



Urban Justice Center

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City Council Veterans Committee

**Oversight Hearing - Needs and Concerns of Veterans in New
York City**

April 20, 2009

Testimony of Rachel Natelson, Veterans and Servicemembers Project Director
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Good afternoon, my name is Rachel Natelson, and I am the director of the Veterans and Servicemembers Project at the Urban Justice Center. The Project provides free legal services for past and present military personnel in a variety of civil matters in addition to conducting research and policy advocacy on behalf of this population.

Population

As Operations Enduring and Iraqi Freedom stretch into the future and Vietnam veterans continue to age, demands for health care and other services have exploded, along with a corresponding need for assistance in accessing such benefits. Unlike the wars of the recent past, in which non-fatal casualties outnumbered deaths by a modest factor, today's conflict has resulted in far more injuries than fatalities. Although 90% of seriously wounded OEF/OIF servicemembers have survived combat, their post-deployment needs reflect the grave and varied nature of their injuries.

Amid a combat arena in which danger is omnipresent and the discrete front-lines of past wars have given way to diffuse and hidden weaponry, the lack of relative "safe" zones in Iraq and Afghanistan yields a host of physical and psychological consequences. The risks presented by these factors have already begun to materialize on a national scale, with one-third of returning servicemembers reporting mental health conditions and only a fraction of these veterans actually accessing treatment. Their status has resulted not only in nearly 300,000 new VA disability claims but also in an 18% unemployment rate and a 25% sub-minimum wage-earner rate among returning veterans alone.

Home to over a million veterans, New York State contains the fourth largest veteran population in the country, with 35% of this cohort residing in the five boroughs. In fact, at 350,000 and growing, the number of veterans in New York City alone surpasses the respective *statewide* veteran populations in 28 states.

Needs

These numbers translate into a web of needs that threatens to grow ever more tangled in the absence of appropriate resources. Veterans residing in or returning to the City already face a host of concerns: a corrupt and inefficient disability benefits system, a family court system that fails to accommodate the demands of deployment, a criminal justice system insensitive to the warrior mindset, and a declining job market in which employers often view military service as a liability instead of an asset.

In spite of the magnitude of these needs, not nearly enough services are in place to accommodate them. Veteran Service Officers, who have historically offered representation to those seeking VA benefits, face staggering caseloads, undermining their ability to analyze claims and obtain and submit evidence for every case. At the same time, New York City's VA benefits office remains one of the most troubled in the country, with recent investigations revealing a pattern of document destruction. Long notorious for its delays in handling claims, this office routinely takes over a year to process initial applications.

A similar need exists for representation in military discharge matters. The gateway to a host of government benefits, an honorable discharge characterization determines the difference between poverty and self-sufficiency for many New Yorkers. The growing incidence of PTSD and other psychological ailments, however, has significantly blurred the line between willful and involuntary misconduct, leaving the military considerable discretion in assessing performance during the discharge process. At the same time, the relative ease of obtaining discharges based on pre-existing "personality disorders" presents an incentive for traumatized soldiers to forgo the lengthy application process required for service-related medical discharges, thereby depriving themselves of VA benefit entitlement.

Meanwhile, veterans and active duty personnel are equally in need of assistance in asserting their rights in civilian matters ranging from family relations to employment to voting. New York City's Administration for Children's Services (ACS), for example, currently offers no policy to accommodate deployed parents with children in foster care, in spite of having devised a comparable procedure for incarcerated parents. Instead, the agency has deemed deployed soldiers "absent parents," denying them the right to participate in placement decisions. At the same time, military attorneys are often unfamiliar with state-specific family law and thus unable to provide meaningful representation.

Given the disconnect between state family law and military family policy, servicemembers often suffer a double injury, as family courts disregard the care plans they devised through the military and the military overlooks the implications of state court orders. A client, for example, was bewildered to learn that the military power of attorney he had signed to appoint his mother guardian of his children during his deployment carried no weight with a local family court judge, who ultimately placed his children in foster care. At the same time, the military continued to deduct family support money from his salary in spite of the fact that his children were no longer in their mother's care.

