

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON VETERANS

----- X

September 27, 2021

Start: 10:01 a.m.

Recess: 11:33 a.m.

HELD AT: Remote Hearing, Virtual Room 3

B E F O R E: Eric Dinowitz
Chairperson

COUNCIL MEMBERS: Eric Dinowitz
Alicka Ampry-Samuel
Mathieu Eugene
Alan N. Maisel
Paul Vallone

A P P E A R A N C E S (CONTINUED)

Jason Loughran
Executive Director of Special Projects
Department of Veterans Services

Vincent Garcia
Director of Intergovernmental Affairs
Department of Veterans Services

Coco Culhane

Ryan Foley

Ashton Stewart

Matthew Ryba

1
2 SERGEANT AT ARMS BRADLEY: Sergeants,
3 begin your recordings. PC recording is up.

4 SERGEANT AT ARMS SADOWSKY: Recording to
5 the cloud all set.

6 SERGEANT AT ARMS: Backup is rolling.

7 SERGEANT AT ARMS BRADLEY: OK, thank you.

8 Good morning and welcome to today's New York City
9 Council hearing on Veterans. At this time will all
10 panelists please turn on your videos for verification
11 purposes. To minimize disruption, please place
12 electronic devices on vibrate or on silent mode. If
13 you wish to submit testimony you may do so at
14 testimony@council.nyc.gov. Again, that is
15 testimony@council.nyc.gov. Thank you for your
16 cooperation. Chair, we may begin.

17 CHAIRPERSON DINOWITZ: [gavel] Ah, good
18 morning, everyone. My name is Eric Dinowitz, City
19 Council member of Bronx's 11th District and chair of
20 New York City Council's Committee on Veterans. I
21 want to thank you all for joining us at today's
22 hearing on assistance for veterans seeking to upgrade
23 discharge status. I also want to extend a warm
24 welcome to all the veterans here today. As many of
25 our veterans know all too well, the veteran's

1 discharge status can have a profound effect on their
2 entire life after military service. Service members
3 who leave the military with anything less than an
4 honorable discharge, commonly referred to as a bad
5 paper discharge, are often ineligible for many
6 federal, state, and local benefits. Upgrading an
7 adverse discharge status may lead to greater
8 educational, employment, and housing opportunities.
9 It can also affirm a veteran's service and correct an
10 injustice. Historically, many service members
11 received bad paper discharges for performance issues
12 and conduct related to undiagnosed post-traumatic
13 stress disorder and traumatic brain injury, sexual
14 orientation and gender identity, military sexual
15 trauma, and other conduct related to conditions that
16 would otherwise be understood or treated differently
17 today. For example, under the military's
18 discriminatory Don't Ask, Don't Tell policy, which
19 was in effect from 1994 to 2011, more than 13,000
20 LGBTQ+ veterans were unjustly discharged. Even as
21 policies and legislation have been updated, such as
22 the repeal of Don't Ask, Don't Tell in 2011 and the
23 passage of the Fairness for Veterans Act of 2016, it
24 has remained the responsibility of each veteran to
25

1 petition the appropriate discharge review board with
2 the often extensive documentation and legal
3 preparations needed to successfully upgrade an
4 adverse discharge. According to the American Bar
5 Association, without help from a lawyer fewer than
6 50% of veterans seeking discharge upgrades prevail.
7 In response to the critical need for free legal
8 services for veterans the New York City Department of
9 Veterans Services recently announced that it will
10 award 1.5 million dollars over three years to
11 nonprofit legal organizations that assist veterans
12 appealing their discharge status through its
13 Discharge Upgrade Assistance Legal Services Program,
14 or the DUALS program. Today we will also be hearing
15 legislation that I sponsored, Intro 2354-A. This
16 bill would amend the definition of the term veteran
17 in the City Charter to additionally include persons
18 who have served, who served or have served in the
19 active military service, regardless of discharge
20 status or time served. This legislation aims to made
21 city benefits and services available to those service
22 members who may have been adversely discharged as a
23 result of an unrecognized or untreated physical or
24 mental condition related to their military service.
25

1 This bill would also expand the Veterans Advisory
2 Board from 11 to 13 members, two of whom must be
3 immediate family members, spouses or domestic
4 partners, survivors, or caregivers of veterans. The
5 objective of today's hearing is to evaluate whether
6 veterans who have received an unjust discharge have
7 sufficient access to free legal services to appeal
8 the discharge decision and ultimately to restore
9 their full benefits. It is our duty as a city to
10 help our veterans where and when they need it,
11 especially when they are disadvantaged because of
12 unfair or discriminatory policies, or because of
13 trauma they faced. It's my hope that today's hearing
14 and legislation will do exactly that. I am now going
15 to turn it over to our committee counsel, Bianca
16 Vitale, to go over some procedural items.

