

MAINE STATE LEGISLATURE

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Bad Paper Discharges and Veterans' Access to Federal and State Benefits

A look at character of discharge for LGBTQ+ veterans, as well as veterans receiving bad paper for behaviors that can be directly linked to Post Traumatic Stress Disorder, Traumatic Brain Injury, and Military Sexual Trauma

Maine Bureau of
Veterans' Services

March 2022

Sarah A. Sherman



Acknowledgements

The Maine Bureau of Veterans’ Services would like to thank veterans, their families, and veterans’ advocates who agreed to be interviewed for this report.

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**This report is dedicated to Maine's LGBTQ+ Veterans
who served their country with honor and pride.**

Executive Summary

Key Findings

The Maine Bureau of Veterans' Services (MBVS) mission is to provide advocacy for all of Maine's veterans and their families. Veterans who receive bad paper discharges are deemed not eligible for federal and state benefits. Often times there are extenuating circumstances regarding this type of discharge that are directly related to diagnosed or undiagnosed Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), Military Sexual Trauma (MST), and/or LGBTQ+ veterans who were discharged due to their sexual orientation, gender identity, or gender expression.

MBVS has closely monitored New York and Connecticut's work on this issue, especially Connecticut's 2018 formation of a Qualifying Condition Review Board (a state-based review of veterans' discharges to see if they would qualify for state and municipal benefits while their application was pending at a federal level). Originally this was for cases of PTSD, TBI, and MST (Other than Honorable (OTH) discharges only – no bad conduct or dishonorable discharges).

In 2021, the Connecticut State Legislature added LGBTQ+ veterans to the program for OTH discharges given due to gender identity, sexual orientation, or gender expression. The Connecticut Department of Veterans' Affairs handles all the applications, streamlined the process, and if the veteran doesn't agree with the final result, they have the right to appeal it to the Connecticut Supreme Court.

Connecticut's Commissioner Thomas Saadi noted that there is interest in more states creating such a process, which may over time cause the VA to reevaluate and recognize the importance of them. In November 2021, MBVS attended the virtual Restoration of Honor conference hosted by the New York State Division of Veterans' Services, and learned that Colorado, Illinois, and Rhode Island have all also enacted Restoration of Honor legislation in 2021.

The National Archives provides instruction for veterans or families who seek a review of discharge or they can work directly with a MBVS Veterans Services Officer. Currently this process is overseen solely by a discharge review board representing each branch of the military and it can take 12-24 months for a veteran to receive a discharge upgrade:

“Each of the military services who maintains a discharge review board with the authority to change, correct or modify discharges or dismissals that are not issued by a sentence of a general courts-martial. The veteran or, if the veteran is deceased or incompetent, the surviving spouse, next of kin or legal representative may apply for a review of discharge by writing to the military department concerned using DD Form 293.” <https://www.archives.gov/veterans/military-service-records/correct-service-records.html>

On August 23, 2021, the U.S. Department of Defense published an article, *Request for Upgrade of Discharge Characterization*. <https://www.defense.gov/Help-Center/Article/Article/2742507/requests-for-upgrade-of-discharge-characterization/> which stated the following:

“All branches of the military consider you to have a strong case for a discharge upgrade if you can show your discharge was connected to any of these categories:

Mental health conditions, including posttraumatic stress disorder, or PTSD

Traumatic brain injury, or TBI

Sexual assault or harassment during military service, or MST

Sexual orientation (including under the Don't Ask, Don't Tell policy)

The Department of Defense and Department of Veterans Affairs jointly operate an online tool to easily submit your application. By answering a series of questions, you will receive customized step-by-step instructions on how to apply for a discharge upgrade or correction. <https://www.va.gov/discharge-upgrade-instructions/>”

Note: *The VA Discharge Instructions have since been updated and a veteran can have their DD Form 214 updated to reflect “I am transgender, and my discharge shows my birth name instead of my current name, among other options.”*

On August 2, 2021, MBVS met with four of Maine’s five Vet Center Directors to discuss their ongoing partnerships and the possibility of creating a Qualifying Condition Review Board in Maine. The topic was met with great interest and positive feedback by the Vet Center Directors, who are subject matter experts in the areas of PTSD, TBI, MST and/or LGBTQ+ veterans.

Note: *“Vet Centers provide community-based counseling to combat veterans and survivors of Military Sexual Trauma, as well as active duty service members, including National Guard and Reserve Components and their families. Readjustment counseling is offered to make a successful transition from military to civilian life or after a traumatic event experiences in the military. Many of the staff are veterans themselves.”*
https://www.vetcenter.va.gov/About_US.asp

After conducting a six-month needs assessment regarding LGBTQ+ veterans access to Federal and State benefits, specifically focusing on the area of bad paper discharges, the Maine Bureau of Veterans’ Services has concluded that creating a Qualifying Condition Review Board could be effective and beneficial to all veterans who received an OTH character of discharge from the military due to PTSD, TBI, MST, LGBTQ+ veteran, or a combination of these reasons. A review board would require clinical support from professionals outside the department, but we have found examples of how other states have accomplished this.

Legislation

On April 7, 2021 the 130th Maine State Legislature enacted L.D. 173—An Act to Restore Honor to Certain Service Members.

Introduction

The *Maine Bureau of Veterans' Services* was tasked with creating a report to assist the Maine State Legislature better understand the issue of “*Bad Paper*” military discharges negatively affecting veterans and their access to state and federal benefits.

“It has been estimated that since World War II over 100,000 LGBTQ+ service members were discharged under these circumstances, with tarnished reputations and military records, that ultimately and unfairly jeopardized their civilian lives and ability to access VA and state benefits, employment, educational scholarships, housing, and burial.” (*New York Times*, 2015)

Research Methods

This report was created during the *COVID-19 pandemic* through a series of emails, telephone and Microsoft Teams video interviews. Some of the interviewee quotes were edited for brevity. All interviewees were afforded the opportunity to review my notes as a courtesy to ensure accuracy and to avoid anyone feeling they were misquoted in the final report.

All materials printed in this report where the interviewee was identified were done with the expressed permission of the interviewee or was given by their next surviving kin.

All sources have been cited throughout the report and an appendix, works cited, and glossary of terms can be found at the end of the report to provide further clarification for the reader. Words in *bold italics* are referenced in the glossary.

Photographs in this report were taken by report author, Sarah A. Sherman, were provided by the interviewees, as the COVID-19 pandemic prevented in person visits for the purpose of interviews, or their sources are cited within the text.

Report Language

To respect all LGBTQ+ people, the acronym LGBTQ+ will be used throughout this report. Within the report, the section, “History of LGBTQ+ Veterans in the U.S. Military” (p. 8-14), the terms homosexual and homosexuality are used to represent the historical zeitgeist of the times and were gleaned from quoted articles. Also, the U.S. military and VA used the four-letter acronym LGBT up until 2021.

*When asked, “Why did you come forward and state that you were a homosexual?”
PFC Chapman responded,
“Because I am. I didn’t want to hide it anymore.”*

PFC Scott Chapman, U.S. Army circa 1983

History of LGBTQ+ Veterans in the U.S. Military



**Major General Friedrich Wilhelm Augustus,
Baron von Steuben. (1730-1794)
Yale University Art Gallery**

Dating back to the American Revolution in 1778, there has been a documented juxtaposition within the ranks regarding the service of LGBTQ+ veterans in the military. Baron Friedrich von Steuben had served in the Prussian military, but by 1775, was unable to find a position and after inquiring about serving in the British, French, and Austrian Armies, was recruited by Benjamin Franklin to aid the colonists. (Valley Forge National Historical Park. n.d. p.3)

Von Steuben arrived in the colonies with a letter of introduction for Congress from Franklin and was hired by General George Washington from the Prussian military as a professional soldier. He was widely known for the discipline and close-order drill techniques he brought to the Continental Army at Valley Forge where he served first as Inspector General and later as a Major General. Interestingly, von Steuben's reputation had been destroyed in Germany by a never-proven, anonymously reported complaint that he was a *homosexual*. (Smithsonian Magazine. 2017. p. 2)

In contrast, on March 10, 1778, Lieutenant Frederick Gotthold Enskin became the first U.S. soldier court martialed for attempting to commit sodomy with another soldier and was also charged with perjury. His sentence was to be literally drummed out of the Continental Army by its regiments' fifes and drums, which ensured the guilty party would be recognized and not allowed to reenlist in the future. (National Archives Foundation, n.d., p. 1)

The diary of Lieutenant James McMichael records the sentence being carried out on March 15, 1778:

Enskin of Col. Malcom's regiment. He was first drum'd from right to left of the parade, thence to the left wing of the army; from that to the centre, and lastly transported over the Schuylkill with orders never to be seen in Camp in the future. This shocking scene was performed by all the drums and fifes in the army— the coat of the delinquent was turned wrong side out. (JSTOR, n.d., p. 31-32)

Prior to World War I, military policy and laws did not address homosexual behavior or identity. The Articles of War of 1916 were the first to directly address the issue, which was treated as a crime only when combined with an intent to commit assault. Prior to this time, *sodomy* was not permitted in the armed forces and was dealt with through civilian courts.

The Articles of War of 1916, legislated by Congress and entered into effect in 1917 listed, "Assault with intent to commit sodomy," as a punishable offense. In 1920, a revision of the articles for the first time named consensual sodomy by servicemembers as a crime. The Uniform Code of Military Justice, adopted in 1951 to replace the Articles of War, maintained the criminalization of sodomy in Article 125. (Human Rights Watch. 2003. p. 1) **See APPENDIXES A & B**

In Newport, Rhode Island in 1919, Navy officials persuaded enlisted men to entrap and seduce suspected gay sailors so they could obtain information and evidence that would be used to court martial and discharge the sailors. These operations were conducted under the authority of then Assistant Secretary of the Navy, Franklin D. Roosevelt, and the Office of Naval Intelligence. The suspects were held aboard the *U.S.S. Boxer* in solitary confinement for three months and 21 days before they received official charges of sodomy and scandalous conduct. (The New England Quarterly. 2018. p. 279-280)

Before 1940s, soldiers accused of committing sodomy were often court martialled, discharged, and sent to military prisons. But with the mass mobilization of troops during WWII, court martial for each soldier accused of being gay would have created an unsustainable economic drain. To speed up the process of discharging gay service members, draft board started to screen for suspected homosexuals and issued them “**Blue Discharge**” papers which were named for the color of paper they were printed on. (Military.com. 2019. p. 2)

Due to strict criteria that didn’t allow married or pregnant women to enlist in the U.S. military, a disproportionate number of *lesbians* served in the military during WWII. **Gay** organizations such as the **Veterans Benevolent Association**, was formed after WWII because the war gave gay people a chance to meet other gay people and realize they weren’t alone, which led to the formation of communities and advocacy groups. (Rolling Stone. 2016. p. 3-6)

During World War II there was a notable shift away from disqualifying service members based on their conduct, and instead toward disqualifying service members based on their identity. The language in military policy documents shifted from “sodomist” (with its focus on what a person does) to “homosexual” (with its focus on one’s preferences or identity). Homosexuals as a group of people coincided with a development among psychiatrists to view homosexuals as a category of mentally ill persons. (Oxford Research Encyclopedia of Politics. 2020. p. 3)

The National WWII Museum noted, “Many lesbians in the armed forces rose to positions of influence. Phyllis Arby, for instance, was featured in propaganda articles because she represented the ideals of WAAC. Unknown to the Army, they also selected Arby’s lover as the other ideal WAAC to be featured together in the propaganda. The irony that the military selected two homosexuals to represent the ideal image of the Women’s Army Auxiliary Corps was not lost on Arby.” (National WWII Museum, 2020)

By the 1950s and during the Korean War, discharges for homosexuality soared. The **Red Scare**, an anti-Communist campaign, was also known as McCarthyism (making accusations of subversion or treason, especially when related to Communism, without any proper regard for evidence). This was coupled with the **Lavender Scare**, the federal government’s official response to both visible lesbian and gay culture, and a perceived homosexual menace. It was often suggested these individuals were national security risks and Communist sympathizers, susceptible to blackmail—and therefore be more likely to give away sensitive information, which ultimately lead for calls to remove them from state and federal employment. (Oxford Research Encyclopedia of Politics. 2020. p. 3-5)



**Phyllis Arby and Mildred
Women’s Army Auxiliary Corps
Deep Focus Productions Photo**

In 1957, a U.S. Navy report prepared under the direction of Navy Captain S.H. Crittenden, Jr. disputed that claim: "The concept that homosexuals pose a security risk is unsupported by any factual data.... The number of cases of blackmail as a result of past investigations of homosexuals is negligible. No factual data exist to support the contention that homosexuals are a greater risk than heterosexuals." (Human Rights Watch. 2003. p. 3-4) The *Crittenden Report* also stated, "The service should not move ahead of civilian society nor attempt to set substantially different standards in attitude or action with respect to homosexual offenders." Subsequently, naval officers in the 1950s were instructed, "Homosexuality is wrong, it is evil, and it is to be banded as such." (*Rolling Stone*. 2016. p. 9)

In January of 1960, The United States Court of Federal Claims overturned the ***Other Than Honorable discharge*** issued to Fannie Mae Clackum for her alleged homosexuality by the United States Air Force. This is the first known instance of a homosexuality-related discharge being successfully fought. (Justia US Law. 1960. p. 1-6)

March of 1961, The U.S. Supreme Court denied certiorari (meaning the appeals court's decision agreed with the current law) to Frank Kameny's petition to review the legality of his firing by the United States Army's Map Service in 1957, bringing his four-year legal battle to a close. Kameny, a Harvard Ph.D. astronomer, later became an activist in confronting the federal government's policies against the employment of gays and lesbians, particularly in positions linked to national security. (Library of Congress. n.d. p.1)



**U.S. Army Building picket
September 19, 1964
Photo by Randy Wicker per
NYC LGBT Historic Sites Project**

On September 19, 1964, a small group picketed the Whitehall Street Induction Center in New York City regarding the U.S. military's treatment of gay people—including rejection, less-than-honorable discharges, and violations of privacy through a policy of sending gay men's records to current and potential employers. This has been identified as the first gay rights demonstration in the United States. (NYC LGBT Historic Sites Project. 2017. p. 2)

The 1960s brought many changes to the United States, including changing attitudes about homosexuality, the Vietnam War and the draft, and when recruitment drives were at their highest, enforcement against gays and lesbians in the military was lax. Of note, some draft dodgers feigned being gay as a tactic to avoid service; this behavior was known as being a "hoaxosexual," and was considered one of the best ways to avoid service. At the time, there was even a pamphlet printed advising draft dodgers to "Find an excuse to bring it [homosexuality] back into the conversation again and again, and each time deny it [being gay] and quickly change the subject." One draft counselor noted, "All of my clients who faked [homosexuality] got their exemption – but they drafted the one fellow who really was gay." (*Rolling Stone*. 2016. P. 7)

In 1969, the Stonewall Riots in New York City mark the start of the modern gay rights movement. In 1973, the American Psychiatric Association eliminated homosexuality from its list of mental disorders. The resolution stated, "We will no longer insist on a label of sickness for individuals who insist that they are well and demonstrate no generalized impairment in social effectiveness." The statement continued to say the APA supports, "Civil rights legislation at local, state, and Federal levels that would insure homosexual citizens the same protections now guaranteed to others." (Human Rights Campaign. 2017. p. 1)

In 1975, Miriam Ben-Shalom was one of the first two women to serve as Drill Instructors in the Eighty-Fourth Division of the United States Army Reserve. This was considered a rare position for women to hold in the 1970s and attracted the attention of the press. When Ben-Shalom graduated from drill sergeant school in 1975, she was asked how it felt to be a gay person in the military, she answered truthfully, earning her a discharge. When asked why she told the truth Ben-Shalom replied, "What kind of leader would I be if I lied?" (*Rolling Stone*. 2016. p. 8)

Leonard Matlovich was awarded Bronze Star and Purple Heart medals for his three tours of duty during the Vietnam War. As a decorated Air Force veteran with an exemplary service record, his battle with the military became controversial after he was discharged for publicly acknowledging his homosexuality. In November of 1980, U.S. District Judge Gerhard A. Gessell in Washington ordered the Air Force to reinstate Matlovich with back pay at the rank and salary he would have obtained had he not been discharged.