As the divorce rate among enlisted personnel continues to rise, servicemembers have also begun to encounter difficulties in seeking and maintaining custody of their children. Even ordinarily straightforward matters like uncontested divorce tend to be complicated by issues of service and availability for court proceedings. Meanwhile, startlingly few family law practitioners are sufficiently versed in the Servicemembers Civil Relief Act and comparable protections to assist military personnel with such matters.

A similar lack of guidance exists with respect to voting rights for deployed personnel. Military voters must currently contend with a daunting voting process composed of seven major steps and up to 13 discrete sub-steps, from deciding to participate in the electoral process to actually casting a vote. As a result, GI voter participation is substantially lower than that of civilians, with fewer than 30% of all absentee ballots requested by military personnel actually cast. Just last month, in fact, the Department of Justice cited New York State for failing to afford overseas military personnel enough time to submit their votes for a special district election.

In spite of laws prohibiting discrimination against servicemembers in housing and hiring, landlords and employers are often wary of accommodating active duty personnel due to their

itinerant lifestyle. Veterans, meanwhile, have expressed concern that employers shrink from hiring them for fear of their potential psychological problems.

Service-related mental illness also yields repercussions within the criminal justice system. Without access to treatment, psychologically scarred veterans are increasingly likely to engage in conduct harmful to themselves as well as to others. The criminal justice system, meanwhile, is often insensitive to the circumstances underlying such behavior, with few jurisdictions offering alternatives to incarceration geared specifically to the veteran population. As a result, offenses ranging from drug use to weapon possession have prompted a wave of sentences that tend to exacerbate mental health conditions instead of relieving them.

Recommendations

1) New York City should dedicate a funding stream in support of free legal services for this vulnerable population. According to a recent Legal Services report, more than 83,000 veterans in the City are income-eligible for free legal services; in addition, the American Bar Association has deemed enlisted personnel at the first 6 pay grades eligible for free representation. In spite of qualifying financially for such services, however, individuals in need of representation have remarkably few options. While the NYC Bar Association sponsors a monthly pro bono clinic for VA claimants, there are currently no providers of comprehensive legal services for this population beyond the small-scale Veterans and Servicemembers Project.

While state and city funding streams exist to support representation in Public Assistance and Social Security proceedings, there remains no comparable funding source for VA benefits and military discharge representation. At a moment in which private foundations are severely limiting their grantmaking efforts, public money is especially vital for this fast-growing population. Like Disability Advocacy Program (DAP) funding, this money would serve as a sound investment; at Swords to Plowshares, a legal service provider in San Francisco, every \$1 used to fund VA benefits representation generates more than \$26 in benefits directly to the veterans.

2) Existing legal service providers must make a greater effort to integrate veterans and servicemembers into their practices. Since military status tends to complicate family and housing proceedings, civil legal service attorneys tend to lack the expertise to accept such cases. The state-specific nature of these proceedings, however, often removes them from the purview of military attorneys, leaving a pronounced void in resources. The City should dedicate funding for the retention and training of legal service providers in this area.

3) The City should take steps to ensure greater cultural competency among such traditional “first responders” as police, paramedics, child welfare agents, teachers, and employers. Often unfamiliar with the practical and emotional needs of returning veterans, these figures should be trained to recognize and respond to the varied challenges of deployment, homecoming, and reintegration into civilian life. Veterans should not have to sacrifice their rights to child custody, employment, or housing as a result of the insensitivity of civilian agents.

4) Area courts should explore and promote alternatives to incarceration for offenders with service-related psychological disorders. While the City currently sponsors a mental health court and a number of drug treatment courts, these programs have reported only a small percentage of veterans among their respective populations. Whether these findings are due to deficiencies in screening or a failure to divert mentally ill veterans to existing programs, courts must make a greater effort to identify these veterans and refer them to treatment.

An important first step would be to incorporate VA and nonprofit veteran service providers into the network of providers already affiliated with the City's mental health and drug treatment courts. Once screened for veteran status, defendants should also be paired with veteran mentors, a treatment method that has proven particularly effective in Erie County's Veteran Court.

5) State and local elected officials must demand greater federal oversight of New York City's VA benefits office. Within a national system notorious for its injustice and inefficiency, the Houston Street Regional Office has earned the reputation as one of the very worst offices in the entire country.