18 COMMITTEE COUNSEL: Thank you, Chair.

19 Good morning, everyone. My name is Bianca Vitale and
20 I am counsel to the Committee on Veterans from the
21 New York City Council. Before we begin, I want to
22 remind everyone that you will be on mute until you
23 are called on to testify and then you will be unmuted
24 by the host. I will be calling on panelists to
25 testify. Please listen for your name to be called.

1
2 I will be periodically announcing who the next
3 panelist will be. For everyone testifying today,
4 please note that there may be a few seconds of delay
5 before you are unmuted, and we thank you in advance
6 for your patience. All hearing participants should
7 submit written testimony to
8 testimony@council.nyc.gov. At today's hearing the
9 first panel will be representatives from the
10 administration, followed by council member questions,
11 and then the public will testify. During the hearing
12 if council members would like to ask a question,
13 please use the Zoom raise hand function and I will
14 call on you in the order in which you have raised
15 your hands. I will now call on members of the
16 administration to testify. Testimony will be
17 provided by Jason Loughran, who is the executive
18 director of special projects for the Department of
19 Veterans Services. Additionally, ah, Vincent Garcia,
20 the director of intergovernmental and external
21 affairs for, ah, the Department of Veterans Services
22 will be available for answering questions. Before we
23 begin, I will administer the oath. Ah, Jason
24 Loughran and Vincent Garcia, I will call on each of
25 you individually for a response. Please raise your

2 right hands. Do you affirm to tell the truth, the
3 whole truth, and nothing but the truth before this
4 committee and to respond honestly to council member
5 questions? Jason Loughran, please say I do.

6 EXECUTIVE DIRECTOR LOUGHRAN: I do, yeah.

7 COMMITTEE COUNSEL: Vincent Garcia?

8 DIRECTOR GARCIA: I do.

9 COMMITTEE COUNSEL: Thank you. You may
10 begin when ready.

11 CHAIRPERSON DINOWITZ: Um, pardon me, ah,
12 just one moment. I do want to acknowledge we have
13 been joined by Council Members Ampry-Samuel, Maisel,
14 and Vallone. Thank you for joining.

15 COMMITTEE COUNSEL: OK. Jason Loughran,
16 you may begin testifying as soon, um, the clock
17 begins. [inaudible], sorry.

18 EXECUTIVE DIRECTOR LOUGHRAN: Thank you,
19 Bianca. Ah, good morning, Chair Dromm, committee
20 members, and advocates. Um, as Bianca said, my name
21 is Jason Loughran. I'm proud to serve as the
22 executive director of special projects for the New
23 York City Department of Veterans Services. I'm
24 joined today by Vincent Garcia, our director of
25 intergovernmental and external affairs. I welcome

1 this opportunity to testify about the Discharge
2 Upgrade Assistance Legal Services Program, Intro
3 2354, and our services to constituents across the
4 discharge spectrum. To give you a context for this
5 discussion, service members depart from the military
6 service with a discharge of character. These types
7 of service characterizations include honorable,
8 general, under honorable conditions, other than
9 honorable, bad conduct issued by special court
10 martial or general court martial, dishonorable, entry
11 level separation, medical separation, and separation
12 for convenience of the government. It is estimated
13 that 10% of veterans living in New York City hold a
14 less than honorable discharge status that is one of
15 the seven categories apart from honorable discharge.
16 Spread across all walks of wartime areas, discharges
17 under less than honorable conditions have prevented
18 many veterans from concluding their service with
19 pride and receiving benefits obtained through their
20 service. Many of these veterans have been less than
21 honorably discharged due to behavioral issues linked
22 to service-related PTSD and traumatic brain injury.
23 Additionally, a small percentage of cases are related
24 to discrimination associated with military sexual
25