This was followed by an out-of-court settlement, filed with the U.S. Court of Appeals in Washington, that vacated Gesell's order to take Matlovic back in the Air Force, gave him \$98,000 in compensation beyond the \$62,000 in back pay he had accumulated since his discharge, which was then upgraded from general to honorable. Matlovich died of Acquired Immunodeficiency Syndrome (AIDS) in 1988. Engraved on his tombstone is the statement, "When I was in the military they gave me a medal for killing two men and a discharge for loving one." (*Los Angeles Times*. 1988).

It is estimated that by 1980, over 100,000 gay and lesbian service members had been discharged from the U.S. military based on their sexual orientation. Through the 1980s, military investigators, usually working in pairs, employed long interrogations and threats of public humiliation to coerce the service members to confess and name names. (*New York Times*. 2015. p. 1)

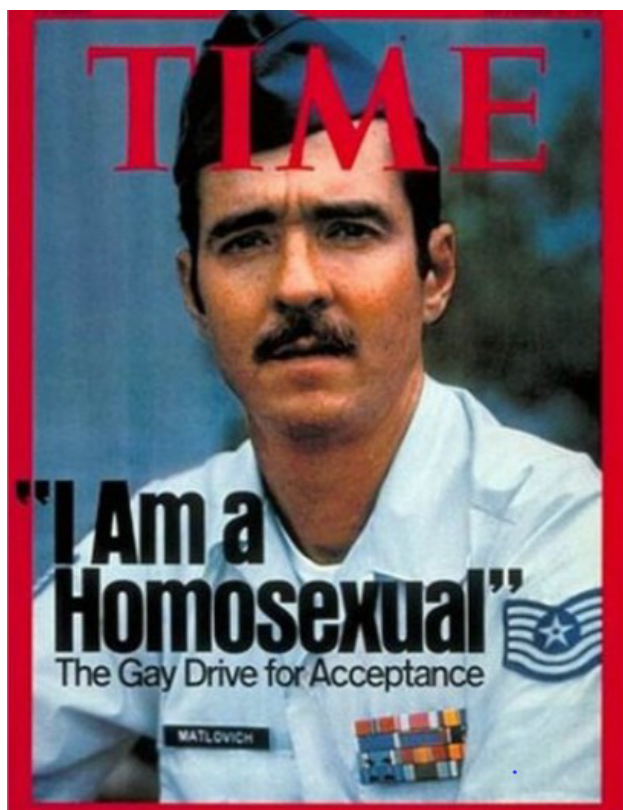
In 1982, the U.S. Department of Defense (DoD) released a policy stating that, "Homosexuality is incompatible with military service and impairs the accomplishment of the military mission." Between 1980 and 1990, an average of 1,500 military service members were discharged annually on the basis of sexual orientation. (DOD's Policy on Homosexuality. 1992. p. 2-3)

APPENDIX C (Types of Military Discharge)

Corporal Barbara Baum, a 23-year-old military policewoman at the Marine Corps Recruit Training Depot at Parris Island, South Carolina, was a victim of one of the most extensive "witch hunts" known to have occurred against gays and lesbians in the military. Between 1986 and 1988, almost half of the post's 246 women were questioned about alleged lesbian activities, with sixty-five women eventually leaving the Marines as a result of the inquiry. (Human Rights Watch. 2003. p. 2)

In 1988, the results of a joint report conducted by the DoD and the Defense Personnel Security Research in Education Center reinforced the findings of a 1957 report claiming that gay and lesbian individuals enlisted in the armed forces posed no significant risk to security, which had previously been the rationale for barring gay individuals from enlisting in the military. (Human Rights Watch. 2003. p. 4)

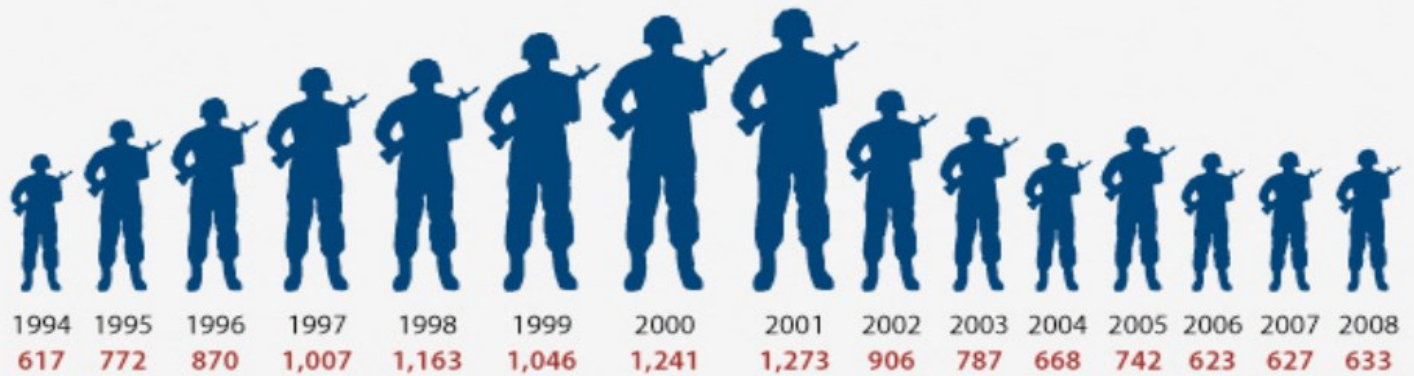
In 1989, a federal appeals court ordered the reinstatement of openly gay Army Sergeant Perry Watkins, who was discharged from the military for his sexual orientation. According to the *New York Times*, "This was the first ruling by a full appellate panel that struck at the military's ban on gay and lesbian service members."



**Leonard Matlovich, U.S. Air Force
Served three tours of duty during the
Vietnam War and was awarded the
Bronze Star and Purple Heart -
Time Magazine photo.**

In 1993, President Bill Clinton signed the “*Don’t Ask, Don’t Tell*” policy, barring openly gay and lesbian American citizens from military service—while prohibiting harassment of all “closeted” military service members. Although infrequent, sodomy prosecutions continued after the enactment of the, "Don't Ask, Don't Tell" policy.

Don’t Ask, Don’t Tell discharges 1994–2008



(Center for American Progress graphic)

In 2002, Brett Jones came out as the first openly gay Navy SEAL. President Clinton’s “Don’t Ask, Don’t Tell” policy was repealed by the Obama administration in 2011, and Kristin Beck, a retired Navy SEAL, came out as the first, openly *transgender* Navy SEAL in 2013.

In 2015, Secretary of Defense Ash Carter announced that the Military Equal Opportunity policy had been modified to include gay and lesbian service members. In 2016, the Senate confirmed Eric Fanning as Secretary of the Army, making him the first openly gay Secretary of a U.S. military branch.

In 2017, LGBTQ advocacy group GLAAD officially recommended adding the "Q" to the acronym used to reference the lesbian, gay, bisexual, transgender and queer community. The organization made the recommendation for the first time in the latest edition of its Media Resource Guide, where it urged journalists to use "LGBTQ" versus "LGBT" in an effort to be more inclusive of those who identify as *queer*.

In Native American culture the word *Two-Spirit* is a modern term from the 1990’s and is also sometimes referred to as LGBTQ2+. Two-Spirit refers to non-binary person. The term has been adapted to change old vocabulary that expressed gender and was associated with colonialism.

Maine’s five *Wabanaki Communities* - Micmac, Maliseet, Passamaquoddy, Penobscot Nation, and Abenaki, have served in the U.S. Military in times of war and peace. *Wabanaki Veterans* have served in every armed conflict since the Revolutionary War and in every branch of service. In April of 2009, Maine passed a law recognizing June 21st as Native American Veterans Day.

During the spring of 2015, between April and July, a number of transgender service members—including Sgt. Shane Ortega, Airman Logan Ireland and Jamie Lee Henry, both a major and a doctor in the Army Medical Corps—came out publicly, garnering major media attention. In July of 2015, Secretary of Defense Carter issued a directive, which says that no service member can be discharged on the grounds of gender identity without approval from the Secretary of Defense for Personnel and Readiness.

In July of 2017, President Trump announced that "The United States Government will not accept or allow transgender individuals to serve in any capacity in the U.S. Military." He cited potential increases in medical costs as the driving factor behind the decision. In December of 2017, a second federal judge ruled against Trump’s transgender military ban. The Department of Justice continued to appeal the ruling. In March of 2018, President Trump rescinded his previous policy in favor of a new policy denoting that, "Transgender persons with a history or diagnosis of gender dysphoria—individuals who the policies state may require substantial medical treatment, including medications and surgery—are disqualified from military service except under certain limited circumstances."

In 2019, Rhode Island Governor Gina Riamondo signed legislation (Law 2019-H 5443A) providing a petition process to have discharges from service recorded as Honorable for members of the Armed Services separated from the service with a General or Other Than Honorable discharge, solely due to their sexual orientation, gender identity or gender expression.

New York's Governor Andrew M. Cuomo signed legislation (S.45B/A.80097) enacting The Restoring of Honor Act, giving **LGBTQ+** veterans who were denied an honorable discharge because of their sexual orientation or gender identity the right to apply to have their New York State veterans' benefits restored.


Every June, LGBTQ+ Pride Month is celebrated across the nation and in many other countries around the world in remembrance of the 1969 Stonewall Riots in Greenwich Village, New York and to celebrate LGBTQ+ community members. In 2020, the Maine Bureau of Veterans' Services and the VA Maine Healthcare System co-hosted the Maine premier showing of *Breaking the Silence: An Oral History of LGBTQ+ Veterans and Service Members*, which was produced by the Oregon Department of Veteran's Affairs and chronicled the lives and experiences of five LGBTQ+ Oregonians who served their country with honor — even though official military policy sought to prohibit them from doing so. (Oregon Department of Veterans Affairs.2017. <https://www.oregon.gov/odva/pages/default.aspx>)

In January 2021, Connecticut State Representatives Raghib Allie-Brennan and Jeff Currey, and State Senator Alex Kasser introduced legislation to restore state benefits for Connecticut service members discharged for no other reason than their sexual orientation or gender identity.

On January 31, 2021, President Biden signed an order overturning a ban ordered by President Donald Trump during his first year in office. It immediately prohibited any service member from being forced out of the military on the basis of gender identity. The *Associated Press* reported, "As he signed the order on Monday, Biden said, "What I'm doing is enabling all qualified Americans to serve their country in uniform. America is stronger, at home and around the world, when it is inclusive. The military is no exception," The order says. "Allowing all qualified Americans to serve their country in uniform is better for the military and better for the country because an inclusive force is a more effective force. Simply put, it's the right thing to do and is in our national interest."

In 2021, the Maine State Legislature considered renewing its own LGBTQ+ veterans' bill, which was started in 2020, but not finished due to the COVID-19 pandemic. L.D. 173 - An Act To Restore Honor to Certain Service Members states, "Since World War II, more than 100,000 Americans are estimated to have been discharged from the military due to their sexual orientation or gender identity. Those forced out of the military may have left with discharge statuses of "Other than Honorable," "General Discharge," or "Dishonorable," depending on the circumstances. As a consequence, many of these service members may be disqualified from accessing certain benefits that they earned and are entitled to, and may not be able to claim veteran status.

This bill requires the Maine Bureau of Veterans' Services to establish a process for a veteran who separated from service without an honorable discharge due solely to the veteran's sexual orientation or gender identity or to statements, consensual sexual conduct or consensual acts relating to sexual orientation or gender identity to have that discharge treated as an honorable discharge for purposes of determining the veteran's eligibility for rights, privileges and benefits under state law."



Stories from Oregon's LGBTQ Veterans and Servicemembers

BREAKING THE SILENCE

See the Film at Togus VA Medical Center!
1 VA Center, Augusta, Maine
Thursday, June 27, 2019 12:00p.m.-1:00p.m.
In the Togus Theater (Building 210)
(Free, open to the public)

Presented by:
Maine Bureau of Veterans' Services | VA Maine Healthcare System LGBT EEO Committee

"A must-see documentary for any American. Powerful, funny and insightful, it shines the light on the courage and determination of some of our military's hidden warriors."
CAMERON SMITH
FORMER DIRECTOR, OREGON DEPARTMENT OF VETERANS' AFFAIRS

SEE THE FULL FILM ONLINE FREE AT WWW.BTS.OREGONDVA.COM
Trailer: youtu.be/JeBpkFepTrU | Facebook: facebook.com/OregonLGBTQVets | OREGON DEPARTMENT OF VETERANS' AFFAIRS

On February 23, 2021, newly appointed VA Secretary Denis McDonough issued a memo stating that the Department of Veterans Affairs will review its policies and determine how to make the agency a more welcoming and inclusive place for LGBTQ+ veterans and employees.

On June 20, 2021, VA Secretary Denis McDonough announced that the VA will offer gender conforming surgery to transgender veterans, reversing the 2013 ban and that the VA has renamed their LGBTG health program to LGBTQ+ Health Program to reflect inclusiveness.

On November 19, 2021, the MBVS was invited to participate in the Restoration of Honor Virtual Conference hosted by the New York Bar Association. At this time Colorado and Illinois are also creating state legislation to address the issue of bad paper discharges and creating review boards like NY and CT.

Legislation Pertaining to LGBTQ+ Veterans in the 130th Legislature

On April 7, 2021 the 130th Maine State Legislature enacted L.D. 173—An Act to Restore Honor to Certain Service Members. See APPENDICES M, N, and O

Barriers to LGBTQ+ Veterans Accessing State Benefits in Maine

The largest barrier LGBTQ+ veterans face in the State of Maine is an Other than Honorable discharge from the military due to their sexual orientation. It not only precludes them from state and federal benefits, it also negatively affects veterans ability to apply for employment, loans, and even housing in some instances.

Statistics regarding LGBTQ+ Veterans

- Maine offers numerous state programs, benefits, and tax breaks for military veterans, and those benefits are contingent upon the veteran's discharge status. Maine LGBTQ+ veterans who were discharged due to their sexual orientation or gender identity are potentially ineligible to access these state and federal programs because of their discharge status.
- The federal government has not yet acted to comprehensively restore the discharge status of LGBTQ+ veterans who were discharged prior to the repeal of the Clinton administration's Defense Directive 1304.26—Don't Ask, Don't Tell.

In a RAND Corporations report, 2015 Department of Defense Heath Related Behaviors Survey (HRBS), the following statistics were revealed:

- 6.1 percent of people in the U.S. military identify as LGBT (the first ever direct estimate of the military's LGBT population). (*Author's Note: U.S. military used the four-letter acronym until 2021.*)
- .6 percent of the LGBT service members surveyed identified as transgender.
- The U.S. Navy had the highest concentration of LGBT members at 9.1 percent, followed by the Army at 5.5 percent, Air Force at 5.3 percent, Coast Guard at 5.2 percent, and Marine Corps at 4.4 percent.
- The Marine Corps had the highest concentration of women who identified as *bisexual* at 18.5. percent.
- 42 percent of respondents felt that the organizations' culture had not caught up to the policy.
- 19 percent surveyed were afraid of career consequences for being open about their identities.

