



MARYLAND MILITARY COALITION

Serving Veterans through Legislative Advocacy

April 1, 2025

The Honorable Joseline A. Pena-Melnyk
The Honorable Bonnie Cullison
House Health and Government Operations Committee
240 Taylor House Office Building
Annapolis, MD 21401

Subject: Request for a **FAVORABLE Report – SB 491 – General Provisions – Veterans Benefits – Honorable Discharge**

Dear Chair Pena-Melnyk, Vice Chair Cullison and Distinguished Members of the House Health and Government Operations Committee:

On behalf of the members of the Maryland Military Coalition (MMC), I write to clarify concerns about this legislation and recommend a **FAVORABLE REPORT** by the Committee on **SB 491 General Provisions – Veterans Benefits – Honorable Discharge**.

This bill replicates a program already in existence in the state of New York and is modeled after it. It is designed to allow a veteran who has a “covered condition” to apply for **STATE (only) veteran benefits**. The specifics of 38 C.F.R § 3.12 were spelled out in the original legislation, however, due to concerns by legislators that the Secretary was seeking to upgrade whole classes of veterans who did not receive an honorable discharge, they were removed. **This is NOT THE CASE**. Instead, this bill seeks to assist in making a veteran “whole” after trauma.

To be clear, I want to make some specific points. This bill:

1. Authorizes the Maryland Department of Veterans and Military Families to restore **MARYLAND STATE Veterans Benefits only (see attached chart)** to veterans who have a “less than honorable” discharge due to specific conditions.
2. **Does NOT change a Veteran’s official federally issued character of discharge** on their DD-214 paperwork.
3. Considers only the Veteran’s time in service, **NOT conduct** after service.
4. Does not have a fiscal costs.
5. The DVMF will assist Veterans in accessing their complete and unredacted Official Military Personnel File and if applicable and requires their U.S. Department of Veterans’ Affairs Rating Decision Notice for the conditions they are claiming led to their discharge.

If the veteran can demonstrate that the covered conditions (Post Traumatic Stress Disorder, Traumatic Brain Injury, Military Sexual Trauma, Sexual Orientation, Gender Identity or Gender Expression as as likely as not the reason for the Veteran’s discharge, then DVMF will adjudicate the matter in the Veteran’s favor.

1101 Mercantile Lane, Suite 260 • Largo, Maryland 20774
(301) 583-8687 • (800) 808-4517

Request for a **FAVORABLE Report with Amendments – SB 491 – General Provisions – Veterans Benefits – Honorable Discharge**

6. If the Veteran receives a favorable determination, then DVMF will provide an award letter with a list of the Veterans Benefits for which the Veteran is now eligible.

According to the [Cost of War Project](#):

- In 2013, the Department of Defense reversed a ban on women in combat.
- From 2016 onward, all military jobs were opened to women.
- Recently released Department of Defense (DoD) data shows that 29,000 military personnel were sexually assaulted in 2023. In addition, during the same period, close to 25% of active-duty women were sexually harassed (a decrease from 28.6% in 2021).
- Independent data shows ever higher rates than DoD estimates.
 - 75,569 cases in 2021
 - 73,695 cases in 2023
 - **On average, during the period of 2001-2021 twenty four percent (24%) of active-duty women and 1.9 percent (1.9%) of active-duty men experienced sexual assault.**
 - Racial minority and LGBTQ+ service members face the greatest risk of sexual assault.
- While these numbers are horrible, they follow a decade of interventions intended to address the sexual assault crisis:
 - 10 DoD Inspector General reports
 - 60 Government Accountability Office recommendations
 - Over 200 government panel and task force recommendations
 - 150 Congressional provisions, including passage of the **“I am Vanessa Guillen Act” (Military Justice Improvement and Increasing Prevention Act) in 2023**, which removes commanders authority over sexual assault cases and hands it to independent prosecutors. SPC Guillen was murdered at Fort Hood, Texas after suffering multiple incidents of sexual harassment.
 - More than 50 Secretary of Defense initiatives

Sexual Assault in the Military: Estimates



Request for a **FAVORABLE Report with Amendments – SB 491 – General Provisions – Veterans Benefits – Honorable Discharge**

Sexual trauma is a wound that doesn't show and is difficult to "heal". Often victims are unwilling to seek assistance because they fear retaliation. Many times, victims become isolated, leading to more problems in their conduct while in service. Many are removed from service under less than honorable conditions.

