



House of Representatives

General Assembly

File No. 305

January Session, 2025

Substitute House Bill No. 6748

House of Representatives, March 27, 2025

The Committee on Veterans' and Military Affairs reported through REP. FOSTER of the 57th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE RECORDING OF A MILITARY DISCHARGE CHARACTERIZATION UPON A STATE VETERANS REGISTRY AS "HONORABLE" AND MAKING A MINOR TECHNICAL REVISION TO A CERTAIN SUCH CHARACTERIZATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 27-103 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (d) (1) (A) Any veteran who receives an [other than honorable] other-
5 than-honorable discharge and who believes such discharge
6 characterization was based on such veteran's sexual orientation, gender
7 identity or gender expression, may file an application for state-based
8 veterans benefits. Such veteran may include evidence supporting [his or
9 her] such veteran's claim that such [discharge characterization] other-
10 than-honorable discharge was based on such veteran's sexual
11 orientation, gender identity or gender expression.

12 (B) Any veteran who receives an other-than-honorable discharge and
13 who believes such discharge characterization was based on a qualifying
14 condition may file an application to be recorded upon a state veterans
15 registry as having a discharge characterization of "honorable". Such
16 veteran may include evidence supporting such veteran's claim that such
17 other-than-honorable discharge was based on a qualifying condition.

18 (2) The commissioner shall promulgate a standardized application
19 form enumerating the required documentation necessary for filing an
20 application under this subsection and shall make such form available on
21 the Department of Veterans Affairs' Internet web site along with
22 instructions for filing the application.

23 (3) The commissioner shall promulgate a standardized request for
24 reconsideration form enumerating the required documentation
25 necessary for filing a request for reconsideration pursuant to
26 subdivision (5) of this subsection and shall make such form available on
27 the Department of Veterans Affairs' Internet web site along with
28 instructions for filing the request for reconsideration.

29 (4) (A) The board shall review each application submitted pursuant
30 to subparagraph (A) of subdivision (1) of this subsection and render a
31 recommendation to the commissioner as to whether the veteran's sexual
32 orientation, gender identity or gender expression was more likely than
33 not the primary reason for an [other than honorable] other-than-
34 honorable discharge. The board shall review each such application not
35 later than thirty days after receipt and render a written recommendation
36 to the commissioner not later than thirty days after such review. The
37 commissioner shall issue a written decision on such application not later
38 than ten days after receipt of the board's recommendation, approving or
39 denying the application. If the commissioner approves the application,
40 such veteran shall be eligible for state-based veterans benefits.

41 (B) The board shall review each application submitted pursuant to
42 subparagraph (B) of subdivision (1) of this subsection and render a
43 recommendation to the commissioner as to whether the veteran's other-
44 than-honorable discharge was based on a qualifying condition. The

45 board shall review each such application not later than thirty days after
46 receipt and render a written recommendation to the commissioner not
47 later than thirty days after such review. The commissioner shall issue a
48 written decision on such application not later than ten days after receipt
49 of the board's recommendation, approving or denying the application.
50 If the commissioner approves the application, such veteran shall be
51 recorded upon a state veterans registry as having a discharge
52 characterization of "honorable".

53 (5) A veteran aggrieved by the commissioner's decision may file a
54 request for reconsideration with the commissioner not later than fifteen
55 days after receipt of the commissioner's decision. Such veteran may
56 include supplemental documentation in support of the request for
57 reconsideration. The commissioner shall provide due consideration to
58 the request for reconsideration and render a decision not later than ten
59 days after receipt of such request for reconsideration. The
60 commissioner's decision shall be a final decision by the Department of
61 Veterans Affairs and may be appealed to the Superior Court in
62 accordance with the provisions of section 4-183.