- 32 percent of LGBT service members felt discouraged from being open and 27 percent of LGBT service members had seen signs that they could be open.
- 41 percent of Rand survey respondents felt it was important to be open about their identities, both for their own wellbeing or to help others feel comfortable. (https://www.rand.org/pubs/research_reports/RR1695.html)

VA Federal Assets for LGBTQ+ Veterans Access and Accessibility

David Strong, Clinical Social Worker and LGBTQ+ Veteran Care Coordinator VA Maine Healthcare System

David Strong has worked as a Clinical Social Worker for the VA on and off for over 30 years, first in Massachusetts as a graduate student in 1990 working in one of the first VA HIV/AIDS clinics at the Jamaica Plain VA. The clinic was an interesting mix of Vietnam Veterans and much younger LGBTQ+ veterans, both seeking treatment because they had tested positive due to their intravenous drug use, sexual partner, or both. Strong remembered, “It was a very difficult time period for these veterans, because the virus was misunderstood, and it was such a deadly disease.”

The LGBTQ+ Committee at Togus was formed in the mid-2000’s long before there was a national push to do so, but eventually the other Veterans Integrated Service Networks (VISN) followed their lead. There are now LGBTQ+ VCCs at every VA facility across the United States. Strong later moved back to his home state of Maine and continued to work for the VA. In 2016, he took over the position as the LGBTQ+ Veteran Care Coordinator (VCC) for the VA Maine Healthcare System (Togus), which is a volunteer - yet essential role, and he serves as the point of contact for Maine’s LGBTQ+ veterans guiding them to services, answering questions, and facilitating on their behalf.

In recent years, Strong’s advocacy has mainly focused on transgender veterans and their connection to services at the VA Maine Healthcare System. “The VA has not approved reassignment surgery in its health care plan and because of this, transgender veterans may have to utilize community clinics or travel out of state to receive specialized services,” Strong noted. “It’s my job to help veterans navigate the VA system, explain what their options are and why, and to be a good listener as many LGBTQ+ veterans still have lingering concerns about how they will be treated, especially if they haven’t come out already.”

When asked why LGBTQ+ veterans should utilize the VA Maine Healthcare System Strong stated, “Once a veteran is plugged into the VA Healthcare System, the quality of care here is phenomenal and very personalized. Often my role simply breaks down to helping veterans understand the system, how it works, and what types of care are offered. I’m their personal guide to the VA and do my best to make their navigation of the system as seamless as possible.”

Note: In 2022, Julie Anne Joy took over for Young as the LGBT Veteran Care Coordinator at the VA Maine Healthcare System. Contact 207-623-8411 ext. 5342 or julianne.joy@va.gov.



**David Young, Clinical Social Worker
LGBT Veteran Care Coordinator
VA Maine Healthcare System**

LGBTQ+ EEO Committee VA Maine Healthcare System

The VA employs a large number of veterans, so the LGBTQ+ EEO Committee at VA Maine also highlights the specific needs of LGBTQ+ veterans in outreach and awareness efforts. VA Maine (Togus) formed the first LGBTQ+ EEO in VISN I (New England) in May of 2011 and was the 14th facility nationwide to create an LGBTQ+ EEO group. The committee's mission is, "To encourage and support the equitable treatment of LGBTQ+ VA Maine Healthcare System employees, and the LGBTQ+ veterans that we serve. The goal is to create a more tolerant and accepting workplace for all, and to better serve our LGBTQ+ veterans through an increased understanding of the social and cultural issues impacting them, including the enduring impact of 'Don't Ask, Don't Tell,' and its repeal, on those who served this nation."

To accomplish this goal, the VA Maine LGBTQ+ EEO Committee works to welcome, support, create awareness, and facilitate acceptance of LGBTQ+ employees at VA; educate our peers, leaders, clinicians, and community on the concerns facing LGBTQ+ employees and veterans; and advocate on multiple levels for diversity and inclusion at VA Maine, to create an LGBTQ+ supportive work culture. This committee of VA Maine employees meets monthly (virtually) to discuss issues facing LGBTQ+ employees at VA, and to plan educational and awareness events for general staff participation.

State Assets for LGBTQ+ Veterans - Access and Accessibility

The Maine Bureau of Veterans' Services' (MBVS) mission is to provide advocacy for all of Maine's veterans and their families. As a result, our central and field offices receive inquiries about discharge upgrades for LGBTQ+ veterans. This is an area MBVS can assist with and utilizes *trauma informed care* throughout the process. The Maine Bureau of Veterans' Services employs specially trained *Veterans Services Officers (VSO)* at its seven field offices (Bangor, Caribou, Lewiston, Machias, Portland, Springvale, and Togus) who specialize in *veteran-centric* care, and can assist any veteran from start to finish with the Department of Defense Forms to upgrade their *DD Form 214 (military discharge papers)*, as well as applications for federal and state benefits.

Steven Lanning, a U.S. Army Veteran and Claims Supervisor at the Maine Bureau of Veterans' Services, started working at the Bureau in 2017. Prior to that he served in the U.S. Army for 20 years as a First Sergeant for Mortuary Affairs, served overseas in Iraq and Afghanistan for 48 months, and was discharged at the rank of Sergeant First Class.

Lanning describes what the claims process would be for a veteran seeking a discharge upgrade, "As part of the process to apply for discharge upgrade, LGBTQ+ veterans can work with a MBVS VSO to help them navigate the process."

To do so they would have to take the following steps:

1. Request an appointment with a VSO and provide supporting military documents.
2. Fill out an SF-180 (Request Pertaining to Military Records) and the VSO will submit it to the National Personal Records Center (NPRC) on behalf of the veteran. The normal turn-around time to receive a response from the NPRC is 90 days, and the records would be mailed directly to the VSO for review so MBVS could make a determination regarding their matter. **Note:** *COVID has delayed these times by nine to 12 months for MPRC requests.*
3. Fill out a DD Form 293 (Application for Review of Discharge from the Armed Forces of the United States) or a DD Form 149 (Application for Correction of Military Record if the discharge was more than 15 years ago).

4. Depending on the form chosen, the VSO would then either send it to the veterans' branch of service for review or schedule an appointment for the veteran with Pine Tree Legal Assistance to help create a more in-depth packet to submit for review.
5. Depending on the branch of service the packet is submitted to, it may take 12-24 months to receive a response which would be directly mailed to the veteran.

Lanning noted the importance of this process; “A bad paper discharge prohibits *service members* and veterans from accessing state and federal benefits through *Veterans Affairs (VA) - (Veterans Benefits Administration and Veterans Health Administration)*; *the VA Maine Healthcare System*; Maine’s 11 *Community-Based Outpatient Clinics (CBOC)*; *five Vet Centers* (if they are combat veterans or survivors of Military Sexual Trauma); establishing a *VA service-connected rating* through the *VA’s schedule of rating disabilities, the MBVS Veterans Emergency Financial Assistance Program*, and other state benefits. The opportunity for LGBTQ+ veterans to request a review of their military records and discharge is not only validating, but can be life changing for those who were discharged solely due to their sexual orientation or gender identity.”

See APPENDIXES D, E,F, G, H, I, and P

Author’s Note: The American Legion, Veterans of Foreign Wars, Disabled American Veterans, and Paralyzed Veterans of America also have Veterans Services Officers who can assist with the above mentioned process.

National Personal Records Center (NPRC)

Veterans utilizing the NPRC can access their full military record, which can provide critical documentation when MBVS reviews their records to provide a determination on their bad paper discharge. The NPRC’s website states:

Correction of Military Records

The secretary of a military department, acting through a board for correction of military records, has authority to change any military record when necessary to correct an error or remove an injustice. A correction board may consider applications for correction of a military record, including a review of a discharge issued by courts martial.

The veteran, survivor or legal representative generally must file a request for correction within three years after discovery of an alleged error or injustice. The board may excuse failure to file within the prescribed time, however, if it finds it would be in the interest of justice to do so. It is an applicant’s responsibility to show why the filing of the application was delayed and why it would be in the interest of justice for the board to consider it despite the delay.

To justify any correction, it is necessary to show to the satisfaction of the board that the alleged entry or omission in the records was in error or unjust. Applications should include all available evidence, such as signed statements of witnesses or a brief of arguments supporting the requested correction. Application is made with DD Form 149, available at VA offices, from veterans organizations or from the Internet - <http://www.dtic.mil/whs/directives/forms/index.htm>

Review of Discharges

Each of the military branches maintains a discharge review board with authority to change, correct or modify discharges or dismissals that are not issued by a sentence of a general courts-martial. The board has no authority to address medical discharges. The veteran or, if the veteran is deceased or incompetent, the surviving spouse, next of kin or legal representative may apply for a review of discharge by writing to the military department concerned, using DD Form 293. This form may be obtained at a VA regional office, from veterans organizations or from the Internet: <http://www.dtic.mil/whs/directives/forms/index.htm> . However, if the discharge was more than 15 years old, a veteran must petition the appropriate service Board for Correction of Military Records using DD Form 149, which is discussed in the “Correction of Military Records” section of this booklet. A discharge review is conducted by a review of an applicant’s record and, if requested, by a hearing before the board.

Discharges awarded as a result of a continuous period of unauthorized absence in excess of 180 days make persons ineligible for VA benefits regardless of action taken by discharge review boards, unless VA determines there were compelling circumstances for the absence. Boards for the correction of military records also may consider such cases.

Veterans with disabilities incurred or aggravated during active military service may qualify for medical or related benefits regardless of separation and characterization of service. Veterans separated administratively under Other Than Honorable conditions may request that their discharge be reviewed for possible recharacterization, provided they file their appeal within 15 years of the date of separation. Questions regarding the review of a discharge should be addressed to the appropriate discharge review board at the address listed on DD Form 293. <https://www.archives.gov/veterans/military-service-records/correct-service-records.html>

An August 23, 2021 U.S. Department of Defense article, *Requests for Upgrade of Discharge Characterization*, stated, “All branches of the military consider you to have a strong case for a discharge upgrade if you can show your discharge was connected to any of these categories:

- Mental health conditions, including posttraumatic stress disorder, or PTSD
- Traumatic brain injury, or TBI
- Sexual assault or harassment during military service
- Sexual orientation (including under the Don’t Ask, Don’t Tell policy)

“The Department of Defense and Department of Veterans Affairs jointly operate an online tool to easily submit your application. By answering a series of questions, you will receive customized step-by-step instructions on how to apply for a discharge upgrade or correction.” <https://www.va.gov/discharge-upgrade-instructions/>

“If you received a decision from the review board and you do not agree with it, please write the board and explain your reasoning. The correction board will assist you with information on how to appeal decisions.

“For service members with separation dates on or after December 20, 2019, the Discharge Appeal Review Board will provide a final review of discharge or dismissal characterization upgrade requests when petitioners have exhausted all available administrative remedies. To learn more about the DARB and how to apply for review, visit the Air Force Review Board Agency Portal.”

Note: *The VA Discharge Instructions have since been updated and a veteran can have their DD Form 214 updated to reflect “I am transgender, and my discharge shows my birth name instead of my current name, among other options.*

Bad Paper Case Studies Representing Veterans From Two Different War Eras Vietnam War

Brian Rego, E-4, U.S. Army

Brian Rego grew up on Barter's Island, ME, and served two tours in the U.S. Army during the Vietnam War as a crew chief and door gunner on Chinook helicopters with the 1st Cavalry Division. An average day for him was to fly a multiple missions over an 80-mile radius that encompassed Loc Ninh, Song Be, and Tay Ninh—delivering and extracting troops, flying in supplies to remote fire support bases, and participating in rescue missions.



Brian Rego in Vietnam circa 1970.

Rego had intended to make the Army his career, re-enlisting in 1974, and was stationed at Fort Carson in Colorado. A posting he really loved because it reminded him of Maine, but then he was unexpectedly transferred to Schweinfurt, Germany. At that point, perhaps somewhere between being uprooted from his family, stationed in a foreign country, and now having the time to dwell on all the things that he experienced in Vietnam, Rego's life began to unravel. Once highly praised and recommended for promotion Sergeant, didn't want to get out of bed, became short tempered with his fellow soldiers, and turned to alcohol to deal with the memories that seemed to flood his mind.

Rego's Officers, tired of his behavior, had him discharged as Other than Honorable which was a devastating blow to this proud Army soldier. Now thrown back to the civilian world, Rego's life began to crumble until he became justice affected veteran and was standing in front of a judge who offered him the following ultimatum, "You can go to jail or you can go to Togus." Rego picked the later and after twenty years of struggling, he finally to receive a Post Traumatic Stress Disorder (PTSD) Diagnosis from the VA.

"It was kind of a relief," Rego remembers, "I just thought I was crazy and finally someone acknowledged what I had been through and explained that being repeatedly exposed to stressors that are perceived as or are life threatening makes your entire system become hypervigilant and the human body can only take so much before it starts to exhibit PTSD symptoms—losing interest in things you normally enjoyed, feeling numb and emotionless, being constantly on guard, irritated, having angry outbursts, trouble concentrating, jumpy or easily startled, insomnia, nightmares and/or night terrors. Those symptoms often lead to self medicating to try to forget and that is exactly what I did. Once I connected with the VA Maine Healthcare System at Togus I received PTSD and substance abuse counseling and it changed my life for the better."

Years later, Rego was sharing his story with MBVS Director of Strategic Partnerships, Sarah Sherman, and they discussed him applying for a discharge upgrade. Rego dug out his Army records, and the two completed the form and provided supporting documents to bolster his request. Roughly a year and a half later Rego received a large yellow envelope in the mail from the Army Review Board notifying him that upon thorough review of his application the Board had voted unanimously to upgrade his discharge to Honorable. The pride Rego felt at that moment is undeniable and he wants other veterans to know, "Don't be afraid to ask for help. It's there if you are willing to accept it and working with a MBVS advocate provided me with the opportunity to upgrade my discharge. If you have circumstances similar to mine I'd encourage you to do so, too."

Operation Enduring Freedom/Operation Iraqi Freedom Special Forces Veteran

In 2019, a homeless veteran in Southern Maine was brought to the attention of the Bureau. The veteran served with Special Forces for a combat deployment to Afghanistan in support of Operational Enduring Freedom. As a result, the veteran developed PTSD that he turned to drugs to cope with the intrusive thoughts and images that only a combat veteran can understand. His behaviors lead to an Other than Honorable discharge, suddenly he was thrust back into the civilian world where he felt completely out of place and without support of the military or veterans benefits that would be afforded under a Honorable discharge. Eventually, this path led to homelessness.

When a MBVS Veterans Service Officer connected with the veteran and he was able to start the discharge upgrade process with him, which as described in the prior case study takes time. The Bureau and other community partners collaborated to assist the veteran as he didn't qualify for any state or federal benefits at that time.

In this instance, it took three years for the veteran's request to pass the Army Review Board, but it finally did and that then provided the veteran with VA healthcare and benefits, which allowed him to afford a rent and to access medical, mental health, and substance abuse services that he had needed for so long. The affect of a discharge upgrade can be life changing, not just physically, but financially as well.



After all these years, the pain still hasn't gone away

On June 27, 2019, MBVS provided the State of Maine's premier screening of, *Breaking the Silence - Stories from Oregon's LGBTQ Veterans and Service Members* (An Oral History of LGBTQ Veterans and Service Members chronicling the lives and experiences of five LGBTQ Oregonians who served their country with honor at the theater on the *VA Maine Health System* campus and at an independent theater in Lewiston, ME. At the end of the film, a female veteran in her mid-60s approached Sarah Sherman, MBVS Director of Strategic Partnerships and asked if she could speak with her privately.

The woman explained that she had served in the U.S. military during the 1980s and was pushed out because she was outed as a lesbian and how painful and humiliating it had been for her because she had intended to make the military her career. The veteran proudly stated that she loved the Army. She was really good at her job, but then noted in a defeated tone that the bad paper discharge she received had plagued her ever since and affected her ability to get VA benefits and quality employment.