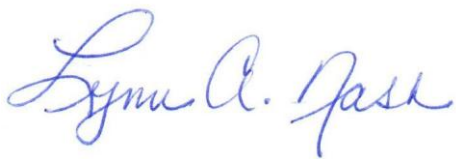
Efforts by some to raise concerns about this bill are unwarranted. The list of state benefits is small, however, the interaction with DVMF provides an opportunity to learn about services that are available to assist the individual with healing and moving on with their lives, hopefully to become successful Marylanders who can contribute to their community.

The Maryland Military Coalition supports the intent of **SB 491** and asks for a **FAVORABLE report** to allow veterans to seek access to benefits they have earned in service to their country and receive assistance in securing the resources that they need to thrive.

The Maryland Military Coalition is a registered non-profit, non-partisan advocacy organization comprised of 22 prominent Maryland-based veteran and military groups, representing over 150,000 service-connected individuals, including those currently serving, veterans, retirees and their families, caregivers, and survivors.

We want to thank Senator Gile for her on-going support of **ALL** of the uniformed services community in Maryland.

Respectfully,



Lynn A. Nash PhD, RN, PHCNS-BC, FAAN
CAPT (R), U.S. Public Health Service
Communications Director

5 Attachments

1. New York Restoration of Honor Bill
2. Maryland Restoration of Honor Application
3. 38 C.F.R. § 3.12 (see page 2)
4. Department of Veterans and Military Families 2025 DVMF Updates and Best Practices (see pages 4-7)
5. Maryland Military Coalition Members



Restoration of Honor Act Fact Sheet

- The New York State Restoration of Honor Act authorizes the New York State Department of Veterans' Services (NYS DVS) to restore **State** Veterans Benefits to Veterans who have an other-than-honorable (OTH), a General (Under Honorable Conditions) (GUH), or Uncharacterized (UC) character of service due to Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), Military Sexual Trauma (MST), Sexual Orientation, Gender Identity or Gender Expression.
- **Does not** change a Veteran's official federally issued character of discharge.
- Considers only the Veteran's **time in service**, not conduct after service.
- NYS DVS field offices will assist Veterans in accessing their complete and unredacted Official Military Personnel File and if applicable and required their U.S. Department of Veterans' Affairs Rating Decision Notice for the conditions they are claiming led to their discharge.
- NYS DVS shall afford "liberal consideration," employing the standards described by the Hagel, Carson, and Kurta Memorandums issued by the United States Department of Defense, to all evidence provided by the Veteran. If the Veteran can demonstrate that PTSD, TBI, MST, Sexual Orientation, Gender Identity or Gender Expression was at least as likely as not the reason for the Veteran's OTH, GUH or UC discharge from military service, then NYS DVS will adjudicate the matter in the Veteran's favor.
- NYS DVS will provide an appeal process for Veterans who are denied. The *de novo* appellate review will be conducted by the General Counsel of NYS DVS.
- If the Veteran receives a favorable determination and their service is considered honorable for the purpose of receiving New York State Veterans Benefits, NYS DVS will provide an award letter with a list of New York State Veterans benefits for which the Veteran is now eligible.



Restoration of State Veterans Benefits Instructions

In 2019, the Restoration of Honor Act was signed into law in New York State. The Restoration of Honor Act authorizes the New York State Department of Veterans' Services (NYS DVS) to restore access to State Veterans Benefits to Veterans who have an Other-Than-Honorable Discharge (OTH), General Under Honorable (GUH), or Uncharacterized (UC) conditions discharge due to Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), Military Sexual Trauma (MST), Sexual Orientation, or Gender Expression to an Honorable Discharge.

This does not change a Veteran's federal official character of discharge on their DD-214 or other discharge paperwork. This determination refers solely to a Veteran's character of discharge for the purposes of qualifying for specific New York State benefits for Veterans and their families.

NYS DVS will strive to provide an initial decision within 90 days of the receipt of the **completed application**.

When necessary, NYS DVS field offices will assist Veterans in obtaining the Veteran's complete and unredacted Official Military Personnel File, a review of which is necessary for NYS DVS to render a decision on the Veteran's application. A copy of the Standard Form 180 is available on our web-page to assist you in filing to your appropriate military service department to receive a complete and unredacted copy of your Official Military Personal File. NYS DVS field offices can also assist the Veteran in obtaining a copy of their Department of Veterans Affairs Rating Decision Notice. Please note that the 90 days for NYS DVS to render a decision will not begin until NYS DVS has a complete application, to include the complete and unredacted Official Military Personnel File.

Once NYS DVS renders a decision, the Veteran will have 120 days from the date on which the decision is issued to appeal the original decision. This *de novo* review will be conducted by the General Counsel of NYS DVS. The appellate decision is final.

