STATE OF NEW YORK

6992--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

Introduced by M. of A. DICKENS, TAYLOR, REYES, AUBRY, SILLITTI, McDONOUGH, SMULLEN, SIMON -- read once and referred to the Committee on Veterans' Affairs -- recommitted to the Committee on Veterans' Affairs in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the veterans' services law, in relation to providing certain support for veterans to help alter their discharged status

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 31 of section 4 of the veterans' services law is amended to read as follows:

31. To maintain a discharge upgrade [~~advisory~~] assistance board program within the department to [~~provide written non-binding advisory opinions to~~] assist veterans of the state of New York [~~appealing~~] in upgrading their character of discharge [~~from~~], changing their reason for discharge, or seeking any other relief available through the discharge review board or [~~the~~] board for [~~corrections~~] correction of military or naval records for their branch of service on the federal level. Individuals may submit an application with evidence, including all relevant documents, which shall be reviewed by the discharge upgrade [~~advisory~~] assistance board [~~program~~] in a timely manner. After review of the application the board shall provide a written non-binding advisory opinion as to the merits of the veteran's case. Upon receipt of an application, it shall be the duty of the board to assist the veteran in identifying and obtaining any additional information or evidence necessary to either reach such an opinion or support the veteran's case. If such board finds the veteran's application for a discharge upgrade is meritorious, then the board will [~~provide~~] assist the veteran [~~with~~] in filing a request for correction or review and represent the veteran before the appropriate venue which shall include preparing a written opinion advo-

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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cating for the discharge review board or board for [~~corrections~~] correction of military or naval records to grant that veteran's appeal. If, however, the board is unable to represent the veteran directly, the board shall assist the veteran in finding representation through other qualified counsel or an accredited representative of an organization recognized by the secretary of veterans affairs under chapter 59 of title 38 of the United States code. In the event of an unfavorable decision from a discharge review board or board for correction of military or naval records, the board shall also provide information and assistance in securing qualified counsel to any veteran interested in pursuing an appeal of such decision in federal court. The department shall post information on the discharge upgrade advisory board program on its official webpage. Furthermore, the department shall make reference to this program pursuant to subdivisions five, six and seven of this section and official social media of the department. The annual report required by subdivision seventeen of this section shall contain information including, but not limited to, the number of cases reviewed, and the number of cases where a veteran's application was found to be meritorious, the number of meritorious applications for which the board provided representation in pursuing their appeal at the federal level, the outcome of such representation, and the names and numbers of other counsel or organizations to whom referrals for representation were made. As used in this subdivision the term "veteran" means a person who served in the uniformed services or their respective national guard or reserve components, regardless of discharge status.

§ 2. This act shall take effect immediately.