Sherman told the veteran that she could help and asked if she would be willing to accompany her to the MBVS Togus Office. The veteran agreed, Sherman escorted her there, and introduced her to staff. Shortly thereafter the veteran left the office with an appointment to meet with a Veterans Services Officer and she told Sherman as they walked out that it felt like a weight had just been lifted off her shoulders that afternoon. Just the fact that there was a way her matter could be reviewed without judgement was a relief and it showed on her face as she exited the office. In turn, MBVS upheld its mission to advocate for all of Maine's veterans that afternoon.

Maine LGBTQ+ Veterans' Interviews

Auta Main, U.S. Air Force

Auta Main grew up in a small town in Lincoln County and was in the top ten of her graduating high school class. She aspired to go to college, and was accepted at a couple of schools, but they didn't provide enough scholarship support. Auta was one of eight siblings and her family couldn't afford the tuition. When a military recruiter came to Wiscasset High School in 1976, Auta decided to meet with him. She took the Armed Services Vocational Aptitude Battery test, and when he learned that she was interested in languages, he also had her take a specialized language test and told her that the Air Force was looking for linguists in Russian, Chinese, and Arabic. Auta was excited to serve her country, travel, and meet people from all over the world and made the decision to join the Air Force before she graduated.

After graduation, Auta attended basic training at Lackland Air Force Base in San Antonio, Texas and then was sent to the Defense Language Institute in Monterey, California, where she studied Russian for a year. She was then sent to her first assignment in Augsburg, Germany, along with her boyfriend at the time, who was a Hungarian linguist. In Augsburg, she was asked to join the All-European Military Softball Team.

During this time, she met a woman who she fell in love with and they were together for the next two and a half years, discreetly meeting off base in their free time. One day, Auta's boss called her into his office and said, "Look we know you dated guys on the base, but there are rumors circulating about you being with a woman. You could be kicked out of your job. You're an excellent linguist and I have to give you a warning." Auta was really scared by this conversation. She was young, didn't want anything but an Honorable discharge, and didn't want to get in trouble. Auta recalled the anxiety that someone might "out" her was very stressful, so she laid low and didn't reenlist when her stint was up in December of 1980.



Auta Main, U.S. Air Force Veteran

Looking back on it now, 41 years later, Auta remarked, “When you are 18, you are really naive and often don’t understand your sexuality completely. I wanted to keep doing good work, but it was clear that the military didn’t want me to be who I was, and I knew it was who I was because it felt right. I found it deeply upsetting to hide this and it felt shameful.” Auta left the Air Force with an Honorable discharge and the rank of Sergeant, returned to Maine, and went to the University of Maine on the G.I. Bill. She later went to work for the Maine Department of Labor where she served as Veterans’ Employment Program Manager.



Alicia Barnes, U.S. Navy Veteran

Alicia Barnes, U.S. Navy

Alicia enlisted in the U.S. Navy in 1998. She grew up in Waterville, and served as an Electronics Technician, specializing as a Radar Technician at Willow Grove, PA and as a Flight Deck Communications Technician aboard the *U.S.S. Keersarge* in Norfolk, VA. She met her husband in an electronics class in the Great Lakes, where she was the class leader in two of the Navy schools she attended. Alicia had planned to stay single and make the Navy her career, but she ended up married and had two sons.

In the Navy, many of Alicia’s friends were bisexual and she feared even having a friendship with them would affect her career. In high school, Alicia had come out as a lesbian, but by the time she was 24 and chose the military as her career, she went back in the closet, “I wasn’t going to let anything get in the way of my career. I wanted stability and to earn a college degree, and in the era of “Don’t Ask, Don’t Tell,” I kept to myself and did my job. I have a clear memory of a woman I served with who pretended to be a widow, to hide her sexual orientation while she served her country.”

Alicia discharged from the U.S. Navy in May of 2005 at the rank of Petty Officer, 3rd Class. In 2009, she moved to Indiana and at that point, became aware of the Servicemembers Legal Defense Network (SLDN) – (an organization that provides free legal advice to people discharged from the military due to their sexual orientation or gender identity) in relation to the Dream Act and Repeal Act.

By 2010, Alicia had divorced, came out again, and moved back to Maine. In addition to her work in healthcare justice, she volunteered for the Servicemembers Legal Defense Network at an event in Boston and met several representatives from the VA Maine Healthcare System at the event, which led to her facilitating an LGBTQ+ veterans’ peer group at Togus, and her continued involvement with veterans’ organizations.

Kelly Taylor, United States Coast Guard

Kelly was born in Portland, and was Assigned Male at Birth (*AMAB*). Her family had a strong culture of its male members serving in the U.S. Military, and Kelly followed that tradition without hesitation. She left Owl’s Head, and enlisted in the United States Coast Guard at the USCG Recruiting Station in Hartford, CT, on March 24, 1974. She served four years and two months as a Photojournalist at the Aviation Training Center in Mobile, Alabama.

In the 1970's, being anything other than a straight *cisgender* person was grounds for an immediate discharge, with the DD Form 214 showing character of discharge as either Other than Honorable or Dishonorable. This bad “Bad Paper” discharge resulted in loss of all military/veteran benefits, as well as being a source of shame for the individual. So, no one was “out.” There was a tangible fear of being found out or of having any rumors being spread.

Kelly was fortunately never seriously questioned, but she never felt she could relax and was always aware of the threat. Her choices of civilian attire were a bit unusual for a service man at that time, and some of the other enlisted people made random comments about that. She often was seen as someone who didn't fit the standard model of how a young man in the military would act. People wondered what was going on with her. Back then, the default conclusion would have been to believe she was a or a *transvestite*. Either of those situations would have resulted in discharge under less than honorable conditions.

Kelly was Honorably discharged from the U.S. Coast Guard on May 24, 1978. She was seen by prospective employers as a good, reliable person worthy of employment consideration. In 2015, after many years of fighting the need to live as her authentic self, Kelly started *transitioning*. She soon discovered it is a process; decisions must be made along the way. Transition isn't a quick fix; it does not resolve all gender related issues or dysphoria. It takes time for a person to adjust to the new experience of living as a different gender and it takes time for society to adjust to this new person.



Kelly Taylor, U.S. Coast Guard Veteran

Kelly discovered that finding appropriate LGBTQ+ care could be problematic. She initially had to travel to the VA in Boston to receive expert, compassionate treatment, but now receives her care through the VA Maine Healthcare System. Kelly has become actively involved in LGBTQ+ outreach groups and advisory panels, hoping that she can make the process better for her fellow veterans and LGBTQ+ citizens.

Scott Chapman, U.S. Army

Scott Chapman enlisted in the U.S. Army on January 12, 1982, at the age of 19. He was the first son, and middle child of an Air Force officer and a schoolteacher, was born in Colorado, and raised on several Air Force bases across the country, due to his father's career military service. Chapman served as a Signals Intelligence Analyst for the Army, and was stationed at Camp Kinser in Okinawa, Japan. Chapman was also a gay man and had been aware of his sexual orientation from a young age.

In April of 1983, PFC Chapman was accused of being a homosexual and was recommended for discharge, but not before he was offered immunity to provide sworn statements about the other men he had relationships with (some who were military officers and members of other branches of the U.S. military). He was interrogated by Special Agent Fink, from the U.S. Army Criminal Investigation Division, which is graphically documented within his official military file and includes the following:

- Recommendation for Administrative Discharge
- Grant of Immunity/Order to Testify
- Sworn Statements (Chapman)
- Sworn Statement (Wohler)
- Report of Medical Examination
- Report of Medical History
- Report of Mental Status Evaluation
- Notification of Separation Action
- Separation Under the Provisions of Chapter 15, AR 635-200
- DD Form 214 (Honorable)



Scott Chapman, U.S. Army

PFC Chapman's Report of Mental Evaluation reveals, "Remarks – SC is being considered for discharge for unsuitability as a result of homosexuality. Patient's mental status exam is entirely unremarkable. He admits to homosexuality and seems to have adjusted well to this sexual preference."

Within the Grant of Immunity/Order to Testify documents it states, "Private First Class Scott C. Chapman possesses information relevant to investigations/board hearings/court-martial of service members assigned to Okinawa, Japan concerning the offense of sodomy and allegations of homosexual activity, and the presentation of this information is necessary to the public interest and in accordance with the best interests and needs of the service."

"This order will have no effect upon a pending elimination action for homosexuality under the provisions of Chapter 15, AR 635-200 concerning

PFC Chapman, and he has been advised that the pending administrative elimination will continue and that his character of service will be classified as Honorable or General (Under Honorable Conditions) based on his service record."

PFC Chapman states in his record, "I understand the basis for separation under the provisions of Chapter 15, AR 635-200 and concur that separation is in my best interests as well as those of the United States Army. I ask that my characterization of service be Honorable.

"Prior to 30 March 1983, I had an excellent military record. After realizing that I could not cope with personal problems I brought the matter to the attention of proper authorities. An order to testify was the result (attached).

"All evidence you cite is the result of the order to testify which should not be used to characterize my service. My service record prior to 30 March 1983 warrants and Honorable discharge."

When asked, "Why did you come forward and state that you were a homosexual?" PFC Chapman responded, "Because I am. I didn't want to hide it anymore."

Despite the crux of this report's focus being on LGBTQ+ bad paper discharges, Chapman successfully argued on his own behalf regarding his military record and with that, coupled with the agreement that he would be granted immunity if he testified, he was Honorably discharged from the U.S. Military on September 9, 1983, with the specific narrative reason for separation being admission of homosexuality/bisexuality. For many LGBTQ+ veterans discharge papers with this designation later posed problems in their civilian lives when they attempted to apply for jobs with veterans' preference and their DD Form 214 "outed" them.

The Sworn Statements in PFC Chapman’s file provide an in depth and unvarnished look at the way the U.S. Army Criminal Investigation Division handled these types of matters in the 1980s. The 20-year-old Service Member was asked to name names, meeting locations, and describe in detail the sexual encounters he had with other men. In the report, he references a gay bar called Toney’s, on base locations, and private residences in Okinawa where they met.

Throughout the sworn statement, Investigator Fink presses PFC Chapman for more details that will identify the other men, but Chapman simply provided their first names and finally responded, “Gays always go by their first names and usually won’t reveal last names.” This wasn’t enough for the investigator who continued to press for PFC Chapman to identify the men further – physical descriptions, where they worked, lived, and the vehicles that they drove.

After being discharged from the military, Chapman’s sister Melody remembers, “My brother was lost and devastated by what had happened when he returned home. He felt that he had failed at something that was important to him. This specific incident rearranged his life and what he had hoped for -- doing meaningful work, career advancement, an education, and following a family tradition of military service.

The military pitted men against men, friends against friends, and co-workers against co-workers to get confessions of homosexual or bisexual behavior. My brother was horrified by this, and despite being honorably discharged, he never accessed his VA benefits, even when he was diagnosed with HIV/AIDS later in life.”

After leaving the service, Chapman had to reinvent himself. He attended cosmetology school and worked for many years in that field until arthritis in his hands forced him to change careers and he went into the restaurant industry. Scott Chapman took his own life in 2014, at the age of 51.

Note: *In January 2022, MBVS reached out to Scott Chapman’s sister, Melody, with the below information and an offer to assist if she would like to apply for a review of discharge on her brother’s behalf.*



Review of Discharges

Each of the military services maintains a discharge review board with authority to change, correct or modify discharges or dismissals that are not issued by a sentence of a general courts-martial. The board has no authority to address medical discharges. **The veteran or, if the veteran is deceased or incompetent, the surviving spouse, next of kin or legal representative may apply for a review of discharge by writing to the military department concerned, using DoD Form 293.** This form may be obtained at a VA regional office, from veterans organizations or from the Internet: <http://www.dtic.mil/whs/directives/forms/index.htm>. However, if the discharge was more than 15 years ago, a veteran must petition the appropriate service Board for Correction of Military Records using DoD Form 149, which is discussed in the “Correction of Military Records” section of this booklet. A discharge review is conducted by a review of an applicant’s record and, if requested, by a hearing before the board.

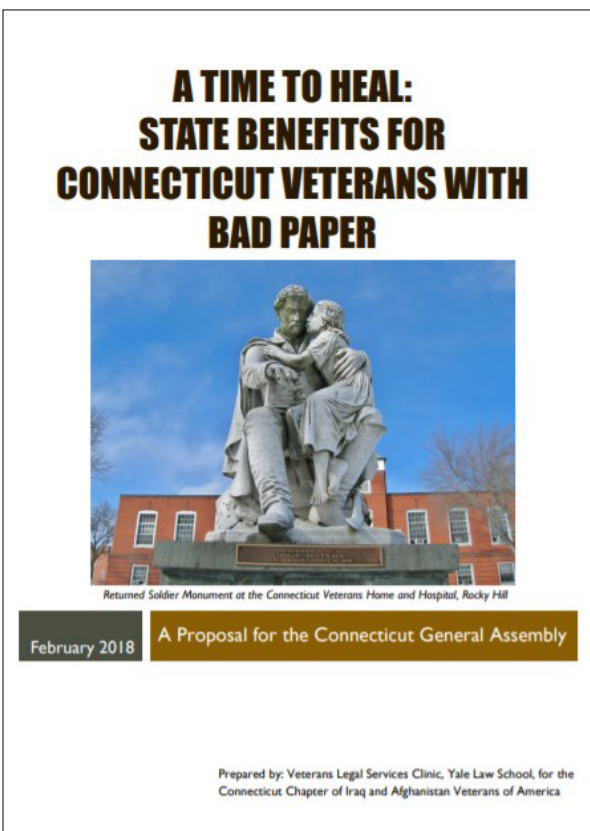
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Veterans with disabilities incurred or aggravated during active military service may qualify for medical or related benefits regardless of separation and characterization of service. Veterans separated administratively under other than honorable conditions may request that their discharge be reviewed for possible recharacterization, provided they file their appeal within 15 years of the date of separation. Questions regarding the review of a discharge should be addressed to the appropriate discharge review board at the address listed on DoD Form 293. <https://www.archives.gov/veterans/military-service-records/correct-service-records.html>

New England States Proactive Assistance to LGBTQ+ Veterans

Rhode Island and New York passed legislation in 2020 effectively expanding LGBTQ+ veterans' access to state veterans' benefits. Senator Brad Hoylman noted in his 2015 report to the New York State Senate, *Restoration of Honor: Expanding LGBT Veterans' Access to State Veterans' Benefits*:

“For over two centuries, the experience of lesbian, gay, bisexual, and transgender (LGBT) service members in the United States military was one of repression, deception, and fear. For the vast majority of our nation’s history, patriotic service members willing to risk their lives in service of their country faced everything from criminal penalties to an unceremonious discharge solely due to their sexual orientation or gender identity.” (Holyman. 2015. p. 2)



In 2018, the Veteran Legal Services Clinic at the Yale Law Clinic prepared a proposal for the Connecticut General Assembly, *A Time to Heal: State Benefits for Connecticut Veterans with Bad Paper*, on behalf of the Connecticut Chapter of Iraq and Afghanistan Veterans of America. The report noted:

“Every year, the U.S. Military discharges more than 20,000 veterans with less-than-honorable discharges. These discharges known collectively as “bad paper” represent 15% of all annual discharges. “Veterans with a bad paper discharge are typically ineligible for state and federal veterans’ benefits, and often face significant barriers to employment. Veterans with bad paper must also confront significant social stigma, as it is often wrongly assumed that these veterans are guilty of severe, or even criminal, misconduct.

“The stigma faced by veterans with Other-than-Honorable (OTH) discharges stems largely from civilian ignorance regarding the structure of the military system. Upon separation from the military, every veteran receives a discharge status that characterizes his or her time in service. A veteran’s discharge status, along with a brief narrative reason for separation, appears at the bottom of the veteran’s DD Form 214. The one-page document records the veteran’s military service, and which for the rest of the veterans’ life

may be requested by public and private employers, government agencies, educational institutions, and others. Every veteran is separated with one of five possible discharge statuses. In order from most to least favorable these are: Honorable, General (under honorable conditions), Other-than-Honorable (OTH), Bad Conduct, and Dishonorable.

