

# TDVS Fact Sheet Complex Claims Assistance Program Discharge Upgrades

#### April 2024

A less than fully Honorable discharge can have negative and long-lasting consequences on former service members following their military service. A less than honorable discharge can prevent Veterans from accessing VA benefits, cause difficulty finding employment, and contribute to chronic homelessness.

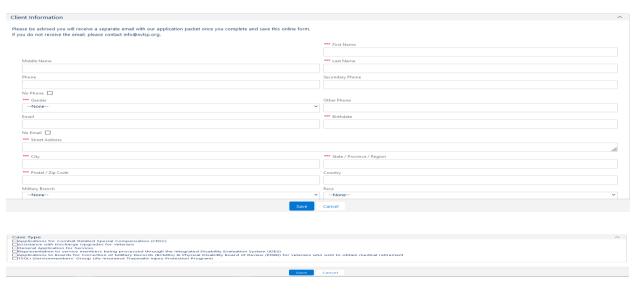
**Why it matters:** The rate of Veterans with less than honorable discharges has been climbing since World War II, through the Vietnam War, and to the present day according to <u>Underserved</u>: How the VA Wrongfully Excludes Veterans with Bad Paper published by the Veterans Legal Clinic of Harvard Law School.

**What's next:** TDVS is partnering with NVLSP's Lawyers Serving Warriors® program to help in some discharge upgrades.

## Take these three steps to seek assistance for your client --

**Step # 1** - Establish Power of Attorney with TDVS.

<u>Step # 2</u> – Assist the Veteran with <u>Requesting Assistance</u> from NVLSP's Lawyers Serving Warriors® Program.



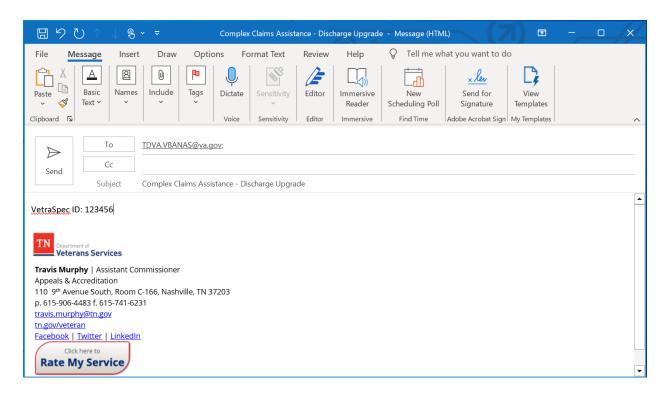


**Step # 3** – Flag for TDVS's liaison -- Quality & Appeals Specialist Lloyd Sharp -- with NVLSP's Lawyers Serving Warriors® team.

**Either** email the VetraSpec ID to <u>tdva.vbanas@va.gov</u> **OR** when you make the referral, simply add a "Communication" entry in the Veteran's VetraSpec profile, so fellow Service Officers don't duplicate your efforts.

## **Email Option -**

- Email Subject Complex Claims Assistance Discharge Upgrade
- Email Body VetraSpec ID



### VetraSpec Option -

- Select the "Communication" tab, select "Other"
- Note "Complex Claims Assistance Discharge Upgrade"



NEW COMMUNICATION			
TYPE:	Office Visit	DATE: 03 / 19 / 2024 🗂 TIME: 11:07 AM	
	O VA communication	B / U   ANG ■ ■ ■ □ □ □ □ □ □ □ □	
	O CVSO communication	Complex Claims Assistance - Discharge Upgrade	
	OPhone	Referred to TDVS	
	O Incoming Mail		
	O Health Care Application Electronically Submitted		
	○ E-mail		
	Outgoing mail	Path: p	
	O Home visit	Patn: p	
	○ FAX		
	Outreach		
	O 100% P&T and Chapter 35		
	Claim Electronically Submitted		
	Burial Pre-Registration Completed		
	O Local Hearing		
	O Board Hearing		
	Statement of Accredited Representative		
	<ul><li>Other</li></ul>		
Submit			

Click "Submit"

#### **Did You Know?**

Did you know there's a <u>special rule</u> for Veterans with "Other Than Honorable" discharges that may allow VA treatment for conditions that began or became permanently worse during their military service?

Did you know that if a Veteran left the military with "bad paper" and their discharge hasn't been upgraded they still may be able to get VA benefits? If a Veteran has a discharge that is neither Honorable nor General (Under Honorable Conditions), a Veteran can ask the VA for a Character of Service Determination, which may determine eligibility for purposes of most VA benefits.

#### Other Tools, Resources, and Facts About Discharge Upgrades

Here are additional tools and resources available to accredited service officers across the state to support Veterans seeking discharge upgrades.

- NVLSP's <u>Discharge Upgrades and VA Character of Discharge Determinations</u> <u>Presentation</u>, TDVS Fall Training Conference 2020
- Lawyers Serving Warriors Program
  - o <u>Discharge Upgrade Flyer for Veterans</u>
  - o <u>Discharge Upgrade Flyer for VSOs</u>



- The Veterans Consortium Pro Bono Program
- VA's Discharge Upgrade Website
- NVLSP Self Help Manual: Applying for VA Benefits After a Discharge Upgrade
- Yale Law School Forms & Resources for Veterans Seeking Discharge Upgrade

# **TDVS Can Help**

Please feel free to contact <u>Quality & Appeals Specialist Lloyd Sharp</u> for assistance and support.