63 Sec. 2. Subsection (c) of section 14-20b of the general statutes is
64 repealed and the following is substituted in lieu thereof (*Effective from*
65 *passage*):

66 (c) As used in this section, "eligible former reservist" means any
67 person honorably discharged from, released under honorable
68 conditions from or released with an [other than honorable] other-than-
69 honorable discharge based on a qualifying condition from, the United
70 States Army Reserve, Army National Guard, Navy Reserve, Marine
71 Corps Reserve, Coast Guard Reserve, Air Force Reserve or Air National
72 Guard; and "veteran", "armed forces" and "qualifying condition" have
73 the same meanings as provided in section 27-103, as amended by this
74 act.

75 Sec. 3. Subsection (g) of section 14-36h of the general statutes is
76 repealed and the following is substituted in lieu thereof (*Effective from*
77 *passage*):

78 (g) As used in this section: (1) "Full legal name" means the most
79 complete version of the name that appears on a person's certificate of
80 birth, official passport or other document or documents accepted by the
81 Commissioner of Motor Vehicles to verify the person's identity, unless
82 the person presents a marriage license or certificate, a certificate of civil
83 union, a divorce decree or an order of a court of competent jurisdiction
84 pertaining to a permanent change of the person's name; (2) "veteran" has
85 the same meaning as provided in section 27-103, as amended by this act,
86 or any former member of the armed forces who is entitled to retirement
87 pay under 10 USC Chapter 1223, as amended from time to time, or, but
88 for age, would be so entitled; (3) "eligible former reservist" means any
89 person honorably discharged from, released under honorable
90 conditions from or released with an [other than honorable] other-than-
91 honorable discharge based on a qualifying condition from, the United
92 States Army Reserve, Army National Guard, Navy Reserve, Marine
93 Corps Reserve, Coast Guard Reserve, Air Force Reserve or Air National
94 Guard; and (4) "armed forces" and "qualifying condition" have the same
95 meanings as provided in section 27-103, as amended by this act.

96 Sec. 4. Subsection (a) of section 27-103 of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective from*
98 *passage*):

99 (a) As used in the general statutes, except chapter 504, and except as
100 otherwise provided: (1) "Armed forces" means the United States Army,
101 Navy, Marine Corps, Coast Guard, Air Force and Space Force and any
102 reserve component thereof, including the Connecticut National Guard
103 performing duty as provided in Title 32 of the United States Code, as
104 amended from time to time; (2) "veteran" means any person honorably
105 discharged from, released under honorable conditions from or released
106 with an [other than honorable] other-than-honorable discharge based
107 on a qualifying condition from, active service in, the armed forces; (3)
108 "service in time of war" means service of ninety or more cumulative days
109 during a period of war unless separated from service earlier because of
110 an injury incurred or aggravated in the line of duty or a service-
111 connected disability rated by the United States Department of Veterans

112 Affairs, except that if the period of war lasted less than ninety days,
 113 "service in time of war" means service for the entire period of war unless
 114 separated because of any such injury or disability; (4) "period of war"
 115 has the same meaning as provided in 38 USC 101, as amended from time
 116 to time, except that the "Vietnam Era" means the period beginning on
 117 February 28, 1961, and ending on July 1, 1975, in all cases; and "period
 118 of war" shall include service while engaged in combat or a combat
 119 support role in Lebanon, July 1, 1958, to November 1, 1958, or September
 120 29, 1982, to March 30, 1984; Grenada, October 25, 1983, to December 15,
 121 1983; Operation Earnest Will, involving the escort of Kuwaiti oil tankers
 122 flying the United States flag in the Persian Gulf, July 24, 1987, to August
 123 1, 1990; Panama, December 20, 1989, to January 31, 1990; Afghanistan,
 124 October 24, 2001, to August 30, 2021; and Iraq, March 19, 2003, to
 125 December 31, 2011, or June 1, 2014, to December 9, 2021, and shall
 126 include service during such periods with the armed forces of any
 127 government associated with the United States; and (5) "qualifying
 128 condition" means (A) a diagnosis of post-traumatic stress disorder or
 129 traumatic brain injury made by an individual licensed to provide health
 130 care services at a United States Department of Veterans Affairs facility,
 131 (B) an experience of military sexual trauma, as described in 38 USC
 132 1720D, as amended from time to time, disclosed to an individual
 133 licensed to provide health care services at a United States Department
 134 of Veterans Affairs facility, or (C) a determination that sexual
 135 orientation, gender identity or gender expression was more likely than
 136 not the primary reason for an [other than honorable] other-than-
 137 honorable discharge, as determined in accordance with subsections (c)
 138 and (d) of this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	27-103(d)
Sec. 2	<i>from passage</i>	14-20b(c)
Sec. 3	<i>from passage</i>	14-36h(g)
Sec. 4	<i>from passage</i>	27-103(a)

Statement of Legislative Commissioners:

The title was changed.