Even before its management was dismissed for encouraging claims processors to backdate documents, the office was known for its interminable review period, often exceeding a year per claim, and its substandard accuracy rates. The Manhattan Regional Office is a particularly grim illustration of the consequences of the Veterans Benefits Administration's ill-conceived work credit system, under which reviewers are rewarded based on the quantity and not the quality of claims they process. The resulting combination of too much work and too little time ultimately gives rise to premature—and inaccurate—determinations, setting in motion years of appeals.

I would be happy to answer any questions you might have about these and other issues. Thank you for granting me the opportunity to testify.

**President Barack Obama
and All Others
Community Legislative
Recommendations**

New Yorkers Fighting for Change

**Job Mashariki, Organizer
718-852-6004 phone**

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718-455-8590**

New Yorkers Fighting for Change

African American communities have asked for change long before the civil rights movement, therefore if change is what we want, what we thirst for then the change must begin with ourselves. On Thursday, January 15, 2009, honoring the birthday of Dr. Martin Luther King Jr. Black Veterans for Social Justice, Inc. (BVSJ) commenced a "House Meeting" open to the community of Bedford Stuyvesant, Brooklyn, NY and all New Yorkers. This meeting was in support of President Barack Obama's call for community response to change using house meetings as the venue. In President Obama's inaugural speech, he stated, "our economy is badly weakened, a consequence of greed and irresponsibility on the part of some, but also from our collective failure to make hard choices". African American communities need to take responsibility and make some hard choices that will influence the outcomes within our own neighborhoods, schools, police stations and all the societal institutions that have been designed to perpetuate the behaviors of post-traumatic slave syndrome.

During the house meeting, the community presented challenges and petitions for change on a variety of concerns that cripple the movement of African American people. Change that would mandate a moratorium on mortgage foreclosures and evictions due to predatory lending are some examples of the community out cry for change. However, BVSJ can only address a few of the issues directly, and will collaborate with other agencies that address other concerns specifically. This paper will speak to issues that have affected the veteran community as well as the community at large, but have devastated the African American community.

- **Stop the War – Direct resources from war into domestic veteran treatment services**
- **Police Brutality**
- **HIV/AIDS – Health Care**
- **Stimulus Spending on employment and skill development**
- **Domestic Violence**
- **Going Green / Infrastructural resources**
- **Employment Development**
- **Youth Development**

Ending the wars:

BVSJ is committed to any legislation that will end any current conflict and redistribute resources to addressing the needs of veterans and their families. Women veterans bring a different dynamic to the discussion with concerns of childcare, female related medical care, mental health treatment and care that will address all issues related to the female experience in the military.

Recommendations:

1. Pass legislation that will end the war both physically as well as financially.
2. Mandate that the VA become more responsive through legislation, to the needs of veterans specifically women veterans.
3. Mandate that the VA provide mental health and medical care and treatment to all military men and women no matter of discharge ranking.
4. Mandate that income for veterans and their families be increased, similar as minimum wages and unemployment benefits have been increased.
5. Mandate that HIV/AIDS testing is offered upon returning home from abroad and upon discharge.
6. Mandate immediate access upon discharge to affordable and supportive housing for veterans. Redesign closed military bases into supportive housing for veterans
7. Cease the Veterans Administrations ability to charge a HMO for any treatment received by a veteran in a VA facility.

Police Brutality:

To approach the actions of police brutality from a historical perspective, we must admit that police brutality, more than any other issue strikes at the core of the African American community. The African American community strongly feels that the act of police brutality is unjustifiable and symbolizes lack of respect for the community being policed. Far too often Police Officers are not held accountable for their action of brutality, and far too often police brutality leads to death of an innocent member of society. Too many of our people have been unjustly killed by police, which is a form of terrorism and genocide. Police Offices should utilize their training when confronted with violent criminals, shot to disarm or to cease attempt toward the office. Current many Police Office use excessive force when in this situation.