If you would like assistance in preparing your application or gathering mandatory documents, you can schedule an appointment with our nearest NYS DVS field office by calling 1-888-838-7697 or by booking an appointment on our web site <https://veterans.ny.gov/>.



Application Packet

Mandatory Documents

- 1) Restoration of State Veterans Benefits Application
- 2) Complete unredacted Official Military Personnel File (Copy)
 - a) (NYS DVS Field Office can assist in applying for your OMPF documents).
 - b) Sending in a completed Standard Form 180 will not meet this requirement.
- 3) Personal statement (**signed**) describing precisely why your assigned character of service was unjust and why an upgrade to a higher character of service is appropriate.
- 4) If applicable, a VA Rating Decision Letter, from the United States Department of Veterans Affairs, verifying that you have a service-connected rating for your disability.

Mandatory for those demonstrating their less-than-honorable discharge was caused by a mental health condition (i.e. PTSD, TBI, MST) during service:

- 1) If symptoms of a disability incurred or aggravated during your military service (e.g., Post-Traumatic Stress Disorder, Traumatic Brain Injury, Military Sexual Trauma) caused you to act in a way that led directly to your less-than-honorable discharge, provide the following:
 - a) Evidence of the medical diagnosis of the disability (or disabilities) that led to these actions;
 - b) Evidence your disability originated or worsened during your military service;
 - c) Signed statement by the Veteran explaining how the diagnosed medical disability (or disabilities) led to the less-than-honorable discharge;
 - d) If VA service connected, a Department of Veterans' Affairs Rating Decision Letter identifying the condition and the reason for their decision to award service connection for your disability. A VA letter only stating your disability rating percentage will not suffice.

Optional

1. Supporting letters from individuals who can sincerely vouch for the Veteran's good conduct and character in the military.
2. Evidence of any medals, commendations, and decorations earned during your military service.
3. If NYS DVS Appellate Unit did not receive enough information to adjudicate your application, we may request signed documents for the release of additional information.

Applications should be sent to the following address or email:

**New York State Department of Veterans' Services
ATTN: Appellate Unit
245 West Houston Street, Suite 4W59.30
New York, NY 10029**

Email: RestoreVetHonor@veterans.ny.gov

Legal questions regarding the application of benefits under the Restoration of Honor can be sent to: generalcounsel@veterans.ny.gov or RestoreVetHonor@veterans.ny.gov

Restoration of State Veterans Benefits Application

Full Name: _____

Mailing Address: _____

Date of Birth: _____ Last 4 Digits of Social Security Number: _____

Branch of Service:	Army	Navy	Air Force
	Marines	Coast Guard	Space Force

Dates of Service: Entry: _____ Discharge: _____

Discharge Status: Uncharacterized Service
 General Under Honorable Conditions
 Other Than Honorable Conditions

Reason for Restoration of State Veterans Benefits:

Post-Traumatic Stress Disorder (PTSD)

Traumatic Brain Injury (TBI)

Military Sexual Trauma

Sexual Orientation

Gender Expression

Email: _____ Phone Number: _____

Signature _____ Date: _____

If you need assistance in gathering the required documents, please contact your nearest NYS DVS field office prior to submitting your **complete** application package. Incomplete applications will not be considered.

Send completed package to:

New York State Department of Veterans' Services
ATTN: Appellate Unit
245 West Houston Street, Suite 4W59.30
New York, NY 10029

or Email: RestoreVetHonor@veterans.ny.gov



Restoration of Honor Act Fact Sheet

- The Maryland Restoration of Honor Act authorizes the Maryland Department of Veterans & Military Families (DVMF) to restore State Veterans Benefits to veterans who have an other-than-honorable (OTH), a General Under Honorable Conditions (GUH), or Uncharacterized (UC) character of service due to sexual orientation, gender identity, or gender expression.
- Does not change a veteran's official federally issued character of discharge.
- Considers only the veteran's time in service, not conduct after service.
- DVMF field offices will assist veterans in accessing their complete and unredacted Official Military Personnel File and if applicable and required their U.S. Department of Veterans Affairs Rating Decision Notice for the conditions they are claiming led to their discharge.
- DVMF shall afford "liberal consideration," employing the standards described by the Hagel, Carson, and Kurta Memorandums issued by the United States Department of Defense, to all evidence provided by the veteran. If the veteran can demonstrate that sexual orientation, gender identity or gender expression was at least as likely as not the reason for the veteran's OTH, GUH or UC discharge from military service, then DVMF will adjudicate the matter in the veteran's favor.
- If the veteran receives a favorable determination and their service is considered honorable for the purpose of receiving Maryland State Veterans Benefits, DVMF will provide an award letter with a list of Maryland State Veterans Benefits for which the veteran is now eligible.



