

April 7, 2021

The Honorable Jacqui Irwin  
Chair, Assembly Committee on Military and Veterans Affairs  
1020 N Street, Room 389  
Sacramento, CA 95814

RE: Assembly Bill 325 (Irwin) Discharge Upgrades - SUPPORT

**Dear Chair Irwin,**

NextGen California is pleased to support your AB 325, which would provide funding to help veterans upgrade their other-than-honorable discharge status resulting from circumstances such as: mental illness, traumatic brain injury (TBI), post traumatic stress disorder (PTSD), or sexual orientation. Specifically, the bill would allocate \$2.5 million to the California Department of Veterans Affairs (CalVet) to administer a Discharge Upgrade Support Program. Given the challenges veterans have reported in the discharge upgrade process, this program would provide much-needed legal aid, administrative support, and outreach to assist eligible veterans in this process.

Veterans receiving an other-than-honorable discharge from the military (also known as “bad papers”) face various negative consequences including: potential loss of veterans’ healthcare and disability benefits, being deemed ineligible for military burial as well as encountering discrimination in employment opportunities. Many veterans discharged with “bad papers” suffer from PTSD or TBIs yet they are among the group of veterans most in need of additional healthcare and mental health services. Swords To Plowshares, a prominent veterans’ service organization in the San Francisco Bay Area, reports that 1 in 5 Iraq and Afghanistan veterans, and 1 in 10 Gulf War veterans suffer from service-related PTSD and/or TBIs, which can cause behavioral dysfunction that could lead to a less than honorable discharge.<sup>1</sup>

During the Clinton Administration, the “Don’t Ask Don’t Tell” (DADT) policy protected LGBTQ service members from discharge and prosecution only if they remained “closeted.” According to Department of Defense data, 13,000 members of the military were discharged on the basis of their sexual orientation as a direct result of DADT.<sup>2</sup> Fortunately, in 2011, the Obama Administration repealed DADT and made sexual orientation an ineligible consideration for discharge. However, since those guidelines were released, only a small percentage of

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<sup>1</sup>Swords To Plowshares. *Veterans and Bad Papers: The Facts*. Accessed:

[https://uploadssl.webflow.com/5ddda3d7ad8b1151b5d16cff/5ef515b7b9ae332b86820e21\\_Bad-Paper-Fact-Sheet-June-2015.pdf](https://uploadssl.webflow.com/5ddda3d7ad8b1151b5d16cff/5ef515b7b9ae332b86820e21_Bad-Paper-Fact-Sheet-June-2015.pdf)

<sup>2</sup>Jennifer McDermott. *APNewsBreak: Few Vets Expelled Under ‘Don’t Ask’ Seek Remedy*. June 2016. Accessed:

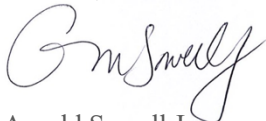
<https://apnews.com/article/801324c48838400f9aa49c8c5efa3e44>

LGBTQ service members discharged under DADT have sought the redress available to them. Although some have chosen not to upgrade their discharge, many are still unaware this option is available to them and still others do not know how to start the process.

The issue of “bad papers” can also disproportionately affect veterans of color and women veterans. Data shows that Black Airmen are 71% more likely to face a court martial or non-judicial punishment than white Airmen, and Black Soldiers are 61% more likely to face a general or special court martial than white Soldiers, resulting in Black veterans receiving less VA monetary and health benefits than their white counterparts.<sup>3</sup> Furthermore, servicemembers who report Military Sexual Trauma (MST) face higher rates of administrative action, which can impact their discharge status and discourage MST survivors from reporting misconduct.<sup>4</sup>

NextGen California honors and respects our nation’s veterans and advocates for the LGBTQ community, survivors of sexual harassment and assault, and those living with TBIs and mental illness. AB 325 will create the Discharge Upgrade Support Program, which will provide veterans the guidance they need to pursue discharge upgrades and, in so doing, receive the benefits they have earned in service to our country -- we stand in strong support of this bill and thank you for authoring this important measure.

Sincerely,



Arnold Sowell Jr.

Executive Director, NextGen California

cc: Members, Assembly Military and Veterans Affairs Committee

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<sup>3</sup>Christensen, Don Col (Ret.) and Tsilker, Yelena. Protect Our Defenders: Racial Disparities in Military Justice. May 2017. Accessed: [https://www.protectourdefenders.com/wp-content/uploads/2017/05/Report\\_20.pdf](https://www.protectourdefenders.com/wp-content/uploads/2017/05/Report_20.pdf)

<sup>4</sup>Human Rights Watch. Booted, Lack of Recourse for Wrongfully Discharged US Military Rape Survivors. May 2016. Accessed: <https://www.hrw.org/report/2016/05/19/booted/lack-recourse-wrongfully-discharged-us-military-rape-survivors>