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THE SENATE OF MARYLAND ANNAPOLIS, MARYLAND 21401

Testimony in Support of SB0491 - General Provisions - Veterans Benefits - Honorable Discharge

Mr. Chair, Madame Vice Chair, and members of the Senate Education, Energy, and the Environment Committee:

SB0491 would broaden the eligibility criteria for veterans seeking to upgrade their discharge status from “less than honorable” to “honorable” for the purpose of accessing state benefits, ensuring alignment with existing federal policy.¹

Background

When service members are separated from service, the Department of Defense (DoD) authorizes six characterizations of service for military service members to receive on discharge: (1) Honorable; (2) Under Honorable Conditions (General); (3) Under Other than Honorable (OTH) Conditions; (4) Bad Conduct; (5) Dishonorable, and (6) Uncharacterized.² Federal and state benefits are withheld from veterans who are not discharged as “honorable” or “general” (otherwise known as “less-than-honorable”).

For decades, service members received less-than-honorable discharges due to reasons that are no longer considered valid grounds for such classifications. These include:

- Mental health conditions, including posttraumatic stress disorder (PTSD)
- Traumatic brain injury (TBI)
- Sexual assault or harassment during military service (“military sexual trauma” or MST)
- Sexual orientation (including under the *Don't Ask, Don't Tell* policy)

After federal policy changes, such as the repeal of *Don't Ask, Don't Tell*, the U.S. Department of Veterans Affairs (VA) established a process for veterans to apply for a discharge upgrade if their less-than-honorable classification was based on conduct that is no longer considered grounds for such a status. This process enables veterans to seek upgrades for the reasons outlined above, ensuring they receive the recognition and benefits they deserve.

¹ [How To Apply For A Discharge Upgrade | Veterans Affairs](#)

² [VETS USERRA FACT SHEET 3 Frequently Asked Questions](#)

Existing Law

Maryland already provides a process for veterans to request reconsideration of their eligibility for state benefits if their discharge was based on a statement or consensual act related to their sexual orientation or gender identity—conduct that was prohibited by the military or naval service at the time of their discharge.

Solution

SB0491 would expand the grounds for reconsideration to include:

- A diagnosis of post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI) made by a licensed healthcare provider at a U.S. Department of Veterans Affairs (VA) facility.
- A disclosed experience of sexual trauma reported to a licensed healthcare provider at a designated VA facility.

This expansion aligns Maryland's discharge upgrade process with federal VA policy, ensuring greater consistency and fairness for affected veterans.

Additionally, I am offering a sponsor amendment to correct a minor drafting error and clarify the specific circumstances in which the expanded process may be applied.

For these reasons, I respectfully request a favorable report on SB0491.