Recommendations:

1. In the State of New York, institute a special prosecutor to investigate and prosecute police officers who impose brutality on the community.
2. Pass legislation that will require all medical treatment by the community in any medical facilities involving police must be reported to the special prosecutor and New York City and State government.
3. Mandate zip code residency for police officers "live where you police".
4. Mandate that police stations be under the control of community boards and local elected officials.

HIV/AIDS:

There are concerns with the devastation that HIV/AIDS is causing among the African American Community, specifically here in New York State and New York City. HIV/AIDS advocates strongly encourage everyone in the African American community to be tested for HIV/AIDS, know your status. However, some structural changes need to be implemented at the highest levels of government.

Recommendations:

1. Mandate HIV/AIDS training into the medical educational institutions for all seeking to become a medical doctor of any concentration.
2. Mandate that HIV/AIDS counseling and testing, with written consent are offered at every contact with a medical provider.
3. Mandate that HMO's cannot refuse someone's insurance based on pre-existing conditions.
4. Mandate that men and women returning home from incarceration are offered a HIV/AIDS test, with pre-discharge planning if identified as being positive.
5. Make the HIV/AIDS testing kits free to community based agencies that conduct testing.
6. Mandate a cap on medication cost.

Health Care:

There is strong support for universal health care among the African American community. The model of universal health care has proven effective in Afghanistan*, Argentina, Austria, Australia, Belgium, Brazil, Canada, Chile, China, Cuba, Costa Rica, Cyprus, Denmark, Finland, France, Germany, Greece, Iraq*, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Oman, Portugal, Russia, Saudi Arabia, Spain, Sweden, South Korea, Sri Lanka, Ukraine and the United Kingdom *indicate that USA is in war. How is it that the USA cannot develop an effective process for universal health care, are we that much of a capitalist society that we compromise the American peoples health?

Recommendations:

1. Mandate free and accessible health care for all persons living on American soil.
2. Mandate that this health care system have no level of variances of what will be treated, all medical conditions will be treated.

3. Mandate that medications have a cap on its cost, allowing medications to be accessible to all in need.

Employment Training:

BVSJ strongly feels that there is a direct link between vocational training and employment that produces individual self-sustainability. The necessity for free and affordable vocational skill development programs is essential in the African American Communities.

Recommendations:

1. Mandate that stimulus resources going to state, city and local territories have a component of vocational training and employment skill development for African American communities.
2. Mandate that vocational and employment skill development is a part of the correctional facilitates at all levels.
3. Mandate that vocational training licenses obtained during incarceration is recognized in the State of New York specifically with labor unions.
4. Mandate resources to develop paid on the job training programs for African American communities.
5. Mandate resources to develop business ownership and entrepreneurship for African American communities.
6. Mandate programs and resources that will produce wealth and resource satiability in the African American community

Domestic Violence:

BVSJ has a strong position against domestic violence we feel that it is not a private matter between partners, but an epidemic that cuts across the world. No one human being should be forced to do something that they do not want to do, live life in fear, made to feel scared to express their own feelings or have control of their own bodies. Far too often, an order of protection does not protect the victim of domestic violence from the perpetrator. The final analysis is an order of protection is nothing more than a sheet of paper with no real mechanisms to protect a victim of domestic violence

Recommendations:

1. Develop legislation that criminalizes the act of domestic violence while rewarding non-violent approaches to conflict resolution.
2. Mandate that Community Based programs be funded to assist with monitoring and providing supportive services to the perpetrator.
3. Incorporate mandates for counseling for the children of domestic violence.
4. Legislation that increases the effectiveness of the order of protection process and violations of the order.

Going Green:

The African American Community must not be left behind emerging green ecological development. The ecological systems that the world depends on are collapsing. To assure that the African American communities does not experience ecologic disaster we recommend.

Recommendations

1. Mandate the recycling of American electronic waste.
2. Structural implementation of the Green Jobs Act of 2007 in the African American community.
3. Provide tax credits for businesses and community based agencies who implement an ecologic program and services, using stimulus resources.
4. Implement green ecological learning and development in our schools.