1 trauma, or MST, or because of the Don't Ask, Don't
2 Tell policy that existed in the military for many
3 years. For these reasons, veterans across the
4 country face challenges including, but not limited
5 to, financial insecurity, employment difficulty,
6 housing insecurity, low educational attainment, and
7 denial of military funeral honors. For these
8 reasons, in November 2019 the mayor announced the
9 grant program known today as DUALS, the Discharge
10 Upgrade Assistance Legal Services Initiative. DUALS
11 is a three-year, 1.5 million dollar program seeking
12 to address the existing backlog and future need of
13 discharge upgrade services in New York City. This
14 program seeks to provide additional funding to legal
15 services providers who have demonstrated unique
16 expertise in addressing discharge upgrades while
17 managing the sensitivity of client relations for a
18 vulnerable veteran population. Divided between two
19 legal providers, we anticipate this program will be
20 in full swing by the end of fiscal year 22. During
21 DUALS an eligible service member will receive legal
22 representation, encompassing the full spectrum of
23 services related to obtaining a discharge upgrade.
24 As the first of its kind program in New York City,
25

1
2 DVS is eager to collect critical information
3 associated with our constituents' separation of
4 service that will help forge the future programs that
5 do not leave any veteran behind. Throughout the city
6 there is a wide range of services exclusive to the
7 veteran community and even more significant number
8 open to all New Yorkers. Although a veteran's
9 discharge status can affect their opportunities for
10 housing, government employment, residential tax
11 credits, special licensing, general honors, and other
12 services, DVS will still engage with and inform any
13 veteran regardless of their discharge status of
14 benefits they may qualify for. For example, an
15 honorably discharged veteran seeking employment
16 assistance may be eligible for an unlimited number of
17 fee waivers when seeking to take a civil service exam
18 administered by the city, while a veteran with a bad
19 conduct discharge would not be eligible for such fee
20 waiver. In either case, DVS will engage with a
21 veteran and inform them of their eligibility for
22 employment opportunities with veteran preferences.
23 While employment is one such example, DVS stands
24 ready to provide all veterans with information about
25 a variety of benefits and services they're entitled

1 to and we'll support a veteran in obtaining them.

2 Another example which DVS supported a veteran seeking

3 to upgrade his discharge status is the story of Mr.

4 Needham Mays. Mr. Mays was a black army veteran in

5 service during the Korean War. Stationed in Fort

6 Bragg, then Private Needham got into an altercation

7 with a white sergeant, whereupon he was arrested and

8 later discharged from the military under dishonorable

9 discharge. Plagued with this status, Mr. Needham

10 found his mental and physical health deteriorating

11 with thoughts of suicide. Despite this, he pressed

12 on, dedicating his life to becoming an advocate and

13 leader in one Brooklyn's poorest neighborhoods, where

14 he provided mental health awareness and drug

15 addiction support. He also registered young men to

16 vote and raise awareness of HIV prevention and

17 treatment. When he first applied for a discharge

18 upgrade in 2014 Mr. Needham's request was denied,

19 returning him to bouts of depression and poor health.

20 Never giving up, Mr. Needham tried again, this time

21 with the help of number advocates. Sixty-three years

22 after leaving the army he received his discharge

23 upgrade into honorable. Mr. Needham passed away in

24 2019. with his unstinting efforts led to his

1 receiving medical care and burial as a veteran. On
2 pursuing this discharge, Mr. Needham was assisted by
3 organizations and advocates who are in this room
4 today, as well as elected officials and DVS staff.
5 Mr. Needham, like others in this situation,
6 represents a superb example of how one's past should
7 not dictate their future. Thankfully, the army
8 recognized that as well. One other example in which
9 DVS supports veterans' needs, regardless of their
10 discharge status, is through a partnership with the
11 US Department of Housing and Urban Development, known
12 as HUD, the US Department of Veterans' Affairs, the
13 V.A., and the New York City Housing Authority, NYCHA,
14 to create the Housing and Urban Development Veterans'
15 Affairs Supportive Housing Continuum Program, HUD-
16 Continuum. Through this program DVS has developed a
17 mechanism to support veterans disconnected from
18 critical benefits with a pathway to permanent
19 housing. To date the program has helped over 200
20 veterans and their families with the HUD-Continuum
21 voucher to secure permanent housing. Aside from
22 veteran-specific services, DVS also assists veterans
23 in accessing benefits open to the greater New York
24 City population. For example, since the onset of the
25