Restoration of State Veterans Benefits Instructions

In 2022, the Restoration of Honor Act was signed into law in Maryland. The Restoration of Honor Act authorizes the Maryland Department of Veterans & Military Families (DVMF) to restore access to State Veterans Benefits to veterans who have an Other-Than-Honorable Discharge (OTH), General Under Honorable (GUH), or Uncharacterized (UC) conditions discharge due to sexual orientation, or gender expression to an Honorable Discharge.

This does not change a veteran's federal official character of discharge on their DD-214 or other discharge paperwork. This determination refers solely to a veteran's character of discharge for the purposes of qualifying for specific State Benefits for veterans and their families. DVMF will strive to provide an initial decision **within 60 days** of the receipt of the **completed application**.

When necessary, DVMF field offices will assist veterans in obtaining the veteran's complete and unredacted Official Military Personnel File, a review of which is necessary for DVMF to render a decision on the veteran's application. DVMF field offices can also assist the veteran in obtaining a copy of their U.S. Department of Veterans Affairs Rating Decision Notice. Please note that the 60 days for DVMF to render a decision will not begin until DVMF has a complete application, to include the complete and unredacted Official Military Personnel File.



Application Packet

Mandatory Documents

1. Restoration of State Veterans Benefits Application
2. Complete unredacted Official Military Personnel File (Copy)
 - a. DVMF Field Office can assist in applying for your OMPF documents.
 - b. Sending in a completed Standard Form 180 will not meet this requirement.
3. Signed personal statement describing precisely why your assigned character of service was unjust and why an upgrade to a higher character of service is appropriate.
4. If applicable, a VA Rating Decision Letter, from the U. S. Department of Veterans Affairs, verifying that you have a service-connected rating for your disability.

Optional Documents

1. Supporting letters from individuals who can sincerely vouch for the veteran's good conduct and character in the military.
2. Evidence of any medals, commendations, and decorations earned during your military service.
3. If DVMF did not receive enough information to adjudicate your application, we may request signed documents for the release of additional information.

Please mail the mandatory and any optional documents to:

Department of Veterans & Military Families

% Morgan Murphy

16 Francis St., 4th Floor

Annapolis, MD 21668



Restoration of Maryland Veterans Benefits Application

Full Name: _____

Mailing Address: _____

Date of Birth: _____ Last 4 Digits of SSN: _____

Branch of Service: ☐ Army ☐ Navy ☐ Air Force
☐ Marines ☐ Coast Guard

Dates of Service:

Entry: _____ Discharge: _____

Discharge Status:

☐ Uncharacterized Service ☐ General Under Honorable Conditions
☐ Other Than Honorable Conditions

Reason for Restoration of State Veterans Benefits:

☐ Sexual Orientation ☐ Gender Identity
☐ Gender Expression

Email: _____ Phone Number: _____

Signature: _____ Date: _____

This content is from the eCFR and is authoritative but unofficial.

Title 38 —Pensions, Bonuses, and Veterans' Relief

See highlights page 2

Chapter I —Department of Veterans Affairs

Part 3 —Adjudication

Subpart A —Pension, Compensation, and Dependency and Indemnity Compensation

General

Authority: 38 U.S.C. 501(a), unless otherwise noted.

Editorial Note: Nomenclature changes to part 3 appear at 61 FR 7216, Feb. 27, 1996; 62 FR 35970, July 3, 1997; 62 FR 47532, Sept. 9, 1997; and 67 FR 46868, July 17, 2002.

§ 3.12 Benefit eligibility based on character of discharge.

- (a) **General rule.** If the former service member did not die in service, then pension, compensation, or dependency and indemnity compensation is payable for claims based on a period of service that was terminated by discharge or release under conditions other than dishonorable. (38 U.S.C. 101(2)) A discharge under honorable conditions is binding on the Department of Veterans Affairs as to character of discharge.
- (b) **Insanity exception.** No bar to benefits under this section shall be applied if VA determines that the former service member was insane at the time he or she committed the offense(s) leading to the discharge or release under dishonorable conditions. (38 U.S.C. 5303(b)) Insanity is defined in § 3.354.
- (c) **Statutory bars to benefits.** Benefits are not payable where the former service member was discharged or released under one of the following conditions:
 - (1) As a conscientious objector who refused to perform military duty, wear the uniform, or comply with lawful orders of competent military authorities.
 - (2) By reason of the sentence of a general court-martial.
 - (3) Resignation by an officer for the good of the service.
 - (4) As a deserter.
 - (5) As an alien during a period of hostilities, where it is affirmatively shown that the former service member requested his or her release. See § 3.7(b).
 - (6) By reason of a discharge under other than honorable conditions issued as a result of an absence without official leave (AWOL) for a continuous period of at least 180 days (38 U.S.C. 5303(a)).
 - (i) **Compelling circumstances exception.** This paragraph (c)(6) does not apply if compelling circumstances mitigate the prolonged unauthorized absence, as discussed in paragraph (e) of this section.
 - (ii) **Applicability prior to October 8, 1977.** This paragraph (c)(6) applies to any person awarded an honorable or general discharge prior to October 8, 1977, under one of the programs listed in paragraph (i) of this section, and to any person who prior to October 8, 1977, had not otherwise established basic eligibility to receive Department of Veterans Affairs benefits. *Basic eligibility* for purposes of this paragraph (c)(6)(ii) means either a Department of Veterans Affairs

