



General
Assembly

Raised Bill No. 340

February Session, 2022

LCO No. 2338



Referred to Committee on VETERANS' AFFAIRS

Introduced by:
(VA)

***AN ACT CONCERNING APPLICATIONS SUBMITTED TO THE
DEPARTMENT OF VETERANS AFFAIRS QUALIFYING REVIEW
BOARD.***

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

1 Section 1. Section 27-103 of the 2022 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) As used in the general statutes, except chapter 504, and except as
5 otherwise provided: (1) "Armed forces" means the United States Army,
6 Navy, Marine Corps, Coast Guard and Air Force and any reserve
7 component thereof, including the Connecticut National Guard
8 performing duty as provided in Title 32 of the United States Code, as
9 amended from time to time; (2) "veteran" means any person honorably
10 discharged from, released under honorable conditions from or released
11 with an other than honorable discharge based on a qualifying condition
12 from, active service in, the armed forces; (3) "service in time of war"
13 means service of ninety or more cumulative days during a period of war
14 unless separated from service earlier because of an injury incurred or

15 aggravated in the line of duty or a service-connected disability rated by
16 the United States Department of Veterans Affairs, except that if the
17 period of war lasted less than ninety days, "service in time of war"
18 means service for the entire period of war unless separated because of
19 any such injury or disability; (4) "period of war" has the same meaning
20 as provided in 38 USC 101, as amended from time to time, except that
21 the "Vietnam Era" means the period beginning on February 28, 1961, and
22 ending on July 1, 1975, in all cases; and "period of war" shall include
23 service while engaged in combat or a combat support role in Lebanon,
24 July 1, 1958, to November 1, 1958, or September 29, 1982, to March 30,
25 1984; Grenada, October 25, 1983, to December 15, 1983; Operation
26 Earnest Will, involving the escort of Kuwaiti oil tankers flying the
27 United States flag in the Persian Gulf, July 24, 1987, to August 1, 1990;
28 and Panama, December 20, 1989, to January 31, 1990, and shall include
29 service during such periods with the armed forces of any government
30 associated with the United States; and (5) "qualifying condition" means
31 (A) a diagnosis of post-traumatic stress disorder or traumatic brain
32 injury made by an individual licensed to provide health care services at
33 a United States Department of Veterans Affairs facility, (B) an
34 experience of military sexual trauma, as [described in 38 USC 1720D]
35 defined in 38 USC 1166, as amended from time to time, disclosed to an
36 individual licensed to provide health care services at a United States
37 Department of Veterans Affairs facility, or (C) a determination, in
38 accordance with the provisions of subsections (c) and (d) of this section,
39 that sexual orientation, gender identity, [or] gender expression, post-
40 traumatic stress disorder, traumatic brain injury or military sexual
41 trauma was more likely than not the primary reason for an other than
42 honorable discharge. [, as determined in accordance with subsections (c)
43 and (d) of this section.]

44 (b) As used in this part, "Veterans Residential Services facility" means
45 the Veterans Residential Services facility in Rocky Hill maintained by
46 the Department of Veterans Affairs that provides temporary and other
47 supported residential services for qualifying veterans; "long-term care
48 facility" means a facility that has been federally certified as a skilled
49 nursing facility or intermediate care facility; "Healthcare Center" means

50 the long-term care facility in Rocky Hill maintained by the Department
51 of Veterans Affairs; "veteran" means any veteran, as defined in
52 subsection (a) of this section, who is a resident of this state; "eligible
53 dependent" means any parent, wife or husband, or child of a veteran
54 who has no adequate means of support; and "eligible family member"
55 means any parent, brother or sister, wife or husband, or child or children
56 under eighteen years of age, of any veteran whose cooperation in the
57 program is integral to the treatment of the veteran.

58 (c) Not later than October 1, 2021, the Commissioner of Veterans
59 Affairs shall establish a Qualifying Review Board, which shall review
60 applications of veterans submitted under subsection (d) of this section.
61 Said board shall be part of the Executive Department and shall consist
62 of five voting members who, by education or experience, shall be
63 knowledgeable of veterans benefits and programs and who shall have a
64 demonstrated interest in the concerns of veterans. A majority of the
65 members of the board shall be veterans.