“The vast majority, more than 90% of veterans, with bad paper discharges are administratively separated from the military with a General or OTH discharge status. General and OTH discharges are classified as non-punitive “administrative discharges,” in contrast with more severe “punitive discharges.” Administrative discharges are often assigned on the basis of relatively minor misconduct. Misconduct resulting in a General or OTH discharge can include self-medicating behaviors like taking unprescribed pain killers for a back injury, and until 2011, “homosexual acts.” Unfortunately, veterans facing administrative separation are subject to few procedural protections, and the military’s own statistics show that the system is plagued by discrimination on the basis of sexual orientation and race.

“All too often, the misconduct resulting in a less-than-honorable discharge can be attributed to undiagnosed conditions like *Post Traumatic Stress Disorder (PTSD)* and *Traumatic Brain Injury (TBI)*, or to experiences like *Military Sexual Trauma (MTS)*. The Department of Defense has long recognized the relationship between military misconduct and conditions like PTSD. In 2017, the Government Accountability Office found that 62% of service members separated for misconduct between 2011-2015 had been diagnosed

with PTSD, TBI, or other mental health conditions that could be associated with misconduct. (Veterans Legal Services Clinic.2015. p. 1-2)

A 2018 collaboration between the Connecticut Department of Veterans Affairs and Yale Law School determined that there were an estimated 1,700 to 2,500 Connecticut veterans with bad paper discharges. At the time, there were 217,947 veterans living in Connecticut, meaning 4% of the state's veterans would be directly affected by the proposal created for the Connecticut General Assembly.

The Veterans Legal Services Clinic report explained:

Researchers also estimate that 16% of military personnel have experienced sexual harassment and assault while in service. Female veterans who experience sexual assault while serving, for example, accompanied by stigmatizing narrative reasons (e.g. “personality disorder”) for the separation. Some service members have even received OTH discharges after suicide attempts triggered by untreated PTSD.

Veterans with OTH discharges and PTSD, TBI, or MST face significant stigma and shame, which is exacerbated by the dignitary harm suffered upon exclusion from these benefits. They deserve to be supported as they transition back into their communities in Connecticut, not cast out from the veterans' community in the face of their most difficult challenges. Recognizing these veterans is a small step that would have immeasurable significance in their lives, to their families, and within the veterans' community. Veterans with bad paper discharges are normally eligible to apply for discharge upgrades through the Congressional-established Discharge Review Boards (DRBs) and Boards for the correction of Military/Naval Records (BCM/NRs). However, these boards are not functioning as Congress intended. Prior to 2013, the boards denied more than 95% of applications from Vietnam Veterans with PTSD.

In 2014, in part in response to a proposed nation-wide class action filed by Conley Monk—a Connecticut resident who served in the Marines in Vietnam and received an OTH discharge based on undiagnosed PTSD—the Secretary of Defense ordered DRBS and BCM/NRs to reform their practices, specifically directing the boards to apply “liberal consideration” to applications from veterans with PTSD and other related conditions. Unfortunately, implementation of the guidance has been poor. Ultimately, very few service members with less-than-honorable discharges ever receive VA benefits.

Recognizing their need, the General Assembly should enact legislation that would make these veterans eligible for benefits on the basis of their medical diagnosis. The operation of this legislative scheme would be simple—eligible veterans would elect to go to a VA Hospital or Vet Center, and would request that a licensed mental healthcare provider fill out a standardized form confirming that the veteran has a qualifying condition. When applying for benefits at the agency administering the pertinent program, veterans with OTH discharges would follow the same process as all other veterans. The only difference would be the submission of this additional form.

In essence, this proposed system creates a waiver for veterans with OTH discharges and diagnoses of PTSD or TBI or experiences of MTS while in service. This proposal strikes a balance between prioritizing accessibility for applicants and minimizing administrative burdens on the state. (Veterans Legal Services Clinic. 2018. p. 3-8)

Link to Full Report: https://law.yale.edu/sites/default/files/area/clinic/document/a_time_to_heal_-_state_benefits_for_connecticut_veterans_with_bad_paper.pdf

See APPENDIXES G, H, I, H, K, & L

In 2021, Connecticut State Senator Alex Kasser, and State Representative Jeff Currey and Raghiv Allie-Brennan, introduced legislation which passed, to restore benefits for Connecticut service members discharged for no other reason than their sexual orientation or gender identity.

Commissioner Thomas Saadi—Connecticut Department of Veterans Affairs Connecticut creates a Qualifying Condition Review Board

In July of 2021, MBVS interviewed Commissioner Thomas Saadi from the Connecticut Department of Veterans Affairs, and learned that in 2018, an Iraq war veteran who had been awarded multiple Purple Heart Medals, the Yale Law Clinic, and Connecticut Veterans' Legal Council were helping with discharge upgrades for veterans. The state decided to take a different tact to create a more formal program, and established a state based review of a veteran's discharge to see if they would qualify for state and municipal benefits while their application was pending at a federal level. Originally this was for cases of PTSD, TBI, and MST - Other than Honorable (OTH) discharges only (no bad conduct or dishonorable discharges).

Connecticut collaborated with their regional Vet Centers and created a program where their clinicians would receive a simple standardized form and review the veteran's DD- Form 214, a short narrative, and any other documentation the veteran could supply. If the veteran's case met the standard that any one or combination of these diagnosis, the clinician would sign off on the form (that the conditions more likely than not were attributed to the OTH condition of discharge) and the veteran could apply for state veterans' benefits.

In 2021, the State Legislature added this piece to the LGBTQ+ program (OTH discharges given due to gender identity, sexual orientation, or gender expression). The Connecticut Department of Veterans' Affairs handles all the applications, streamlined the process, and if the veteran doesn't agree with the final result, they have the right to appeal to the Connecticut Supreme Court.

Commissioner Saadi reported that New York has already forged ahead and set up an application process. He also noted that there is interest in more states creating such processes, which may over time cause the VA to reevaluate and recognize the importance of them. Currently, the Connecticut Qualifying Condition Review Board will go into effect in October 2021, and will consist of five members - three appointees, one manager from the Connecticut VA Office of Advocacy and Assistance, and one member from their Board of Trustees. In the last three years, Connecticut has averaged 20 veterans' requests for review per year.

Potential speed bumps Connecticut encountered creating a Qualifying Condition Review Board:

- A. Each state will have a different set of standards.
- B. Currently the Department of Defense won't consider an approved state application as evidence.
- C. Getting other veteran-centric organizations on board with the program.
(*Author's Note:* Once Connecticut did, they had a critical mass of statewide leaders' support.)
- D. Questions regarding cost and financial benefits?
(*Author's Note:* This is a small pool of veterans, but the help that a board could provide to their lives is profound.)
- E. Argument that there is already a federal avenue for this process.
(*Author's Note:* It currently takes a long time to go through the VA process. The creation of a board streamlines things in the immediate for the veteran.)
- F. State Legislators mistakenly referred to the program's objectives as "Veterans' benefits."
(*Author's Note:* The review board only impacts state and municipal benefits.)

See APPENDIXS K & L

MBVS and Maine’s Vet Centers

Working in Partnership for Maine’s Veterans

On August 2, 2021, MBVS Director David Richmond and Director of Strategic Partnerships Sarah Sherman met with four of Maine’s five Vet Center Directors to discuss their ongoing partnerships and the possibility of creating a Qualifying Condition Review Board in Maine. The topic was met with great interest and positive feedback by the Vet Center Directors, who are subject matter experts in the areas of PTSD, TBI, and MST. The group agreed that upon the completion of this report and pending authorization from the State Legislature, they would reconvene in 2022 to discuss next steps.

Report Findings

- There is potential for creating a streamlined Qualifying Condition Review Board certification process through the Maine Bureau of Veterans’ Services (MBVS) for veterans to clarify their discharge status for the purpose of accessing state programs, services, and benefits, thus placing the burden on the state to prove that a veteran who has been discharged from the military is not otherwise eligible to receive state programs, services, and benefits.
- To streamline the process, MBVS could work with partner agencies to create a state-wide panel to review LGBTQ+ “Bad Paper” discharges, as well as those who have suffered the invisible wounds of service and combat —Post Traumatic Stress Disorder, Traumatic Brain Injury, and Military Sexual Trauma.

Conclusions

After conducting a six-month needs assessment regarding LGBTQ+ Veterans’ Access to Federal and State Benefits, specifically focusing on the area of bad paper discharges, the Maine Bureau of Veterans’ Services has concluded that there is potential for creating a Qualifying Condition Review Board that could be effective and beneficial to LGBTQ+ veterans, as well as any veteran who received an Other than Honorable character of discharge from the military due to PTSD, TBI, MST, or a combination of the these reasons.

APPENDIX A— (Military Code of Justice Article 125—Sodomy)

§50.b.(1)

Article 125

(1) That the accused inflicted a certain injury upon a certain person;

(2) That this injury seriously disfigured the person's body, destroyed or disabled an organ or member, or seriously diminished the person's physical vigor by the injury to an organ or member; and

(3) That the accused inflicted this injury with an intent to cause some injury to a person.

c. *Explanation.*

(1) *Nature of offense.* It is maiming to put out a person's eye, to cut off a hand, foot, or finger, or to knock out a tooth, as these injuries destroy or disable those members or organs. It is also maiming to injure an internal organ so as to seriously diminish the physical vigor of a person. Likewise, it is maiming to cut off an ear or to scar a face with acid, as these injuries seriously disfigure a person. A disfigurement need not mutilate any entire member to come within the article, or be of any particular type, but must be such as to impair perceptibly and materially the victim's comeliness. The disfigurement, diminishment of vigor, or destruction or disablement of any member or organ must be a serious injury of a substantially permanent nature. However, the offense is complete if such an injury is inflicted even though there is a possibility that the victim may eventually recover the use of the member or organ, or that the disfigurement may be cured by surgery.

(2) *Means of inflicting injury.* To prove the offense it is not necessary to prove the specific means by which the injury was inflicted. However, such evidence may be considered on the question of intent.

(3) *Intent.* Maiming requires a specific intent to injure generally but not a specific intent to maim. Thus, one commits the offense who intends only a slight injury, if in fact there is infliction of an injury of the type specified in this article. Infliction of the type of injuries specified in this article upon the person of another may support an inference of the intent to injure, disfigure, or disable.

(4) *Defenses.* If the injury is done under circumstances which would justify or excuse homicide, the offense of maiming is not committed. See R.C.M. 916.

d. *Lesser included offenses.*

(1) Article 128—assault; assault consummated by a battery

(2) Article 128—assault with a dangerous weapon

(3) Article 128—assault intentionally inflicting grievous bodily harm

(4) Article 80—attempts

e. *Maximum punishment.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 20 years.

f. *Sample specification.*

In that _____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required) on or about ____ 20 __, maim _____ by (crushing his/her foot with a sledge hammer) (_____).

51. Article 125—Sodomy

a. *Text of statute.*

(a) **Any person subject to this chapter who engages in unnatural carnal copulation with another person of the same or opposite sex or with an animal is guilty of sodomy. Penetration, however slight, is sufficient to complete the offense.**

(b) **Any person found guilty of sodomy shall be punished as a court-martial may direct.**

b. *Elements.*

(1) That the accused engaged in unnatural carnal copulation with a certain other person or with an animal.

[Note: Add any of the following as applicable]

(2) That the act was done with a child under the age of 12.

(3) That the act was done with a child who had attained the age of 12 but was under the age of 16.

(4) That the act was done by force and without the consent of the other person.

c. *Explanation.* It is unnatural carnal copulation for a person to take into that person's mouth or anus the sexual organ of another person or of an animal; or to place that person's sexual organ in the mouth or anus of another person or of an animal; or to have carnal copulation in any opening of the body, except the sexual parts, with another person; or to have carnal copulation with an animal.

d. *Lesser included offenses.*

(1) *With a child under the age of 16.*

(a) Article 125—forcible sodomy (and offenses included therein; see subparagraph (2) below)

(b) Article 80—attempts

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APPENDIX B—Military Code of Justice Article 125—Sodomy, (p.2)

Article 126

§52.c.(2)(b)

(2) *Forcible sodomy.*

(a) Article 125—sodomy (and offenses included therein; see subparagraph (3) below)

(b) Article 134—assault with intent to commit sodomy

(c) Article 80—attempts.

(3) *Sodomy, Article 80—attempts*

[Note: Consider lesser included offenses under Art. 120, depending on the factual circumstances in each case.]

c. *Maximum punishment.*

(1) *By force and without consent.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for life without eligibility for parole.

(2) *With a child who, at the time of the offense, has attained the age of 12 but is under the age of 16 years.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 20 years.

(3) *With a child under the age of 12 years at the time of the offense.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for life without eligibility for parole.

(4) *Other cases.* Dishonorable discharge, forfeiture of all pay and allowances, and confinement for 5 years.

f. *Sample specification.*

In that _____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about ____ 20 __, commit sodomy with _____, (a child under the age of 12) (a child who had attained the age of 12 but was under the age of 16) (by force and without the consent of the said _____).

52. Article 126—Arson

a. *Text of statute.*

(a) Any person subject to this chapter who willfully and maliciously burns or sets on fire an inhabited dwelling, or any other structure, movable or immovable, wherein to the knowledge of the offender there is at the time a human being, is guilty of aggravated arson and shall be punished as a court-martial may direct.

(b) Any person subject to this chapter who willfully and maliciously burns or sets fire to the property of another, except as provided in subsection (a), is guilty of simple arson and shall be punished as a court-martial may direct.

b. *Elements.*

(1) *Aggravated arson.*

(a) *Inhabited dwelling.*

(i) That the accused burned or set on fire an inhabited dwelling;

(ii) That this dwelling belonged to a certain person and was of a certain value; and

(iii) That the act was willful and malicious.

(b) *Structure.*

(i) That the accused burned or set on fire a certain structure;

(ii) That the act was willful and malicious;

(iii) That there was a human being in the structure at the time;

(iv) That the accused knew that there was a human being in the structure at the time; and

(v) That this structure belonged to a certain person and was of a certain value.

(2) *Simple arson.*

(a) That the accused burned or set fire to certain property of another;

(b) That the property was of a certain value; and

(c) That the act was willful and malicious.

c. *Explanation.*

(1) *In general.* In aggravated arson, danger to human life is the essential element; in simple arson, it is injury to the property of another. In either case, it is immaterial that no one is, in fact, injured. It must be shown that the accused set the fire willfully and maliciously, that is, not merely by negligence or accident.

(2) *Aggravated arson.*

(a) *Inhabited dwelling.* An inhabited dwelling includes the outbuildings that form part of the cluster of buildings used as a residence. A shop or store is not an inhabited dwelling unless occupied as such, nor is a house that has never been occupied or which has been temporarily abandoned. A person may be guilty of aggravated arson of the person's dwelling, whether as owner or tenant.

(b) *Structure.* Aggravated arson may also be committed by burning or setting on fire any other structure, movable or immovable, such as a theater, church, boat, trailer, tent, auditorium, or any other sort of shelter or edifice, whether public or private, when the offender knows that there is a human being inside at the time. It may be that the offender

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APPENDIX C - Types of Military Discharges

Name	Type	Details
Honorable Discharge	Administrative	The most common form of discharge. Given to service members who have exhibited good or excellent service in their duties while serving in the military.
General Discharge (a.k.a. Discharge Under Honorable Conditions)	Administrative	Given to those who have exhibited satisfactory service, but have had performance-related issues such as personal conduct infractions or failing to advance in their training.
Other Than Honorable Discharge	Administrative	Given to those with serious misconduct issues such as abuse of authority, use of violence, or security violations. Often given to LGBTQ service members under Don't Ask, Don't Tell.
Entry Level Separation	Administrative	Given to service members who leave service prior to completing 180 days of service e.g. unable to complete basic training due to medical issues or family hardship.
Bad Conduct Discharge	Punitive	A punishment given by a court martial to those who have committed a violation such as disorderly conduct, being drunk or high on duty, or absent without leave.
Dishonorable Discharge	Punitive	A punishment given by a court martial to those who have exhibited reprehensible behavior, such as murder, sexual assault, or desertion.
Dismissal	Administrative	Commissioned officers cannot receive punitive discharges, and instead are issued dismissals if convicted by a court martial. They are treated effectively the same as dishonorable discharges for enlisted service members.