determination that an other than honorable discharge was issued under conditions other than dishonorable, or an upgraded honorable or general discharge issued prior to October 8, 1977, under criteria other than those prescribed by one of the programs listed in paragraph (i) of this section. However, if a person was discharged or released by reason of the sentence of a general court-martial, only a finding of insanity (paragraph (b) of this section) or a decision of a board of correction of records established under 10 U.S.C. 1552 can establish basic eligibility to receive Department of Veterans Affairs benefits.

(d) **Regulatory bars to benefits.** Benefits are not payable where the former service member was discharged or released under one of the conditions listed in paragraph (d)(1) or (2) of this section.

(1) Compelling circumstances exception is not applicable for:

- (i) **Discharge in lieu of trial.** Acceptance of a discharge under other than honorable conditions or its equivalent in lieu of trial by general court-martial.
- (ii) **Mutiny or espionage.** Mutiny or spying.

(2) Compelling circumstances exception is applicable for:

- (i) **An offense involving moral turpitude.** This paragraph (d)(2)(i) includes, generally, conviction of a felony.
- (ii) **Willful and persistent misconduct.** For purposes of this section, instances of minor misconduct occurring within two years of each other are persistent; an instance of minor misconduct occurring within two years of more serious misconduct is persistent; and instances of more serious misconduct occurring within five years of each other are persistent. For purposes of this section, minor misconduct is misconduct for which the maximum sentence imposable pursuant to the Manual for Courts-Martial United States would not include a dishonorable discharge or confinement for longer than one year if tried by general court-martial.

(e) **Compelling circumstances exception.** The bar to benefits for prolonged AWOL under paragraph (c)(6) of this section and the two types of misconduct described in paragraph (d)(2) of this section will not be applied if compelling circumstances mitigate the AWOL or misconduct at issue. The following factors will be considered in a determination on this matter:

(1) **Length and character of service exclusive of the period of prolonged AWOL or misconduct.** Service exclusive of the period of prolonged AWOL or misconduct should generally be of such quality and length that it can be characterized as honest, faithful, and meritorious and of benefit to the Nation.

(2) **Reasons for prolonged AWOL or misconduct.** Factors considered are as follows:

- (i) **Mental or cognitive impairment** at the time of the prolonged AWOL or misconduct, to include but not limited to a clinical diagnosis of (or evidence that could later be medically determined to demonstrate existence of) **posttraumatic stress disorder (PTSD), depression, bipolar disorder, schizophrenia, substance use disorder, attention deficit hyperactivity disorder (ADHD), impulsive behavior, or cognitive disabilities.**
- (ii) Physical health, to include physical trauma and any side effects of medication.
- (iii) Combat-related or overseas-related hardship.
- (iv) **Sexual abuse/assault.**
- (v) Duress, coercion, or desperation.

