

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:

1 Section 1. Subdivision 31 of section 4 of the veterans' services law
2 is amended to read as follows:
3 31. To maintain a discharge upgrade [~~advisory~~] assistance board
4 program within the department to [~~provide written non-binding advisory~~
5 ~~opinions to~~] assist veterans of the state of New York [~~appealing~~] in
6 upgrading their character of discharge [~~from~~], changing their reason for
7 discharge, or seeking any other relief available through the discharge
8 review board or [~~the~~] board for [~~corrections~~] correction of military or
9 naval records for their branch of service on the federal level. Individ-
10 uals may submit an application with evidence, including all relevant
11 documents, which shall be reviewed by the discharge upgrade [~~advisory~~]
12 assistance board [~~program~~] in a timely manner. After review of the
13 application the board shall provide a written non-binding advisory opin-
14 ion as to the merits of the veteran's case. Upon receipt of an applica-
15 tion, it shall be the duty of the board to assist the veteran in identi-
16 fying and obtaining any additional information or evidence necessary to
17 either reach such an opinion or support the veteran's case. If such
18 board finds the veteran's application for a discharge upgrade is merito-
19 rious, then the board will [~~provide~~] assist the veteran [~~with~~] in filing
20 a request for correction or review and represent the veteran before the
21 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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1 cating for the discharge review board or board for [~~corrections~~
2 correction of military or naval records to grant that veteran's appeal.
3 If, however, the board is unable to represent the veteran directly, the
4 board shall assist the veteran in finding representation through other
5 qualified counsel or an accredited representative of an organization
6 recognized by the secretary of veterans affairs under chapter 59 of
7 title 38 of the United States code. In the event of an unfavorable deci-
8 sion from a discharge review board or board for correction of mili-
9 tary or naval records, the board shall also provide information and
10 assistance in securing qualified counsel to any veteran interested in
11 pursuing an appeal of such decision in federal court. The department
12 shall post information on the discharge upgrade advisory board program
13 on its official webpage. Furthermore, the department shall make refer-
14 ence to this program pursuant to subdivisions five, six and seven of
15 this section and official social media of the department. The annual
16 report required by subdivision seventeen of this section shall contain
17 information including, but not limited to, the number of cases reviewed,
18 and the number of cases where a veteran's application was found to be
19 meritorious, the number of meritorious applications for which the board
20 provided representation in pursuing their appeal at the federal level,
21 the outcome of such representation, and the names and numbers of other
22 counsel or organizations to whom referrals for representation were made.
23 As used in this subdivision the term "veteran" means a person who served
24 in the uniformed services or their respective national guard or reserve
25 components, regardless of discharge status.
26 § 2. This act shall take effect immediately.