

Resolution No. 412

REVISE UNFAVORABLE DISCHARGE REVIEW PROCEDURES

WHEREAS, approximately 30,000 veterans have been administratively discharged from the military for adjustment or personality disorders since September 11, 2001, and according to the Army Human Resources Command, the number of misconduct discharges continues to increase; and

WHEREAS, discharges under other-than-honorable conditions often disqualifies veterans from Department of Veterans Affairs health, compensation and education benefits, and could render them undesirable to potential employers; and

WHEREAS, many veterans who received unfavorable discharges could have been suffering from the effects of undiagnosed and untreated Post-Traumatic Stress Disorder, Traumatic Brain Injuries and mental health conditions resulting from sexual trauma as the result of their military service; and

WHEREAS, a 2014 Department of Defense decision opened an avenue for Vietnam veterans and those from other wars, conflicts and eras to request upgrades to their other-than-honorable military discharge due to an extenuating factor not known at the time of their separation: PTSD. The decision is not a blanket approval for every upgrade request, but it does allow veterans who may have been diagnosed with PTSD years after separation to submit new evidence and hopefully correct a past injustice; and

WHEREAS, discharge review boards can now consider medical evidence from VA and civilian providers and are to review cases with liberal consideration of whether a veteran's mental health condition contributed to the circumstances resulting in the veterans' discharge; now, therefore

BE IT RESOLVED, by the Veterans of Foreign Wars of the United States, that we urge Congress to establish a process by which Military Department Boards for Correction of Military/Naval Records will presume administrative irregularity and place the burden of proof on DOD to show that the discharge was just for those cases where the veteran claims service-related PTSD, TBI or sexual trauma as a mitigating factor in requesting an upgrade to his or her military discharge.

Submitted by Commander-in-Chief
To Committee on NATIONAL SECURITY & FOREIGN AFFAIRS