- (vi) Family obligations or comparable obligations to third parties.
- (vii) Age, education, cultural background, and judgmental maturity.
- (3) Whether a valid legal defense would have precluded a conviction for AWOL or misconduct under the Uniform Code of Military Justice. For purposes of this paragraph (e)(3), the defense must go directly to the substantive issue of absence or misconduct rather than to procedures, technicalities, or formalities.
- (f) **Board of corrections upgrade.** An honorable discharge or discharge under honorable conditions issued through a board for correction of records established under authority of 10 U.S.C. 1552 is final and conclusive on the Department of Veterans Affairs. The action of the board sets aside any prior bar to benefits imposed under paragraph (c) or (d) of this section.
- (g) **Discharge review board upgrades prior to October 8, 1977.** An honorable or general discharge issued prior to October 8, 1977, under authority other than that listed in paragraphs (i)(1) through (3) of this section by a discharge review board established under 10 U.S.C. 1553, sets aside any bar to benefits imposed under paragraph (c) or (d) of this section except the bar contained in paragraph (c)(2) of this section.
- (h) **Discharge review board upgrades on or after October 8, 1977.** An honorable or general discharge issued on or after October 8, 1977, by a discharge review board established under 10 U.S.C. 1553, sets aside a bar to benefits imposed under paragraph (d) of this section, but not under paragraph (c) of this section, provided that:
 - (1) The discharge is upgraded as a result of an individual case review;
 - (2) The discharge is upgraded under uniform published standards and procedures that generally apply to all persons administratively discharged or released from active military, naval, air, or space service under conditions other than honorable; and
 - (3) Such standards are consistent with historical standards for determining honorable service and do not contain any provision for automatically granting or denying an upgraded discharge.
- (i) **Special review board upgrades.** Under 38 U.S.C. 5303(e), unless a discharge review board established under 10 U.S.C. 1553 determines on an individual case basis that the discharge would be upgraded under uniform standards meeting the requirements set forth in paragraph (h) of this section, an honorable or general discharge awarded under one of the following programs does not remove any bar to benefits imposed under this section:
 - (1) The President's directive of January 19, 1977, implementing Presidential Proclamation 4313 of September 16, 1974; or
 - (2) The Department of Defense's special discharge review program effective April 5, 1977; or
 - (3) Any discharge review program implemented after April 5, 1977, that does not apply to all persons administratively discharged or released from active military service under other than honorable conditions.
- (j) **Overpayments after October 8, 1977, due to discharge review board upgrades.** No overpayments shall be created as a result of payments made after October 8, 1977, based on an upgraded honorable or general discharge issued under one of the programs listed in paragraph (i) of this section which would not be awarded under the standards set forth in paragraph (h) of this section. Accounts in payment status on or after October 8, 1977, shall be terminated the end of the month in which it is determined that the original other than honorable discharge was not issued under conditions other than dishonorable following notice

from the appropriate discharge review board that the discharge would not have been upgraded under the standards set forth in paragraph (h) of this section, or April 7, 1978, whichever is the earliest. Accounts in suspense (either before or after October 8, 1977) shall be terminated on the date of last payment or April 7, 1978, whichever is the earliest.

- (k) **Overpayments after October 8, 1977, based on application of AWOL statutory bar.** No overpayment shall be created as a result of payments made after October 8, 1977, in cases in which the bar contained in paragraph (c)(6) of this section is for application. Accounts in payment status on or after October 8, 1977, shall be terminated at the end of the month in which it is determined that compelling circumstances do not exist, or April 7, 1978, whichever is the earliest. Accounts in suspense (either before or after October 8, 1977) shall be terminated on the date of last payment, or April 7, 1978, whichever is the earliest.
- (l) **Uncharacterized separations.** Where enlisted personnel are administratively separated from service on the basis of proceedings initiated on or after October 1, 1982, the separation may be classified as one of the three categories of administrative separation that do not require characterization of service by the military department concerned. In such cases conditions of discharge will be determined by the VA as follows:
- (1) **Entry level separation.** Uncharacterized administrative separations of this type shall be considered under conditions other than dishonorable.
 - (2) **Void enlistment or induction.** Uncharacterized administrative separations of this type shall be reviewed based on facts and circumstances surrounding separation, with reference to the provisions of § 3.14 of this part, to determine whether separation was under conditions other than dishonorable.
 - (3) **Dropped from the rolls.** Uncharacterized administrative separations of this type shall be reviewed based on facts and circumstances surrounding separation to determine whether separation was under conditions other than dishonorable.

(Authority: 38 U.S.C. 101, 501, and 5303)

Cross References:

Validity of enlistments. See § 3.14. Revision of decisions. See § 3.105. Effective dates. See § 3.400(g). Minimum active-duty service requirement. See § 3.12a.

[28 FR 123, Jan. 4, 1963, as amended at 41 FR 12656, Mar. 26, 1976; 43 FR 15153, Apr. 11, 1978; 45 FR 2318, Jan. 11, 1980; 49 FR 44099, Nov. 2, 1984; 62 FR 14823, Mar. 28, 1997; 87 FR 26125, May 3, 2022; 89 FR 32372, Apr. 26, 2024]

2025 DVMF Updates and Best Practices

Greetings MGA members and staffers!

This document is intended to assist you in constituent referrals, provide the latest MD veteran population data, and update you on legislative best practices for drafting veteran and military-connected family legislation.