APPENDIX D - Maine Veterans' Benefits

State Benefit	Type of Discharge Required				
	Honorable	General (Under Honorable Conditions)	Other Than Honorable	Bad Conduct Discharge	Dishonorable
Financial					
Military Pensions	✓	✓	N/A	N/A	N/A
Property Tax (See additional eligibility requirements)	✓	✓	N/A	N/A	N/A
Homestead Exemption (See additional eligibility requirements)	✓	✓	N/A	N/A	N/A
Vehicle Excise (See additional eligibility requirements)	N/A	N/A	N/A	N/A	N/A
Eldercare, Burial & Survival Benefits					
Maine Veterans' Homes	✓	✓	N/A	N/A	N/A
Maine Veterans' Memorial Cemeteries	✓**	✓**	N/A	N/A	N/A
Veteran Identification					
DD214 Requests	✓	✓	✓	✓	✓
Military Service Driver's License	✓	✓	N/A	N/A	N/A
Complimentary Veteran License Plates/Special Veteran Plate	✓	N/A	N/A	N/A	N/A
Education					
Veterans' Dependents Educational Benefits (See additional requirements)	N/A	N/A	N/A	N/A	N/A
Postsecondary Education for Maine National Guard Members (See additional requirements to qualify)	✓	✓	N/A	N/A	N/A
Recreation					
Lifetime Veterans' Park/State Museum Pass	✓	✓	N/A	N/A	N/A
Disabled Veterans' Controlled Moose Hunt (See additional requirements to qualify)	N/A	N/A	N/A	N/A	N/A
Disabled Veterans' Complimentary Hunting and Fishing License (See additional requirements to qualify)	N/A	N/A	N/A	N/A	N/A
Disabled Veterans' Access to State Parks (See additional requirements to qualify)	N/A	N/A	N/A	N/A	N/A
Employment					
Veteran Assistance at Career Centers	✓	✓	✓	✓	✓
State of Maine Veterans Hiring Preference	✓	✓	N/A	N/A	N/A
Accelerated Occupational Licensing Initiative	✓	✓	N/A	N/A	N/A
Health Care Employment for Military Veterans	✓	✓	✓	N/A	N/A
Emergency Services					
Veterans Emergency Financial Assistance	✓	✓	✓*	✓*	✓*
Mental Healthcare Services	✓	✓	✓*	✓*	✓*
Veterans' Recognition					
Certificate & Coin	✓	N/A	N/A	N/A	N/A

*Indicates that the Director of the Bureau of Maine Veterans' Services may determine eligibility on a case-by-case basis.

**Indicates Veteran must meet Federal Definition of Veteran

APPENDIX E - Request Pertaining to Military Records (SF-180)

Standard Form 180 (Rev. 09/08) (Page 1)
 Prescribed by NARA (36 CFR 1228.168(b))

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OMB No. 3095-0029 Expires 10/31/2011

REQUEST PERTAINING TO MILITARY RECORDS

* Requests from veterans or deceased veteran's next-of-kin may be submitted online by using eVetRecs at <http://www.archives.gov/veterans/evetrecs/> *

(To ensure the best possible service, please thoroughly review the accompanying instructions before filling out this form. Please print clearly or type.)

SECTION I - INFORMATION NEEDED TO LOCATE RECORDS (Furnish as much as possible.)

1. NAME USED DURING SERVICE (last, first, and middle)		2. SOCIAL SECURITY NO.	3. DATE OF BIRTH	4. PLACE OF BIRTH		
5. SERVICE, PAST AND PRESENT (For an effective records search, it is important that all service be shown below.)						
	BRANCH OF SERVICE	DATE ENTERED	DATE RELEASED	OFFICER	ENLISTED	SERVICE NUMBER (If unknown, write "unknown")
a. ACTIVE COMPONENT						
b. RESERVE COMPONENT						
c. NATIONAL GUARD						
6. IS THIS PERSON DECEASED? If "YES" enter the date of death. <input type="checkbox"/> NO <input type="checkbox"/> YES _____				7. IS (WAS) THIS PERSON RETIRED FROM MILITARY SERVICE? <input type="checkbox"/> NO <input type="checkbox"/> YES		

SECTION II - INFORMATION AND/OR DOCUMENTS REQUESTED

1. CHECK THE ITEM(S) YOU WOULD LIKE TO REQUEST A COPY OF:

- DD Form 214 or equivalent.** This form contains information normally needed to verify military service. A copy may be sent to the veteran, the deceased veteran's next of kin, or other persons or organizations if authorized in Section III, below. NOTE: If more than one period of service was performed, even in the same branch, there may be more than one DD214. **Check the appropriate box below to specify a deleted or undeleted copy.** When was the DD Form(s) 214 issued? YEAR(S):
- UNDELETED:** Ordinarily required to determine eligibility for benefits. Sensitive items, such as, the character of separation, authority for separation, reason for separation, reenlistment eligibility code, separation (SPD/SPN) code, and dates of time lost are usually shown.
- DELETED:** The following items are deleted: authority for separation, reason for separation, reenlistment eligibility code, separation (SPD/SPN) code, and for separations after June 30, 1979, character of separation and dates of time lost.
- All Documents in Official Military Personnel File (OMPF)**
- Medical Records** (Includes Service Treatment Records (outpatient), inpatient and dental records.) If hospitalized, provide facility name and date for each admission:
- Other** (Specify):

2. **PURPOSE:** (An explanation of the purpose of the request is **strictly voluntary**; however, such information may help to provide the best possible response and may result in a faster reply. Information provided will in no way be used to make a decision to deny the request.) Check appropriate box:

- Benefits Employment VA Loan Programs Medical Medals/Awards Genealogy Correction Personal
- Other, explain:

SECTION III - RETURN ADDRESS AND SIGNATURE

1. **REQUESTER IS:** (Signature Required in # 3 below of veteran, next of kin, legal guardian, authorized government agent or "other" authorized representative. If "other" authorized representative, provide copy of authorization letter.)

- Military service member or veteran identified in Section I, above
- Next of kin of deceased veteran (Must provide proof of death).
- Legal guardian (Must submit copy of court appointment.)
- Other (specify) _____

Show relationship: _____

(See item 2a on accompanying instructions.)

2. **SEND INFORMATION/DOCUMENTS TO:**
 (Please print or type. See item 4 on accompanying instructions.)

3. **AUTHORIZATION SIGNATURE REQUIRED** (See items 2a or 3a on accompanying instructions.) I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the information in this Section III is true and correct.

Name _____
 Street _____ Apt. _____
 City _____ State _____ Zip Code _____

Signature Required - Do not print
 () _____
 Date of this request _____ Daytime phone _____
 Email address _____

This form is available at <http://www.archives.gov/research/order/standard-form-180.pdf> on the National Archives and Records Administration (NARA) web site.

APPENDIX F - Request Pertaining to Military Records—SF-180, (p. 2)

Standard Form 180 (Rev. 09/08) (Page 2)
 Prescribed by NARA (36 CFR 1228.168(b))

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LOCATION OF MILITARY RECORDS

The various categories of military service records are described in the chart below. For each category there is a code number which indicates the address at the bottom of the page to which this request should be sent. Please refer to the Instruction and Information Sheet accompanying this form as needed.

BRANCH	CURRENT STATUS OF SERVICE MEMBER	ADDRESS CODE	
		Personnel Record	Service Treatment Record
AIR FORCE	Discharged, deceased, or retired before 5/1/1994	14	14
	Discharged, deceased, or retired 5/1/1994 – 9/30/2004	14	11
	Discharged, deceased, or retired on or after 10/1/2004	1	11
	Active (including National Guard on active duty in the Air Force), TDRL, or general officers retired with pay	1	
	Reserve, retired reserve in nonpay status, current National Guard officers not on active duty in the Air Force, or National Guard released from active duty in the Air Force	2	
	Current National Guard enlisted not on active duty in the Air Force	13	
COAST GUARD	Discharge, deceased, or retired before 1/1/1898	6	
	Discharged, deceased, or retired 1/1/1898 – 3/31/1998	14	14
	Discharged, deceased, or retired on or after 4/1/1998	14	11
	Active, reserve, or TDRL	3	
MARINE CORPS	Discharged, deceased, or retired before 1/1/1905	6	
	Discharged, deceased, or retired 1/1/1905 – 4/30/1994	14	14
	Discharged, deceased, or retired 5/1/1994 – 12/31/1998	14	11
	Discharged, deceased, or retired on or after 1/1/1999	4	11
	Individual Ready Reserve	5	
	Active, Selected Marine Corps Reserve, TDRL	4	
ARMY	Discharged, deceased, or retired before 11/1/1912 (enlisted) or before 7/1/1917 (officer)	6	
	Discharged, deceased, or retired 11/1/1912 – 10/15/1992 (enlisted) or 7/1/1917 – 10/15/1992 (officer)	14	14
	Discharged, deceased, or retired after 10/16/1992	14	11
	Reserve; or active duty records of current National Guard members who performed service in the U.S. Army before 7/1/1972	7	
	Active enlisted (including National Guard on active duty in the U.S. Army) or TDRL enlisted	9	
	Active officers (including National Guard on active duty in the U.S. Army) or TDRL officers	8	
	Current National Guard enlisted and officer not on active duty in Army (including records of Army active duty performed after 6/30/1972)	13	
NAVY	Discharged, deceased, or retired before 1/1/1886 (enlisted) or before 1/1/1903 (officer)	6	
	Discharged, deceased, or retired 1/1/1886 – 1/30/1994 (enlisted) or 1/1/1903 – 1/30/1994 (officer)	14	14
	Discharged, deceased, or retired 1/31/1994 – 12/31/1994	14	11
	Discharged, deceased, or retired on or after 1/1/1995	10	11
	Active, reserve, or TDRL	10	
PHS	Public Health Service - Commissioned Corps officers only	12	

ADDRESS LIST OF CUSTODIANS (BY CODE NUMBERS SHOWN ABOVE) – Where to write/send this form

1	Air Force Personnel Center HQ AFPC/DPSSRP 550 C Street West, Suite 19 Randolph AFB, TX 78150-4721	6	National Archives & Records Administration Old Military and Civil Records (NWCTB-Military) Textual Services Division 700 Pennsylvania Ave., N.W. Washington, DC 20408-0001	11	Department of Veterans Affairs Records Management Center P.O. Box 5020 St. Louis, MO 63115-5020
2	Air Reserve Personnel Center /DSMR HQ ARPC/DPSSA/B 6760 E. Irvington Place, Suite 4600 Denver, CO 80280-4600	7	U.S. Army Human Resources Command ATTN: AHRC-PAV-V 1 Reserve Way St. Louis, MO 63132-5200	12	Division of Commissioned Corps Officer Support ATTN: Records Officer 1101 Wooton Parkway, Plaza Level, Suite 100 Rockville, MD 20852
3	Commander, CGPC-adm-3 USCG Personnel Command 4200 Wilson Blvd., Suite 1100 Arlington, VA 22203-1804	8	U.S. Army Human Resources Command ATTN: AHRC-MSR 200 Stovall Street Alexandria, VA 22332-0444	13	The Adjutant General (of the appropriate state, DC, or Puerto Rico)
4	Headquarters U.S. Marine Corps Personnel Management Support Branch (MMSB-10) 2008 Elliot Road Quantico, VA 22134-5030	9	Commander USAEREC ATTN: PCRE-F 8899 E. 56th St. Indianapolis, IN 46249-5301	14	National Personnel Records Center (Military Personnel Records) 9700 Page Ave. St. Louis, MO 63132-5100 <i>http://www.archives.gov/veterans/evetrecs/</i>
5	Marine Corps Mobilization Command 15303 Andrews Road Kansas City, MO 64147-1207	10	Navy Personnel Command (PERS-312E) 5720 Integrity Drive Millington, TN 38055-3120		

APPENDIX H—Application for the Review of Discharge from the Armed Forces of the United States—DD-293, (p. 2)

Prescribed by: DoDI 1332.28

SECTION 3: REQUEST (Continued)															
22. WHY IS A CHANGE REQUESTED?															
SECTION 4: EVIDENCE AND RECORDS															
23. IN SUPPORT OF THIS CLAIM, THE FOLLOWING DOCUMENTARY EVIDENCE IS ATTACHED (LIST DOCUMENTS): Example evidence / records: Separation packet, medical documents (e.g. diagnosis, VA rating), post-service documents (e.g. diplomas, professional certificates, character references), and/or investigations. (Do NOT submit irreplaceable original documents. They will NOT be returned.)															
a.				d.				g.							
b.				e.				h.							
c.				f.				i.							
LIST ADDITIONAL SUPPORTING DOCUMENTS (if needed)															
IMPORTANT NOTE: If the basis of your request involves the effects of one or more physical, medical, mental, and/or behavioral health condition(s) and if available, please attach copies of any VA rating decisions, relevant medical records, and counseling treatment records.															
SECTION 5: REPRESENTATIVE OR COUNSEL (if applicable)															
The following representative is authorized to receive and provide communication on the Service Member's or applicant's behalf.															
24. NAME		Last										MI		Suffix	
		First													
25. ORGANIZATION															
26. MAILING ADDRESS Street															
City, State / APO / Country or Foreign Address										ZIP					
Email										Phone					
SECTION 6: APPLICANT (if other than the Service Member)															
27. APPLICANT MUST SIGN IN ITEM 31A BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (type/print) _____ and relationship by marking a box below															
<input type="checkbox"/> SPOUSE <input type="checkbox"/> WIDOW <input type="checkbox"/> WIDOWER <input type="checkbox"/> NEXT OF KIN <input type="checkbox"/> LEGAL REPRESENTATIVE <input type="checkbox"/> OTHER (specify) _____															
SECTION 7: SIGNATURE															
28. I WOULD LIKE TO RECEIVE ALL CORRESPONDENCE / DOCUMENTS ELECTRONICALLY (This may reduce overall processing time.) <input type="checkbox"/> YES <input type="checkbox"/> NO															
CERTIFICATION. I MAKE THE FOREGOING STATEMENTS, AS PART OF THIS CLAIM, WITH FULL KNOWLEDGE OF THE PENALTIES INVOLVED FOR WILLFULLY MAKING A FALSE STATEMENT OR CLAIM. (U.S. Code, Title 18, Section 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.) I authorize the release of post-service, protected health information, i.e. Veterans Administration Medical Records.															
29a. SIGNATURE - REQUIRED						29b. DATE SIGNED - REQUIRED (YYYYMMDD)									
SUBMIT COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW															
ARMY			NAVY AND MARINE CORPS			AIR FORCE			COAST GUARD						
Army Review Boards Agency 251 18th Street South, Suite 385 Arlington, VA 22202-3531 http://arba.army.pentagon.mil			Secretary of the Navy Council of Review Boards ATTN: Naval Discharge Review Board 720 Kennon Ave. S.E., Suite 309 Washington Navy Yard, DC 20374-5023 http://www.secnav.navy.mil/mra/CORB/pages/nrb/default.aspx			Air Force Discharge Review Board 3351 Celmers Lane Joint Base Andrews, MD 20762-6435 http://www.afpc.af.mil/Separation/Discharge-Review-Board/			Commandant (CG-133) ATTN: Office of Military Personnel US Coast Guard Stop 7907 2703 Martin Luther King Jr. Ave. S.E. Washington, DC 20593 https://www.uscg.mil/Resources/legal/DRB/						

