benefits to
14 veterans were stripped out of that bill, which
15 resulted in ongoing discriminatory denial of rights
16 and benefits to veterans previously discharged due to
17 being gay. In 2005, at the request of AVER New York,
18 the New York City Council, led by Speaker Giff
19 Miller, passed the nation's first Don't Ask, Don't
20 Tell Repeal Resolution, which was copied by cities
21 and counties across the nation and by the state of
22 California. This enhanced the Congressional will to
23 eventually repeal Don't Ask, Don't Tell in 2010. In
24 2013, the Restore Honor to Service Members Act was
25 introduced, to automate and streamline discharge

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2 upgrades for LGBT veterans, by Congressman Charles
3 Rangel of New York and openly Congressman Jared Polis
4 who was just elected Governor of Colorado and
5 Senators Gillibrand of New York and Shatz of Hawaii.
6 Introduced two more times, this bill never got out of
7 Committee. In 2015 New York State Senator Brad
8 Hoylman introduced a New York State Restoration of
9 Honor bill to guarantee New York State benefits to
10 LGBT veterans regardless of discharge status. That
11 too was blocked and never got out of Committee.
12 Meanwhile, Canada provides both restitution and a
13 medal to rectify past discrimination suffered by LGBT
14 veterans. Hence, the New York's... I'm almost done.
15 Hence, the New York City legislation under
16 consideration today to enable New York City patriotic
17 LGBT veterans to be eligible for all the benefits
18 they have earned serving our nation. It has been... it
19 has been AVER's and TAVA's highest priority to
20 advocate for full and equal benefits for LGBT
21 veterans. So, I've written here, we strongly urge and
22 advocate passage of this legislation. Having heard
23 other testimony it's clear that there needs to be
24 negotiation to work out the legal realities and
25 bureaucracy. What makes me bug my eyes out is the

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2 bureaucracy and the arguments that oh, well we can't
3 do this because of that and so on and so forth, the
4 fact is there's over 100,000 LGBT veterans and more
5 who were kicked out for being gay simply out of raw
6 governmental discrimination and somebody's got to
7 decide who's going to help them, who's going to
8 rectify this, it's as simple as that. Thank you.

9 CHAIRPERSON BRANNAN: Thank you Denny.

10 CECILIA GENTILI: Thank you so much for
11 all that information its, it's really, really
12 worrying to hear that in... for how many years this has
13 been trying to be rectified and you know repaired but
14 you know, I hope... I hope this is the time. My name is
15 Cecilia Gentili and I am the Managing Director of
16 Policy and Public Affairs at Gay Men's Health Crisis.
17 Thank you for allowing me to speak today on behalf of
18 the military veterans who are clients of GMHC and
19 members of our staff. GMHC has tremendous respect for
20 our military. Every year during our November all
21 staff meeting, our CEO, Kelsey Louie, asks GMHC staff
22 who are also veterans to stand up and be counted.
23 Those team members get some of the loudest cheers of
24 the entire year since many of us have heard about
25 what they have been through. But those staff members

1 COMMITTEE ON VETERANS

2 are applauded not only for their past services to the
3 United States, but also for their current lifesaving
4 work at GMHC. Many of them work with LGBT clients who
5 are also veterans, and who in many cases need
6 specialized support and care coordination. We know
7 that military veterans tend to experience higher
8 rates of mental health and substance abuse issues
9 than the general population. And through GMHC's work,
10 we know that the same is true for LGBT people,
11 especially if they are living or at risk for HIV
12 infection... infection. When a client is both LGBT and
13 a veteran you have a little bit of a perfect storm
14 when it comes to emotional issues that need
15 professional, compassionate interventions. We see
16 this all the time and we're grateful for the veterans
17 on our staff who can help guide our programs and
18 services properly. We will continue to work with our
19 LGBT brothers and sisters who are veterans, and we
20 urge New York City to understand and address these
21 unique needs and challenges. Thank you.

22 CHAIRPERSON BRANNAN: Thank you very
23 much. And with that this hearing is adjourned, thank
24 you.

25 [gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date

December 18, 2018