UPDATES

- As a reminder, the new name of our department is the **Maryland Department of Veterans & Military Families**. The acronym is **DVMF**
- Please reach out to Morgan Murphy, Director of Intergovernmental and Legislative Affairs for all legislation and session-related questions: morgan.murphy@maryland.gov / 443-960-3538

MARYLAND'S POPULATION OF VETERANS, SERVICEMEMBERS, AND MILITARY FAMILIES

- [2023 VA MD Summary](#)

Servicemembers ¹	Spouses of Servicemembers	Children of Servicemembers	Veterans
63,110	24,495	43,934	348,459

BEST PRACTICES FOR CONSTITUENT REFERRALS

- **VA Healthcare and Complaints:** Refer all VA healthcare issues and complaints to the Federal delegation for intervention.
- **State Agency and Financial Assistance:** Please call us at 410-260-3838 ext.6. We can assist with issues related to state agencies, financial assistance resources, housing support, resource navigation or at least point them in the right direction.
- **VA Benefits Assistance:** Veterans can obtain VA benefits through our service officer program, which provides guidance on navigating the process.
 - The [VA's Benefit Eligibility Matrix](#) breaks down benefits based on service connected disability and circumstances.

¹ All current members of the Uniformed Services: Army, Navy, Air Force, Marines, Coast Guard, Space Force, Reserves, National Guard, Public Health Service, and NOAA

LEGISLATIVE SUGGESTIONS

The use of Uniformed Services v. Armed Forces

- “Uniformed Services” is the preferred term because it includes all branches of the Armed Forces AND all members of the commissioned corps of the Public Health Service (PHS) and National Oceanic & Atmospheric Administration (NOAA)
- “Armed Forces” excludes PHS & NOAA
 - See graphics below:



Uniformed Services of the United States

DOD

Armed
Military



Non-DOD

Armed
Military



(DHS)

Non-DOD

Non-Armed

Can Be Militarized



(HHS)



(DOC)

The use of “active-duty” as a qualifier for benefits or programs

- We caution legislators and drafters against using “active-duty” as a qualification for state benefits. The federal government’s definition of “active-duty” is quite specific and tends to exclude many servicemembers who do not fit the narrow definition.
- Around 60% of servicemembers are classified as active-duty. The remaining 40% may be excluded from certain benefits if they do not qualify.

Definition of “veteran”

- In general, the definition below is the most inclusive definition:
 - “Veteran” means a former member of any branch of the Uniformed Services of the United States who has received an other than dishonorable discharge or a certificate of satisfactory completion of service, including:
 - (i) the National Guard;
 - (ii) the Reserves of any branch;
 - (iii) the commissioned corps of the Public Health Service;
 - (iv) the commissioned corps of the National Oceanic and Atmospheric Administration

DVMF v. Big VA - Who Does What?

Issue/Question	What DVMF does	DVMF Link	What the Federal VA does	VA Link
Veterans Benefits	Provide free services by accredited specialists to apply for benefits & appeal adverse decisions	DVMF Benefits Page	provide free services by accredited specialists to apply for benefits & appeal adverse decisions	eBenefits
Medical Care	While DVMF does not provide medical care directly, it helps veterans access state resources and services related to health care. This includes information on local facilities and programs tailored to Maryland veterans. May also serve as an advocate in certain circumstances and assist veterans in getting in contact with the federal delegation for support. Coordination of care, outreach programs, mental health resources (Maryland's Commitment to Veterans for behavioral health)	Physical and Behavioral Health Services	VA hospitals, outpatient clinics, mental health services provide a comprehensive and structured national health care system. When issues arise, the Federal VA has several options for providing mediation or advocacy within the facility. To include VA Social workers and patient advocates who specialize in resolving patient-healthcare team disagreements	VA health care
Educational Benefits	Focuses on state-specific programs, (MHEC scholarships) including scholarships and financial aid for veterans attending Maryland colleges and universities. They may offer additional resources for in-state veterans.	Education Benefits	Administers nationwide education benefits programs like the GI Bill, which provides financial support for veterans attending college, vocational training, and apprenticeships.	VA education and training benefits
Employment	Provide information on State services offered to veterans seeking employment. Such as the Department of Labor Job center or veteran specific organizations such as Easter Seals for guidance.	Resources for Job Seekers and Employers	The Federal VA administers national initiatives like the Vocational Rehabilitation and Employment (VR&E) program, which helps veterans with service-connected disabilities prepare for, find, and maintain suitable employment. Note: Not all veterans qualify for this program and would need to consult with service officer or VA for eligibility	Careers and employment
Burial	Manages state veterans cemeteries and offers benefits for veterans' burials within Maryland, which may include additional state-level honors and assistance.	Cemetery Program	Provides national burial benefits, including eligibility for burial in national cemeteries and associated benefits, such as headstones and markers.	VA burial benefits
Elder Care	Offers state-managed facilities (Charlotte Hall Veterans Home) and resources specifically tailored to Maryland veterans, including assisted living and long-term care options (through collaboration with MDOA) that reflect local needs and preferences.	Charlotte Hall Veterans Home	Provides a broader range of elder care services, including community living centers and home-based primary care across the country.	Nursing homes, assisted living, and home health care
Transportation	Works to connect veterans with local transportation services (usually offered by the County or State; sometimes non profit organizations) and ensure they have access to necessary resources	DAV Transportation	Federal VA focuses on providing transportation to healthcare appointments and may offer reimbursement for travel costs.	Veterans Transportation Program (VTP)
Financial Assistance	The DVMF Trust fund provides non-emergency financial assistance to qualifying veterans. Application and supporting documents must be submitted before help can be given	Veterans Trust Fund	SSVF Programs (Supportive services for Veterans and their Families)	Supportive Services for Veteran Families
Discharge Upgrades	Offers assistance and guidance for MD veterans who were less than honorably discharged due to their sexual orientation or gender identity, to apply for discharge upgrade under the Restoration of Honor Act for state veterans benefits.	LGBTQ+ Veterans Page	Provides a process to apply for a discharge upgrade for veterans who received less-than-honorable discharges due to their sexual orientation, gender identity, sexual assault, Traumatic Brain Injuries (TBI), Post-Traumatic Stress Disorder (PTSD), including legal assistance.	How to apply for a discharge upgrade