APPENDIX I—Application for Correction of Military Record (DD-149)

Prescribed by: DoDD 1332.41, DoDI 1332.28

APPLICATION FOR CORRECTION OF MILITARY RECORD UNDER THE PROVISIONS OF TITLE 10, U.S. CODE, SECTION 1552 <i>(Please read Privacy Act Statement and instructions on back BEFORE completing this application.)</i>		OMB No. 0704-0003 OMB approval expires: 20221031
		DO NOT WRITE BELOW
		CASE NUMBER
SECTION 1: SERVICE MEMBER <i>(The person whose discharge is to be reviewed.)</i>		PLEASE PRINT OR TYPE INFORMATION
1. BRANCH AT TIME OF ERROR OR INJUSTICE <input type="checkbox"/> ARMY <input type="checkbox"/> NAVY <input type="checkbox"/> AIR FORCE <input type="checkbox"/> COAST GUARD <input type="checkbox"/> MARINE CORPS		
2. COMPONENT AT TIME OF ERROR OR INJUSTICE <input type="checkbox"/> REGULAR <input type="checkbox"/> RESERVE <input type="checkbox"/> GUARD		
3. NAME WHILE SERVING	Last	
	First	
4. CURRENT NAME <i>(if different)</i>	Last	
	First	
5a. SSN WHILE SERVING		CURRENT SSN <i>(if different)</i>
5b. <i>(provide, if applicable)</i> <input type="checkbox"/> DoD ID Number, <input type="checkbox"/> SERVICE NUMBER, or <input type="checkbox"/> TIN		
6. MAILING ADDRESS <i>(If Service Member is deceased, skip this question.)</i>		
Street		
City, State / APO / Country or Foreign Address		ZIP
Email		Phone
SECTION 2: SEPARATION INFORMATION <i>(if not currently serving)</i>		
7. CURRENTLY SERVING? <input type="checkbox"/> YES <input type="checkbox"/> NO		8. DATE OF SEPARATION (YYYYMMDD) _____
9. CHARACTER OF SERVICE <i>(If by court-martial, also state Type of Court in space provided.)</i>		
<input type="checkbox"/> Honorable <input type="checkbox"/> Under Honorable Conditions (General) <input type="checkbox"/> Under Other than Honorable Conditions <input type="checkbox"/> Bad Conduct Discharge <input type="checkbox"/> Dishonorable <input type="checkbox"/> Dismissal <input type="checkbox"/> Uncharacterized / Entry Level Separation <input type="checkbox"/> Other <i>Type of Court</i> _____		
SECTION 3: ERROR OR INJUSTICE		
10a. IS THIS A REQUEST FOR RECONSIDERATION OF A PRIOR APPLICATION TO THE BOARD? <input type="checkbox"/> YES <input type="checkbox"/> NO		
10b. IF YES AND KNOWN, PROVIDE CASE NUMBER _____ AND DECISION DATE (YYYYMMDD) _____		
11. CATEGORY <i>(Select all that apply. Example: Administrative Correction - change in name, DOB, SSN.)</i>		
<input type="checkbox"/> Administrative Correction <input type="checkbox"/> Pay & Allowance <input type="checkbox"/> Decoration / Awards <input type="checkbox"/> Performance / Evaluations / Derogatory Information <input type="checkbox"/> Disability <input type="checkbox"/> Promotions / Rank <input type="checkbox"/> Discharge / Separation <input type="checkbox"/> Other _____		
12. WHAT CORRECTION AND RELIEF ARE YOU REQUESTING FOR THIS ERROR OR INJUSTICE IN THE SERVICE MEMBER'S RECORD? <i>(required)</i>		
13. ARE ANY OF THE FOLLOWING ISSUES/CONDITIONS RELATED TO YOUR REQUEST: <i>(Select all that apply.)</i>		
<input type="checkbox"/> PTSD <input type="checkbox"/> TBI <input type="checkbox"/> Other Mental Health <input type="checkbox"/> Sexual Assault / Harassment <input type="checkbox"/> DADT <input type="checkbox"/> Transgender <input type="checkbox"/> Reprisal / Whistleblower		
14. WHY SHOULD THIS CORRECTION BE MADE? <i>(required)</i>		
15. APPROXIMATE DATES (YYYYMMDD) _____ THE ERROR OR INJUSTICE OCCURRED: _____ AND WAS DISCOVERED: _____		
IF THE DATE OF DISCOVERY IS MORE THAN 3 YEARS AGO, EXPLAIN YOUR DELAY AND WHY THE BOARD SHOULD CONSIDER YOUR REQUEST. REFER TO BLOCK 18.		

APPENDIX J—Application for Correction of Military Record—DD-149, (p. 2)

Prescribed by: DoDD 1332.41, DoDI 1332.28

17. DO YOU WISH TO APPEAR AT YOUR OWN EXPENSE BEFORE THE BOARD IN WASHINGTON, D.C.?		<input type="checkbox"/> YES. (IN PERSON)	<input type="checkbox"/> YES. (VIA VIDEO / TELEPHONE)	<input type="checkbox"/> NO. CONSIDER MY APPLICATION BASED ON RECORDS & EVIDENCE.											
THE BOARD WILL DETERMINE IF WARRANTED.															
18. ADDITIONAL REMARKS/CONTINUATION OF INFORMATION <i>(If more space is needed, please submit additional narrative as required.)</i>															
SECTION 4: EVIDENCE, RECORDS, AND ADDITIONAL REMARKS															
19. IN SUPPORT OF THIS CLAIM, THE FOLLOWING DOCUMENTARY EVIDENCE IS ATTACHED (LIST DOCUMENTS): <i>Example evidence / records: Separation packet, medical documents (e.g. diagnosis, VA rating), post-service documents (e.g. diplomas, professional certificates, character references), and/or investigations. (Do NOT submit irreplaceable original documents. They will NOT be returned.)</i>															
a.	d.	g.													
b.	e.	h.													
c.	f.	i.													
LIST ADDITIONAL SUPPORTING DOCUMENTS <i>(if needed)</i>															
IMPORTANT NOTE: If the basis of your request involves the effects of one or more physical, medical, mental, and/or behavioral health condition(s) and if available, please attach copies of any VA rating decisions, relevant medical records, and counseling treatment records.															
SECTION 5: CLAIMANT <i>(if other than the Service Member)</i>															
20. RELATION TO SERVICE MEMBER Claimants are normally Service Members seeking to correct their own records. The Service Member or former Service Member is not able to sign the application because they are <input type="checkbox"/> deceased , <input type="checkbox"/> incapacitated , or <input type="checkbox"/> other _____ Please designate appropriate signatory below: I am the heir of the Service Member: <input type="checkbox"/> widow(er) , <input type="checkbox"/> son , <input type="checkbox"/> daughter , <input type="checkbox"/> parent , <input type="checkbox"/> sibling , <input type="checkbox"/> Other _____ Please provide Service Member's death certificate and marriage license or heir's birth certificate, as appropriate to prove relationship. I am the <input type="checkbox"/> conservator , <input type="checkbox"/> guardian , or <input type="checkbox"/> attorney-in-fact of the Service Member . Please provide a notarized power of attorney or court appointment of conservatorship or guardianship to prove status. I am the <input type="checkbox"/> spouse , <input type="checkbox"/> former spouse , or <input type="checkbox"/> dependent of the Service Member . Please provide marriage license, divorce decree, or dependent birth certificate, as appropriate to prove relationship															
21. NAME	Last											MI	Suffix		
	First														
22. MAILING ADDRESS Street															
City, State / APO / Country or Foreign Address												ZIP			
Email												Phone			
SECTION 6: REPRESENTATIVE OR COUNSEL <i>(if applicable)</i>															
The following representative is authorized to receive and provide communication regarding this application.															
23. NAME	Last											MI	Suffix		
	First														
24. ORGANIZATION															
25. MAILING ADDRESS Street															
City, State / APO / Country or Foreign Address												ZIP			
Email												Phone			
SECTION 7: SIGNATURE															
26. I WOULD LIKE TO RECEIVE ALL CORRESPONDENCE & DOCUMENTS ELECTRONICALLY. <i>(This may reduce overall processing time.)</i>												<input type="checkbox"/> YES		<input type="checkbox"/> NO	
CERTIFICATION: I MAKE THE FOREGOING STATEMENTS, AS PART OF THIS CLAIM, WITH FULL KNOWLEDGE OF THE PENALTIES INVOLVED FOR WILLFULLY MAKING A FALSE STATEMENT OR CLAIM. <i>(U.S. Code, Title 18, Section 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)</i>															
27a. SIGNATURE										27b. DATE SIGNED (YYYYMMDD)					
16. IS THIS REQUEST RELATED TO ANY OF THESE WARS OR CONTINGENCY OPERATIONS? <input type="checkbox"/> Yes <i>(Select all that apply.)</i> <input type="checkbox"/> No															
<input type="checkbox"/> Operation Freedom Sentinel (OFS) (01/01/2015 - Present) <input type="checkbox"/> Persian Gulf War (08/02/1990 - 11/30/1995) <input type="checkbox"/> Operation Inherent Resolve (OIR) (08/08/2014 - Present) <input type="checkbox"/> Vietnam War (01/01/1961 - 04/30/1975) <input type="checkbox"/> Operation Enduring Freedom (OEF) (09/11/2001 - 12/31/2014) <input type="checkbox"/> Korean War (06/27/1950 - 07/27/1954) <input type="checkbox"/> Operation New Dawn (OND) (09/01/2010 - 12/15/2011) <input type="checkbox"/> World War II (12/07/1941 - 09/02/1945) <input type="checkbox"/> Operation Iraqi Freedom (OIF) (03/19/2003 - 08/31/2010) <input type="checkbox"/> Other _____															

APPENDIX K—State of Connecticut Qualifying Condition Verification Form

STATE OF CONNECTICUT
Post-Traumatic Stress Disorder, Traumatic Brain Injury and Military Sexual Trauma
Qualifying Condition Verification Form

(Promulgated by the CT Department of Veterans Affairs pursuant to Public Act 18-47)

PATIENT/VETERAN NAME: _____

PATIENT/VETERAN DATE OF BIRTH: Day: _____ Month: _____ Year: _____

PATIENT/VETERAN SOCIAL SECURITY NUMBER _____

PATIENT/VETERAN ADDRESS: _____

SECTION I. NOTICE TO PROVIDERS, STATE AGENCIES & MUNICIPALITIES

NOTE TO PROVIDER - Your patient has an “Other than Honorable” (OTH) discharge from the U.S. Armed Forces and is applying for Connecticut state Veterans’ benefits pursuant to Public Act 18-47. A former service member with an “Other than Honorable” (OTH) discharge is not eligible for State Veteran’s benefits unless diagnosed by a licensed provider with a “Qualifying Condition” defined in Public Act 18-47 as post-traumatic stress disorder (PTSD) resulting from military service, a traumatic brain injury (TBI) resulting from military service, or experienced military sexual trauma (MST), as described in 38 U.S.C. § 1720D. **Veteran’s benefits are only available to a former service member with an “Other than Honorable” (OTH) discharge – a Veteran with a “Bad Conduct” or “Dishonorable” discharge is NOT eligible for Veteran’s benefits.**

Pursuant to Public Act 18-47 the diagnosis and completion of this form must be made by an individual licensed “to provide health care services at a United States Department of Veterans Affairs facility” which includes the following licensed persons: Physicians (C.G.S. §§ 20-10; 20-13(a)), Advanced Practice Registered Nurses (C.G.S. §20-94a), Psychologists (C.G.S. § 20-187a) and Licensed Clinical Social Workers (C.G.S. § 20-195n).

NOTE TO STATE AND MUNICIPAL AGENCIES – To be eligible for State and Municipal benefits pursuant to Public Act 18-47, a veteran with an “Other than Honorable” (OTH) discharge must be diagnosed with post-traumatic stress disorder (PTSD) resulting from military service, a traumatic brain injury (TBI) resulting from military service, or experienced military sexual trauma (MST), as described in 38 U.S.C. § 1720D. The responses to questions 1 through 3 must be ‘Yes’ to be eligible for Veteran’s benefits. **A Veteran with a “Bad Conduct” or “Dishonorable” discharge is NOT eligible for Veteran’s benefits.** Along with this form, the Veteran must submit all other required documentation (e.g. Form DD-214, agency benefits application) to the agency administering the benefit for which he/she is applying.

SECTION II. DIAGNOSTIC INFORMATION

To be completed based on patients’ medical records and/or the current examination and clinical findings.
(Place ‘X’ in the appropriate box)

1. Does the Veteran have a diagnosis of PTSD or TBI (resulting from military service), or did the Veteran experience MST?

Yes No

_____ Date: _____
Provider Signature

APPENDIX L—State of Connecticut Qualifying Condition Verification Form, (p.2)

2. Is it as least as likely as not that the PTSD stressor, TBI, or MST occurred during military service?

Yes

No

Provider Signature Date: _____

SECTION. III. CLINICAL PROVIDER CERTIFICATION AND SIGNATURE

CERTIFICATION: To the best of my knowledge, the information contained herein is accurate, complete, and current. I understand that this information will be used solely for the purpose of accessing Veterans' benefits programs provided by the State of Connecticut or municipal subdivisions thereof.

3. CLINICAL PROVIDER INFORMATION, SIGNATURE AND TITLE

National Provider Identifier No.: _____ State Identifier No. _____

Provider Printed Name

Title

Provider Signature

Date

4. CLINICAL PROVIDER OFFICIAL CONTACT INFORMATION

Phone: _____ Email: _____

Office Address: _____

SECTION IV. PATIENT/VETERAN RELEASE

I, _____, AUTHORIZE THE RELEASE AND USE OF THE CONFIDENTIAL
(Print Name)
HEALTH INFORMATION ABOVE FOR THE SOLE PURPOSE OF ACCESSING VETERANS' BENEFITS, SERVICES, AND
PROGRAMS IN THE STATE OF CONNECTICUT. I UNDERSTAND AND AGREE THAT IT SHALL NOT BE USED FOR ANY
OTHER PURPOSE.

Signature

Date

APPENDIX M—LD 173 (An Act to Restore Honor to Certain Service Members)

APPROVED
APRIL 7, 2021
BY GOVERNOR

CHAPTER
37
PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

H.P. 126 - L.D. 173

An Act To Restore Honor to Certain Service Members

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 37-B MRSA §503, sub-§9 is enacted to read:

9. Change in treatment of certain discharges. The director, in accordance with this subsection, shall establish a process for a veteran who separated from service without an honorable discharge due solely to the veteran's sexual orientation or gender identity or to statements, consensual sexual conduct or consensual acts relating to sexual orientation or gender identity to have that discharge treated as an honorable discharge for purposes of determining the veteran's eligibility for rights, privileges and benefits granted to veterans under state law.

A. If the director determines that a veteran qualifies to have that veteran's discharge treated as an honorable discharge for purposes of state law, the director shall record this information in the records management system maintained pursuant to subsection 8 and shall provide the veteran with a written certificate verifying the upgraded discharge status for state law purposes. The director shall assist a veteran to whom a certificate is issued under this paragraph in applying for an upgrade of that veteran's discharge status under federal law, if such an upgrade would entitle the veteran to receive federal benefits.

B. All state and municipal departments and agencies shall accept a certificate issued by the director under paragraph A as evidence that the veteran who is the subject of the certificate qualifies as a veteran with an honorable discharge for purposes of determining whether the veteran qualifies for rights, privileges or benefits granted to veterans under state law. The director shall publish and distribute written materials describing the process established under this subsection and the duties of state and municipal departments and agencies under this paragraph.

C. The director shall implement an outreach program to inform veterans of the process established under this subsection and to inform veterans that, through this process, they may be able to receive privileges and benefits that were previously denied under state law.