66 (1) The membership of the board shall consist of the following
67 members:

68 (A) One member appointed by the Commissioner of Veterans Affairs
69 in consultation with the chairperson of the Department of Veterans
70 Affairs Board of Trustees, who shall be a member of said board;

71 (B) The manager of the Department of Veterans Affairs Office of
72 Advocacy and Assistance, or the manager's designee; and

73 (C) Three members appointed by the Commissioner of Veterans
74 Affairs.

75 (2) All initial appointments to the board shall be made not later than
76 December 1, 2021, and shall terminate on November 31, 2023, or
77 November 31, 2024, as applicable, regardless of when the initial
78 appointment was made. Any member of the board may serve more than
79 one term.

80 (3) Members first appointed shall have the following terms: (A) The

81 member of the Department of Veterans Affairs Board of Trustees and
82 the manager of the Department of Veterans Affairs Office of Advocacy
83 and Assistance, or the manager's designee, shall initially serve a term of
84 three years, and (B) the three members appointed by the Commissioner
85 of Veterans Affairs shall initially serve a term of two years. Members
86 shall serve a term of four years thereafter. Members shall continue to
87 serve until their successors are appointed.

88 (4) Any vacancy shall be filled by the Commissioner of Veterans
89 Affairs. Any vacancy occurring other than by expiration of term shall be
90 filled for the balance of the unexpired term.

91 (5) Notwithstanding the provisions of subsection (a) of section 4-9a,
92 the Commissioner of Veterans Affairs shall select the chairperson of the
93 board from among the members of the board. Such chairperson shall
94 schedule the first meeting of the board, which shall be held not later
95 than January 1, 2022.

96 (6) A majority of the board shall constitute a quorum for the
97 transaction of any business.

98 (7) The members of the board shall serve without compensation.

99 (8) The board shall meet at least monthly or as often as deemed
100 necessary by the chairperson based on the number of applications
101 pending before the board.

102 (d) (1) Any veteran who receives an other than honorable discharge
103 and who believes such discharge characterization was based on such
104 veteran's sexual orientation, gender identity, [or] gender expression,
105 post-traumatic stress disorder, traumatic brain injury or military sexual
106 trauma may file an application for state-based veterans benefits. Such
107 veteran may include evidence supporting his or her claim that such
108 discharge characterization was based on such veteran's sexual
109 orientation, gender identity, [or] gender expression, post-traumatic
110 stress disorder, traumatic brain injury or military sexual trauma.

111 (2) The commissioner shall promulgate a standardized application

112 form enumerating the required documentation necessary for filing an
113 application under this subsection and shall make such form available on
114 the Department of Veterans Affairs' Internet web site along with
115 instructions for filing the application.

116 (3) The commissioner shall promulgate a standardized request for
117 reconsideration form enumerating the required documentation
118 necessary for filing a request for reconsideration pursuant to
119 subdivision (5) of this subsection and shall make such form available on
120 the Department of Veterans Affairs' Internet web site along with
121 instructions for filing the request for reconsideration.

122 (4) The board shall review each application submitted and render a
123 recommendation to the commissioner as to whether the veteran's sexual
124 orientation, gender identity, [or] gender expression, post-traumatic
125 stress disorder, traumatic brain injury or military sexual trauma was
126 more likely than not the primary reason for an other than honorable
127 discharge. The board shall review each application not later than thirty
128 days after receipt and render a written recommendation to the
129 commissioner not later than thirty days after such review. The
130 commissioner shall issue a written decision not later than ten days after
131 receipt of the board's recommendation, approving or denying the
132 application. If the commissioner approves the application, such veteran
133 shall be eligible for state-based veterans benefits.

134 (5) A veteran aggrieved by the commissioner's decision may file a
135 request for reconsideration with the commissioner not later than fifteen
136 days after receipt of the commissioner's decision. Such veteran may
137 include supplemental documentation in support of the request for
138 reconsideration. The commissioner shall provide due consideration to
139 the request for reconsideration and render a decision not later than ten
140 days after receipt of such request for reconsideration. The
141 commissioner's decision shall be a final decision by the Department of
142 Veterans Affairs and may be appealed to the Superior Court in
143 accordance with the provisions of section 4-183.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	27-103

Statement of Purpose:

To expand the types of applications that may be reviewed by the Department of Veterans Affairs Qualifying Review Board.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]