[illegible]

[illegible]

MARYLAND'S VETERAN & MILITARY-CONNECTED STATE BENEFITS	MD Statute	COMAR	Website	"Veteran" Defined	Active Service Required	Spouse Included	Child/Dependent Included	National Guard Included	Reserves Included	All branches of Uniformed Services Included	Service-Connected Disability Required
Veteran-Owned Small Business No-Interest Loan	Md. Economic Development Code Ann. § 5-1001	n/a	LINK	38 U.S. Code § 101(2)	Yes	No	No	Active Duty Only	Active Duty Only	Active Duty Only	No
Job Creation Tax Credit	Economic Development Code Ann. § 6-301	n/a	LINK	38 U.S. Code § 101 AND 26 U.S. Code § 51(d)(3)(A)	Yes	No	No	Active Duty Only	Active Duty Only	No	No
Housing & Community Development											
Local Housing Grant for Homeless Vets	Housing and Community Development Code Ann. § 4-2602	n/a	n/a	not defined	Yes	No	Yes	Active Duty Only	Active Duty Only	Full-time duty	No
Health											
Expedited Occupational Licensing	Health Occupations, § 1-701	n/a	n/a	active duty, other than dishonorable discharge, armed forces, guard & reserves	Yes	Yes	No	Unclear	Unclear	No	Yes
Free copies of vital records certificates	MD Code, Health - General, § 4-217	n/a	n/a	"armed forces"	No	No	Yes	Yes	Yes	No	No
Human Services											
Individuals With Disabilities and Service-Disabled Veterans Boating Fund	MD Code, Human Services, § 7-1101	n/a	n/a	38 U.S. Code § 101 (16)	Yes	No	No	Yes	Yes	Yes	Yes
Public Safety & Correctional Services											
Maryland Survivor Benefit Program	Md. Public Safety Code Ann. § 1-202	12.11.06.01	LINK	n/a	Yes	No	No	Yes if killed in the line of duty in Iraq or Afghanistan conflict	Yes if killed in the line of duty in Iraq or Afghanistan conflict	Yes if killed in the line of duty in Iraq or Afghanistan conflict	No



MARYLAND MILITARY COALITION

Serving Veterans through Legislative Advocacy

Member Organizations of the Maryland Military Coalition

Air Force Sergeants Association

American Military Society

American Minority Veterans Research Project

Association of the United States Navy

Commissioned Officers Association of the U.S. Public Health Service

Disabled American Veterans

Fleet Reserve Association of Annapolis

Jewish War Veterans of the U.S.A

Maryland Air National Guard Retirees' Association

Maryland Veterans Chamber of Commerce

Military Officers Association of America

Military Order of the Purple Heart

Military Order of the World Wars

Montford Point Marines of America

National Association of Black Veterans

National Association of Retired Federal Employees, Maryland Veterans

Naval Enlisted Reserve Association

NOAA Association of Commissioned Officers

Platoon 22

Reserve Organization of America

Society of Military Widows

Veterans of Foreign Wars