5. Mandate resources for development of green collar jobs in the African American community.

Youth Development:

During the 2008 elections, there was an unusual interest and involvement from our youth communities. Now we must ask ourselves how to keep our youth engaged in the political process. However, there are many areas of concentration related to youth development that strikes at the core of the African American communities such as education and alternatives to college. The media of electronic communication has been a pivotal tool in the Obama Administration; you are encouraged to go to www.whitehouse.org.

Recommendations:

1. Mandate that there are paid internships programs for non-college bound youth.
2. Provide resources for gender specific mentorship programs for youth.
3. Increase funding and collaborations with faith based initiatives targeting at risk youth.
4. Include licensed vocational trainings at the high school level.

Incarcerated Americans:

Far too often, the prison populations are minority men and women. It is imperative that the USA Census office change its practices of counting these minorities as living in affluent communities that capitalize off the human resources of state and federal prisons systems. The correctional facilities were designed to produce reformed societal members, so where are the social programs in prison that will accomplish this task? It is more economically viable to cage than to rehabilitate men and women.

Recommendations:

1. Mandate that federal, state and local territories increase resources of vocational training, apprenticeship, licensing programs for union positions for all men and women in the system.
2. Provide social service programs within the prison system preparing men and women to return to mainstream society.
3. Mandate changes to laws that prohibit men and women with felonies to gain and maintain employment and housing, with greater penalties for companies that violate these laws.
4. Mandate that inmates be allowed to pursue Undergrad and Graduate degrees at accredited higher learning institutions such as CUNY/SUNY Colleges and Universities.

In conclusion, this document is designed to further the dialog in the areas addressed throughout the document. The participants in the development of this document have all dedicated themselves to creating a difference in the African American Community. The community participants came to this meeting with a conscience awareness of what is needed in our community, however the main barrier to us addressing those needs requires resource and governmental structure that mandates the development. The community articulated that resources needs to flow into educational systems, community based agencies, faith based entities and for ecological development in the African American Community. These institutions are the backbone of assisting the communities develop into productive members of society. "I have a dream too", said one participant and that one statement was echoed throughout the night, as community members presented ideology of hope with the election of President Barack Obama.

Also, note that one of the major recommendations that was presented that night to assure that there are other community based agencies and networks in our community involved in this movement. Therefore, any agency that will support the efforts of the recommendations listed in this document and would like to sign on as an agency, please contact the organizer Job Mashariki, 718-852-6004, or Von'Michael Hanton.

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My name is Anuradha Bhagwati. I am a Marine Corps veteran, and native New Yorker. I left the Marines as a Captain in 2004, went back to school, and eventually returned to New York City, where I slowly began to fall apart.

I had numerous injuries, both physical and psychological, from my time in service. I am currently 20% disabled. Most veterans advocates say my rating should be much higher, but the VA refuses to acknowledge my psychological wounds, because they were based on Military Sexual Trauma (MST).

In the meantime, I still have to face the daily struggles of being a veteran in NYC.

I'd like to share some of the experiences I've had as a woman veteran in our city's VA facilities. The last place many survivors of MST want to go for treatment or counseling is a VA hospital. My first trip to the Manhattan VA Hospital was a nightmare. I felt like I was running a gauntlet as I stepped into the lobby and was confronted by a sea of hostile faces, all of them male. Most veterans and VA employees assume women veterans are secretaries or cleaning staff. Others are quick to harass women veterans, avoid looking us in the eye, and refuse us the common courtesy and service that they extend to male veterans.

A psychiatrist I saw rolled his eyes at me when I told him I needed to talk to a female doctor. The MST counselor was so overbooked that she had to refer me to another MST counselor at a Vet Center, making my biweekly commute three hours, instead of one and a half. A physician was so shocked that I had been a Marine that he told me I looked like a "shopkeeper." An orthopedics resident refused to treat my shoulder, because I could raise my arm over my head on command. He told me, "some of the guys I treat have been through much worse." Then he added, "you just have to get used to [the pain]." I've been lectured and counseled by dozens of nurses, many of them women, who feel that they are at liberty to talk to me in an inappropriately familiar or unprofessional manner because I am a woman. When I shared some of my frustrations with the women veterans coordinator, she told me I "should be happy to have free health care."

