



**Department of Veterans Services**

**TDVS' Complex Claims Assistance Program**

TDVS Veteran Claims Services  
October 1, 2025

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**Agenda**

- The Why
- The Background
- The Practical Application
  - Discharge Upgrades
  - NVLSP Representation at Court of Appeals for Veterans Claims
  - Program of Comprehensive Assistance for Family Caregivers
- The Future
- I Need More
- Questions



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**Discharge Upgrades**

- Since 1980, **575,000+ service members have received less than fully honorable** discharges.
- Between 2011 and 2015, **91,764 service members were separated for misconduct.**
  - **62% (57,141) of those service members had been diagnosed with PTSD, TBI or some other mental health condition** that could be associated with the misconduct.
- Between 2002 and 2013, **103,581 servicemembers received an other than honorable discharge** characterization.
- **So What?**
  - Hurt employment opportunities;
  - Damage reputation and self-esteem;
  - **Prevent a Veteran from accessing benefits.**



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**The Background**

- **Honorable:** Eligible for all VA benefits (disability compensation, health care, GI Bill, home loans)
- **General:** Eligible for all VA benefits except GI Bill
- **Not Eligible** for VA Benefits:
  - Other Than Honorable
  - Bad Conduct
  - Dishonorable

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**The Background**

- **VA Healthcare**
  - **Other Than Honorable discharge** due to regulatory bar (offense involving moral turpitude, mutiny or spying, willful and persistent misconduct) retains eligibility for VA healthcare for service incurred or aggravated disabilities.
  - **Other Than Honorable discharge** – treatment for mental health conditions to individual who presents to VA seeking mental health care in emergency circumstances for a condition the former service member asserts is related to military service.
  - Veterans Comprehensive Prevention, Access to Care, and Treatment (**COMPACT**) Act
    - Veterans with acute suicidal crisis can go to any VA or non-VA health care facility for emergency treatment at no cost to them.
      - Enrollment in VA health care not a requirement.

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**The Background**

- **Discharge Upgrade** – Discharge Review Board (DRB) OR Board of Correction of Military (or Naval) Records (MCMR/BCNR) \*\*Coast Guard within Department of Homeland Security
  - Change the characterization of service.
  - Change the narrative reason for separation to something less stigmatizing.
- **VA Character of Discharge Determinations**
  - Is the Veteran's service "honorable" for VA purposes?
    - Separate from discharge upgrade.

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### The Background

- Character of Discharge Determinations – Regulatory Changes
  - Final Rule, April 26, 2024 – Effective June 25, 2024
    - **Maintains** Regulatory Bars
      - Discharge in lieu of general court-martial
      - Mutiny or Spying
      - Moral turpitude, and
      - Willful and persistent misconduct.
    - **Removes** the aggravated homosexual acts bar.
    - **Adds clarifying definitions** for willful and persistent misconduct.
    - **Applies compelling circumstances** (including mental impairment, physical health, family obligations, etc.) to the moral turpitude and willful and persistent misconduct bars.



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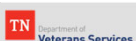
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### Key Takeaways

- **Former service members with OTH discharges and bad conduct discharges** (adjudged at special court-martial) **should** apply for VA healthcare and benefits.
- **Even with a less-than-honorable discharge, a former service member may be able to access some VA benefits** prior to an administrative review of their COD.
- Too often, former service members are either **incorrectly told**, or self-select away from VA, based on belief that COD makes them ineligible for VA benefits and services.



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### TDVS Partnership with NVLSP – Discharge upgrades

- April 2024 Spring Regional Trainings – Introduction to NVLSP's Lawyers Serving Warriors® program to help in some discharge upgrades.
- April 2024 - TDVS Fact Sheet
- November 2024 – TDVS Fact Sheet v2
- February 2025 – TDVS Fact Sheet v3 & Lunch & Learn
- September 2025 – TDVS Fact Sheet v5 (current)



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## The Background

- Stats to Date
  - 84 Referrals -
    - 13 Accepted
    - 18 Not screened
    - 7 Not accepted
    - 46 = **CHALLENGE**
      - Responsiveness of Clients IOT Screen

Complex Claims Assistance - Status Snapshot

Status	Percentage
Accepted	12%
Pending Review	67%
Not Accepted	19%
Not Screened	2%

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## The Practical Application

What we have been doing:

- Establish POA with TDVS
- Assist Veteran w/ Online Screen
- Assist Veteran w/ Intake Packet
- Flag and Follow Up

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## The Practical Application

- What we have learned:
  - Intake Packet(s)
    - Frontload Intake Packets / Provide Directly to NVLSP
  - Virtual Clinic No Shows
    - Host Veteran in Your Office
  - No Response to Correspondence
    - Counsel About Next Steps
- What we don't know:
  - Open Discussion

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**The Future**

- Process Improvement
  - Facilitate More Successful Screens
  - Automation
    - Updates to VSOs/CSOs Re: Their Referrals
  - Continuing Relationship w/ Client

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**I Need More**

- TDVS & County Veteran Service Officers
  - [Familiarization Training](#) for All Accredited Representatives
  - Partnership with National Veterans Legal Services Program
- Pro Bono or **FREE** Legal Assistance
  - National Veterans Legal Services Program - [Lawyers Serving Warriors](#)
  - The Veterans Consortium - [Discharge Upgrade Program](#)
- Self Help
  - VA (DoD) [Upgrade Wizard](#)

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**I Need More**

- [NVLSP Self Help Manual](#): Applying for VA Benefits After a Discharge Upgrade
- Yale Law School - [Forms & Resources for Veterans Seeking Discharge Upgrade](#)
- [VA Final Rule](#) - Update and Clarify Regulatory Bars to Benefits Based on Character of Discharge
  - [Final Rule](#)
  - [Federal Register](#)

**TDVS Can Help**

- Access complete factsheet with live links to intake packet on TDVS website under Learning and Development ➡ [TDVS FactSheet Catalog](#)
- Please feel free to contact **615-925-1574 Veterans Services Advocate, Ashley Thompson** for assistance and support.

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### TDVS Partership With NVLSP - CAVC

- NVLSP reviews **Board of Veterans' Appeals (BVA) denials**
- Identifies **appealable errors** in TDVS cases
- If error found: NVLSP offers **free representation** at CAVC
- Ensures veterans don't miss rightful benefits



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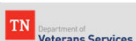
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### Who is Impacted

- NVLSP **reviews BVA decisions** involving TDVS-represented veterans to see if there's an **appealable error**.
- If they find a wrongful denial, NVLSP **offers representation at CAVC at no cost to the veteran/claimant**.
- The offer is **mailed** to the address on file with VBA and includes an **introductory letter from TDVS** so the veteran knows it's legitimate. ([Sample correspondence](#) is linked in the fact sheet.)



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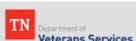
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### Key Considerations and Resources

- NVLSP independently decides whether to offer representation
- Veterans have **120 days** from BVA decision to appeal
- NVLSP does **not contact claimants** if no offer is made
- Supplemental Claim option also available (preserves effective date)
- For more info:
  - **Lloyd Sharp, TDVS Appeals Advocate** – 615-934-8460 / [lloyd.sharp@tn.gov](mailto:lloyd.sharp@tn.gov)
  - [TDVS Fact Sheet](#)



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