VA *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill allows qualifying veterans to apply for their discharge from the armed forces to be characterized as honorable in the state's veteran registry. This does not result in a fiscal impact as a veteran's discharge status in the registry does not affect eligibility for state benefits.

Additionally, any increase in applications for review is not anticipated to result in a fiscal impact as the board is able to absorb such a workload within current resources.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 6748*****AN ACT CONCERNING THE RECORDING OF A MILITARY DISCHARGE CHARACTERIZATION UPON A STATE VETERANS REGISTRY AS "HONORABLE" AND MAKING A MINOR TECHNICAL REVISION TO A CERTAIN SUCH CHARACTERIZATION.*****SUMMARY**

This bill allows veterans with qualifying conditions who have received an other-than-honorable (OTH) discharge to apply for their discharge from the armed forces to be characterized as honorable in the state's veteran registry. The state's veteran registry is primarily a repository of contact information and other veteran data to facilitate notifying veterans of military and veterans benefits information. Recording a veteran's discharge as honorable in the registry does not affect benefits eligibility.

The bill requires the Eligibility Qualifying Review Board (EQRB) (see BACKGROUND) to review all applications within 30 days of receiving them. The veteran may include evidence supporting the claim that the other-than-honorable discharge was based on a qualifying condition. The board must make a recommendation to the veterans affairs commissioner within 30 days of its review on whether a veteran's OTH discharge was based on a qualifying condition. The commissioner must issue a written decision approving or denying the application within 10 days of receiving the recommendation. If the application is approved, the veteran's discharge characterization must be recorded in the registry as honorable. As under existing law for EQRB applications, the veteran may request reconsideration and supply additional information if the application is denied.

Under existing law and the bill, a qualifying condition is a (1) post-traumatic stress disorder or traumatic brain injury diagnosis by a

licensed health care professional at a U.S. Department of Veterans Affairs facility; (2) military sexual trauma disclosed to such a health care professional; or (3) determination by the EQRB that sexual orientation, gender identity, or gender expression was more likely than not the primary reason for the OTH discharge (CGS § 27-103).

The bill also makes technical and conforming changes.

EFFECTIVE DATE: Upon passage

BACKGROUND

Veteran

By law, a veteran is anyone honorably discharged or released under honorable conditions, or released with an other-than-honorable discharge based on a qualifying condition, from active service in the armed forces (i.e. the U.S. Army, Navy, Marine Corps, Coast Guard, Space Force, Air Force, and any of their reserve components, including the Connecticut National Guard when under federal service).

When servicemembers leave the armed forces, they are assigned a discharge rating generally tied to their conduct during their service. In order to receive state and federal benefits, a member usually must receive a discharge under honorable conditions. Veterans who receive an OTH discharge generally cannot receive veterans benefits.

Eligibility Qualifying Review Board

By law, the EQRB must review applications from veterans who believe their OTH discharge was based on their sexual orientation, gender identity, or gender expression. In practice, EQRB also reviews applications from veterans who believe their OTH discharge was based on post-traumatic stress disorder or a traumatic brain injury resulting from military service, or was a result of military sexual trauma.

After its review, the EQRB must recommend to the veterans affairs commissioner whether sexual orientation, gender identity, or gender expression was more likely than not the primary reason for the OTH discharge. If the commissioner approves the application, the veteran

qualifies for state veterans benefits.

COMMITTEE ACTION

Veterans' and Military Affairs Committee

Joint Favorable Substitute

Yea 19 Nay 1 (03/11/2025)