Other systemic problems at the city's VA hospitals don't discriminate on the basis of gender. I had to wait almost a year for pain management treatment at the Manhattan VA Hospital. During that time I was forced to seek outside care, and pay thousands of dollars out of pocket, because the VA refused to help me any sooner. I am now forced to travel four hours to get treatment from the Bronx VA Hospital for chiropractic care unavailable in Manhattan or Brooklyn, and wait a month between appointments, even though I require two sessions a week.

When my VA claim for PTSD, anxiety and depression from MST was recently rejected by the NY Regional Office, I had to make a difficult choice between appealing my claim and having my trauma dragged on for several more years, or giving up. Being a veteran in this city is already a full-time job. Every hour spent traveling to a VA facility, waiting for providers, or fighting the VA bureaucracy is emotionally and physically draining. The VA has retraumatized me for years. I have wanted to give up this fight too many times to count.

This spring, I decided to appeal my claim, because I was blessed to receive the help of a pro bono attorney through the Urban Justice Center's Veterans and Servicemembers Project. I am also lucky that right now I have the time and support from family and friends to survive the ordeal of filing a long and arduous appeal to the VA.

Lots of other veterans aren't so fortunate. It's a shame that the VA forces veterans to spend years of their lives to claim the justice they deserve. It shouldn't be the responsibility of wounded and injured veterans to fix this broken system, or to fight for quality health care and benefits. Most of us don't have the resources or ability to be full-time advocates. It is the government's responsibility to serve our nation's veterans. It is the government's responsibility to ensure that Regional Offices treat each veteran's claim with the care veterans deserve. And it is the government's responsibility to ensure that PTSD, MST and all other psychological conditions are treated with the appropriate sense of urgency that any seriously wounded veteran ought to receive.

I'd like to close by briefly introducing the organization that I direct here in NYC: the Service Women's Action Network (SWAN). SWAN aims to be the key national policy, advocacy, services and support organization for servicewomen and women veterans. We focus on key issues and services that have been largely ignored or denied by the veterans community, the government, and the public at large: the issues faced by women in combat, Military Sexual Trauma, comprehensive health care for women, the failures of the VA benefits system for women, the issues faced by homeless women veterans, the disproportionate targeting of women and women of color in particular by the Don't Ask Don't Tell policy, providing safe and healing retreats for women veterans, and providing information and guidance to women considering military service.

SWAN is filling a giant void in advocacy and services for our nation's military women, and needs all the support it can get during these next few critical months. Please contact our office for further information. Thank you for your time.

Anuradha K. Bhagwati, MPP
Director, Service Women's Action Network (SWAN)



DEPARTMENT OF VETERANS AFFAIRS
New York Regional Office
245 W. Houston Street
New York, NY 10014

April 17, 2009

Mr. Gary Altman, Legislative Counsel
The Council of the City of New York, Office of the Speaker
City Hall
New York, NY 10007

Dear Mr. Altman,

I received your invitation on Wednesday afternoon to the hearing regarding "Needs and Concerns of Veterans in New York City" on Monday, April 20, 2009.

I regret that I am unable to attend. I would be happy to meet with the Committee on Veterans or the Chairman to provide information about what we are doing here at the New York Regional Office to provide benefits and services to the 900,000 veterans and their dependents in the 31 Eastern counties of the state of New York.

Please contact our office at (212) 807-3055 if you desire to set up a time when we both can meet to discuss the mission of serving our nation's veterans.

Sincerely,


Beth McCoy
Acting Director

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/20/09

(PLEASE PRINT)

Name: JOSEPH Bello

Address: P.O. Box 520193

I represent: _____

Address: _____

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Name: ANURADHA K. BHAGWATI

Address: 417 Saint Johns Place Bkln NY 11238

I represent: Service Women's Action Network

Address: _____

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Name: DAN Rossi

Address: _____

I represent: Veterans

Address: _____

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Date: 4/20/09

(PLEASE PRINT)

Name: Carol Gardner

Address: _____

I represent: Kitzgerald House

Address: 111-67 157th St. Jamaica 11433

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Date: _____

(PLEASE PRINT)

Name: Jose Cabrera Jr

Address: 22-03 Astoria Blvd

I represent: _____

Address: _____

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