APPENDIX N—LD 173 (An Act to Restore Honor to Certain Service Members, (p.2)

D. For purposes of this subsection, "gender identity" has the same meaning as in Title 5, section 4553, subsection 5-C; "sexual orientation" has the same meaning as in Title 5, section 4553, subsection 9-C; and "veteran" means a person who served in the United States Armed Forces, the reserve components of the United States Armed Forces, the Maine National Guard or the Active Guard Reserve.

Sec. 2. 37-B MRSA §504, sub-§4, ¶A-1, as amended by PL 2019, c. 601, §1, is further amended by enacting a new subparagraph (3) to read:

(3) "Program of general amnesty" does not include the process for upgrading a discharge for state law purposes under section 503, subsection 9.

Sec. 3. Report. The Director of the Maine Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management shall explore whether other states have established processes for reviewing and potentially upgrading the discharge status, for state law purposes, of veterans who have been diagnosed with post-traumatic stress disorder or traumatic brain injury or who have been diagnosed with psychological trauma resulting from sexual assault or sexual harassment during military service as described in 38 United States Code, Section 1720D and who separated from service without an honorable discharge. By January 15, 2022, the director shall report to the Joint Standing Committee on Veterans and Legal Affairs on both the potential for implementing such a process in the State and the resources that would be required to implement the process. The Joint Standing Committee on Veterans and Legal Affairs may report out legislation based upon the report to the Second Regular Session of the 130th Legislature.

Approved: 03/16/21 *MAC*



130th MAINE LEGISLATURE

LD 173

LR 750(03)

An Act To Restore Honor to Certain Service Members

**Fiscal Note for Bill as Engrossed with:
No Amendments
Committee: Veterans and Legal Affairs**

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Defense, Veterans and Emergency Management associated with this legislation can be absorbed within existing budgeted resources.

APPENDIX P—MBVS Veterans’ Emergency Financial Assistance

Veterans’ Emergency Financial Assistance

VEFA was created to provide assistance for Maine Veterans who suffer an emergency and do not have sufficient savings or access to other financial assistance to resolve the emergency. **Examples of assistance may include:** Damage to the veterans home due to fire, flood or hurricane that is not covered by insurance; Illness of the veteran or family member that results in hardship, assistance to prevent or resolve the veteran being homeless; and any other condition that puts the veteran at risk of not having the basic necessities of food, shelter, or safety.

The Bureau may approve up to \$2,000 to a veteran who is currently a resident of Maine. For more information, or to request financial assistance, please contact one of the following organizations:



American Legion

207-873-3229

<https://www.mainelegion.org>

Maine Bureau of Veterans’ Services

207-430-6035

<https://www.maine.gov/veterans>

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Glossary of Terms

AFAB and AMAB—Acronyms meaning “assigned female/male at birth” (also designated female/male at birth or female/male assigned at birth).

American Legion - The American Legion was chartered and incorporated by Congress in 1919 as a patriotic veterans’ organization devoted to mutual helpfulness. It is the nation’s largest wartime veterans service organization, committed to mentoring youth and sponsorship of wholesome programs in our communities, advocating patriotism and honor, promoting strong national security, and continued devotion to our fellow servicemembers and veterans. <https://www.legion.org/>

Bisexual—A person who has the capacity to form enduring physical, romantic, and/ or emotional attractions to those of the same gender or to those of another gender. <https://www.glaad.org/reference/lgbtq>

Blue Discharge (also known as a Blue Ticket) — Created in 1916, the document provided neither an honorable nor dishonorable rating and was issued disproportionately to African Americans, gays, and lesbian service members. The blue discharge denied access to military benefits such as medical, the G.I. Bill, and funeral honor guard. Printed on blue paper, the discharge was notice to potential employers who refused to hire soldiers without an honorable discharge. The Veterans Administration (VA), charged with implementing the provisions of the G.I. Bill, denied benefits to blue-discharge veterans, despite the Bill's explicit language that made only a dishonorable discharge grounds for denying benefits to a veteran. In 1945, the VA issued a directive that all blue-discharges for homosexuality would be denied benefits. The practice was discontinued in 1947, after intense criticism in the press and by Congress. At that point, two new classes were established on discharge papers - general and undesirable. <https://taskandpurpose.com/news/wwii-veteran-discharge-upgrade/>

Cisgender—A term for people whose gender identity matches the sex assigned them at birth.

Community-Based Outpatient Clinic (CBOC) - VHA implemented these clinics to make access to health care easier. These clinics provide the most common outpatient services, including health and wellness visits, without the hassle of visiting a larger medical center. VHA continues to expand the network of CBOCs to include more rural locations, putting access to care closer to home. There are eight CBOCs in Maine - Bangor, Calais, Caribou, Lewiston, Lincoln, Portland, Rumford, and Saco. <https://www.va.gov/health/aboutvha.asp>

Coronavirus Disease (COVID-19) - A newly identified coronavirus (SARS-CoV-2) which caused a world-wide pandemic of respiratory illness that was first announced by the World Health Organization on January 9, 2020. <https://www.ajmc.com/focus-of-the-week/a-timeline-of-covid19-developments-in-2020>

Disabled American Veterans - DAV is a nonprofit charity that provides a lifetime of support for veterans of all generations and their families, helping more than one million veterans in positive, life-changing ways each year. DAV’s services are offered at no cost to all generations of veterans, their families and survivors. DAV is also a leader in connecting veterans with meaningful employment, hosting job fairs, and providing resources to ensure they have the opportunity to participate in the American Dream their sacrifices have made possible. <https://www.dav.org/learn-more/about-dav/>

DD-214 (Military Discharge Papers) - A document that verifies a service member’s proof of military service. The Certificate of Release or Discharge form is issued through the Department of Defense and is typically issued at the final out processing appointment prior to retirement or separation from the U.S. Military.

Don’t Ask, Don’t Tell—The byname for the former official U.S. policy (1993–2011) regarding the service of homosexuals in the military. The term was coined after Pres. Bill Clinton in 1993 signed a law (consisting of statute, regulations, and policy memoranda) directing that military personnel “don’t ask, don’t tell, don’t pursue, and don’t harass.” When it went into effect on October 1, 1993, the policy theoretically lifted a ban on

homosexual service that had been instituted during [World War II](#), though in effect it continued a statutory ban. In December 2010 both the House of Representatives and the Senate voted to repeal the policy, and Pres. [Barack Obama](#) signed the legislation on December 22. The policy officially ended on September 20, 2011.

Gay—The adjective used to describe people whose enduring physical, romantic, and/or emotional attractions are to people of the same sex. <https://www.glaad.org/reference/lgbtq>”

Gender dysphoria— a distressed state arising from conflict between a person's gender identity and the sex the person has or was identified as having at birth.

Gender Identity—One's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.

Homosexual—An outdated clinical term considered derogatory and offensive referring to a person attracted to people of their own sex. <https://www.glaad.org/reference/lgbtq>

Lavender Scare—The federal government’s official response to both visible lesbian and gay community and a perceived homosexual menace, which was often suggested that they were national security risks and Communist sympathizers, susceptible to blackmail—and therefore be more likely to give away sensitive information, which ultimately lead for calls to remove them from state and federal employment.

Lesbian- A woman whose enduring physical, romantic, and/or emotional attraction is to other women. <https://www.glaad.org/reference/lgbtq>

LGBTQ+ - An acronym for lesbian, gay, bisexual, transgender, and queer + Sometimes, when the Q is seen at the end of LGBT, it can also mean questioning. LGBT and/or GLBT are also often used. The term "gay community" should be avoided, as it does not accurately reflect the diversity of the community. Rather, LGBTQ+ community is preferred. The "plus" is intended as an all-encompassing representation of sexual orientations and gender identities. <https://www.glaad.org/reference/lgbtq>

Maine Bureau of Veterans’ Services - Serves as the State of Maine’s advocates for veterans and their families and has seven field offices - Bangor, Caribou, Lewiston, Machias, Portland, Springvale, and Togus, provides access to state veterans’ programs, and oversees the four Veterans’ Memorial Cemeteries in the state. <https://www.maine.gov/veterans/>

Military Sexual Trauma (MTS) - Sexual assault or harassment experienced during military service.

Other-than-Honorable Discharge—Given to those with serious misconduct issues such as abuse of authority, use of violence, or security violations. Often given to LGBTQ+ service members under Don’t Ask, Don’t Tell.

Outing—The act of publicly declaring (sometimes based on rumor and/or speculation) or revealing another person's sexual orientation or gender identity without that person's consent. Considered inappropriate by a large portion of the LGBTQ+ community.

Pandemic - A disease that affects a large number of people within a community, population, or region spread over multiple countries or continents.

Queer—An adjective used by some people, particularly younger people, whose sexual orientation is not exclusively heterosexual. <https://www.glaad.org/reference/lgbtq>

Post Traumatic Stress Disorder - A psychiatric disorder that some people develop after experiencing or witnessing a life-threatening or traumatic event, such as combat, a natural disaster, a car accident, physical or sexual assault. <https://www.ptsd.va.gov/>

Red Scare—an anti-Communist campaign, also known as McCarthyism (making accusations of subversion or treason, especially when related to Communism, without any proper regard for evidence).

Service Members - Men and women actively serving in the United States Military (Army, Navy, Air Force, Marines, or Coast Guard).

Sexual Orientation— The scientifically accurate term for an individual's enduring physical, romantic and/ or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) orientations.

Sodomy—Anal or oral copulation with a member of the same or opposite sex.

Transgender—Describes people whose gender identity differs from the sex they were assigned at birth.

Transitioning— To adopt permanently the outward or physical characteristics of the gender one identifies with, as opposed to those associated with one's birth sex.

Transvestite (also called cross-dressing) - A practice of wearing the clothes of the opposite sex.

Trauma Informed Care - A basic understanding of how trauma affects the life of individuals and exhibiting compassion when a trauma survivor's experience may impact the way the individual accepts and responds to services. Oral health professionals can provide an improved experience of care for veteran patients by creating a safe space for them during appointments.

Traumatic Brain Injury (TBI) - A TBI is caused by a bump, blow or jolt to the head, or a penetrating head injury that disrupts the normal function of the brain.

Two Spirit—In Native American culture the word *Two-Spirit* is a modern term from the 1990's and is also sometimes referred to as LGBTQ2+. Two-Spirit refers to non-binary person. The term has been adapted to change old vocabulary that expressed gender and was associated with colonialism.

VA Maine Healthcare System - VA Maine Healthcare System's Togus VA Medical Center (VAMC) is a Joint Commission accredited, complexity Level 1C facility in Augusta, Maine that serves over 42,500 Veterans. Full-time community-based outpatient clinics (CBOCs) are located in Bangor, Calais, Caribou, Lewiston, Lincoln, Portland, Rumford and Saco. Part-time clinics are located in Fort Kent and Houlton. A 53-foot mobile clinic, an Office of Rural Health pilot program, was converted to a fixed-site part-time clinic in Bingham.

Togus VAMC is a 67-operating bed facility with general medical, surgical, intermediate and mental health beds, as well as a 100-bed Nursing Home consisting of 50 Skilled and Longer Stay beds, and a 50-bed Dementia Unit. The oldest veterans' facility in the country, having opened in the fall of 1866, Togus is located five miles east of Augusta, the state capital. Togus campus encompasses 500+ acres of buildings and natural woodlands serving as natural habitats for Maine's wildlife. Additionally, the National Cemetery is located on the Togus campus. <https://www.maine.va.gov/about/index.asp>

VA Service-Connected Rating – A veteran who is disabled due to injury or illness that was incurred in or aggravated by military service. A VA rating schedule is utilized to evaluate a disability resulting from all types of diseases and injuries encountered as a result of or incident to military service. Ratings are given in 10%

increments, designated to a veteran from VA under the VA’s Schedule of Rating Disabilities (VASR-D). <https://www.va.gov/disability/about-disability-ratings/>

VA Schedule of Rating Disabilities - Provides access to the schedule of ratings used by both the VA and the military in evaluating service-connected disabilities. <https://www.benefits.va.gov/WARMS/bookc.asp>

Vet Center - Veteran Outreach Centers are community-based and VA sponsored. They provide free counseling to Combat Veterans (experiencing PTSD symptoms), survivors of Military Sexual Trauma (MST), and grief counseling to family members of anyone that dies on active duty. There are five Vet Centers in Maine located in - Caribou, Bangor, Lewiston, Portland, and Springvale. <https://www.maine.va.gov/visitors/VetCenters.asp>

Veteran - Upon discharge, received an honorable discharge or a general discharge under honorable conditions, provided the discharge was not upgraded through a program of general amnesty. If having served as an enlisted person after September 7, 1980 or as an officer after October 16, 1981, served for a minimum of 24 continuous months. Has a DD-214 (discharge document) or a VA I.D. card as a form of veterans’ identification.

Veterans Affairs - The VA carries out four specific missions - Veterans Health Care, Veterans Benefits, National Cemeteries, and the VA’s “Fourth Mission,” to improve the Nation’s preparedness for response to war, terrorism, national emergencies, and natural disasters by developing plans and taking actions to ensure continued service to veterans, as well as to support national, state, and local emergency management, public health, safety and homeland security efforts. https://www.va.gov/ABOUT_VA/index.asp

Veterans Benefits Administration - Provides a variety of benefits and services to Service Members, veterans, and their families. <https://benefits.va.gov/benefits/>

Veterans Benevolent Association - An organization for LGBT veterans of the United States Armed Forces. The VBA was founded in New York City in 1945 by four honorably discharged gay veterans and later disbanded in 1954.

Veteran-Centric - Culturally competent care and behaviors that demonstrate thoughtfulness and respect towards military culture while recognizing and accepting a veteran patient's unique experiences and background.

Veterans Emergency Financial Assistance Program (VEFAP) - A Maine Bureau of Veterans’ Services oversees the program that provides up to a \$2,000 grant for a veteran experiencing a financial emergency and is paid directly to the business or agency providing the service. A veteran must have an Honorable or General Under Honorable discharge on their DD-214 (discharge papers) to qualify for the program. For more information contact MBVS’s partners - American Legion (1-207-893-3229) or Easterseals Maine (207-828-0745 ext. 1004).

Veterans Health Administration - The Veterans Health Administration is America’s largest integrated health care system, providing care at 1,255 health care facilities, including 170 medical centers and 1,074 outpatient sites of care of varying complexity (VHA outpatient clinics), serving nine million enrolled Veterans each year. <https://www.va.gov/health/>

Veterans of Foreign Wars - A nonprofit veterans service organization comprised of eligible veterans and military service members from the active, Guard and Reserve forces. Founded in 1899 and chartered by Congress in 1936, they are the nation's largest organization of war veterans and its oldest major veterans organization. <https://www.vfw.org/app/who-we-are>

Wabanaki Tribes - Represents Maine's five original indigenous communities who have inhabited this land for over 12,000 years. "The Wabanaki Confederacy (also spelled Waponahki) - translated as "People of the First Light" or "Dawnland" - currently comprises five principal nations: The Micmac (also spelled Mi'kmaq), Maliseet (also spelled Wolastoqewi), Passamaquoddy (also spelled Peskotomuhkati), Penobscot Nation (also spelled Panawahpskek), and Abenaki (also spelled Aponahkewiyik), and stretches from Newfoundland in the east, to New Hampshire in the south and parts of Quebec in the north and west."

<http://www.fourdirectionsmaine.org/wabanaki-tribes/>

Wabanaki Veterans - A member of one of Maine's five Native American communities - Micmac, Maliseet, Passamaquoddy, Penobscot Nation, or Abenaki, who served in the U.S. Military at a time of war or peace. Wabanaki Veterans have served in every armed conflict since the Revolutionary War and in every branch of the service. In April of 2009, Maine passed a law recognizing June 21st as Native American Veterans Day.