1 pandemic DVS has been connecting veterans and their
2 families with food assistance problems. While open
3 to the larger population, DVS has sought to provide
4 an outlet and direct connection for veterans seeking
5 food. Through our efforts, DVS has amassed over
6 103,000 meals through a collaboration with Hello
7 Fresh, 33,572 meals through the Bronx Food
8 Initiative, and approximately 600 meals through
9 GetFoodNYC. Similar to these efforts, DVS provides
10 assistance for veterans navigating other city
11 programs and services regardless of status. These
12 examples and countless other exemplify DVS's
13 continued success and hard work in connecting
14 veterans with services, whether through housing, food
15 insecurity, or funeral honors, DVS stands committed
16 to connecting veterans with services and benefits.
17 Introduction 2354 seeks to achieve four goals:
18 Codify the practice of provide services to a broad
19 range of veterans and their families; expand the
20 Veterans Advisory Board from 11 to 13 members;
21 synchronize board term lengths to better coordinate
22 and provide continuity at advisory functions; and
23 remove obsolete references to job posting
24 requirements. It was only five years ago that New
25

1
2 York City took a bold step in meeting the nation's
3 [inaudible] create the first large municipal
4 department serving the local veteran constituency.
5 Since then DVS has expanded its services, offerings,
6 and staff, but it, but has maintained its principle
7 goal, to help those who served others. Regardless of
8 the length or type of service, DVS strives to
9 identify the benefits for which a veteran or their
10 family may be eligible and connect them with the
11 appropriate partner to facilitate the request. In
12 pursuing the amendment set forth in Intro 2354, DVS
13 hopes to codify its efforts while serving as a model
14 for cities both small and large to rethink what it
15 means to serve and how best the local government can
16 step in where state or federal partners are unable to
17 do so. Before the creation of DVS, the Veterans
18 Advisory Board served as a source of history, policy,
19 and change on behalf of the veteran community. Since
20 its start, the board has expanded to 11 members. DVS
21 is now proposing to increase the number of veteran
22 advisory board seats by two and to expand the
23 opportunity for other constituents, including
24 veterans' family members, widows or spouses, to be
25 included in an organization that advises the agency

1 directly. In expanding this diversity, our agency
2 can further solidify our connections to the veteran
3 constituency and identify other issues, concerns, or
4 success on behalf of our community, leading to
5 tremendous change and representation. Further, under
6 the proposed bill DVS to restructure the board member
7 terms to create a more streamlined appointment
8 structure. If adopted, this change would seek to
9 alleviate the confusion surrounding the appointment
10 structure, streamline its process, and provide a more
11 uniform approach to the organization of the board.
12 If passed, this bill will afford the board greater
13 opportunity to dedicate more time and resources
14 advising the agency, thereby developing robust policy
15 benefits, benefitting New York City veterans and
16 their families. Lastly, this legislation seeks to
17 revise existing sections of the law that are no
18 longer applicable. Under the current law, DVS must
19 collaborate with other city agencies to include city
20 jobs and a federal job bank. While DVS continues to
21 engage constituents seeking job assistance through
22 expanding the veteran fee waiver [inaudible] to
23 empirevets.com, it is unable to include city job
24 postings in the federal job [inaudible], known as
25

1
2 usajobs.gov, because the site does not incorporate
3 postings who are non-federal government offices and
4 organizations. Rather, its purpose is to provide
5 federal agencies with a single portal to upload,
6 review, and revise job postings within the federal
7 government. As such, DVS has no ability to upload
8 city jobs onto the federal jobs platform. We thank
9 you for the opportunity to testify on this matter and
10 look forward to any questions you or other committee
11 members may have. Thank you.

12 COMMITTEE COUNSEL: Thank you so much,
13 Jason. I will now turn it over to [inaudible] Chair
14 Dinowitz. Panelists for the administration, please
15 stay unmuted if possible during this question and
16 answer period. Thank you. Chair Dinowitz, please
17 begin.

18 CHAIRPERSON DINOWITZ: Thanks very much.
19 Um, first I, I do want to acknowledge that, ah, in
20 the legislation expanding the board to include, ah,
21 family members, 'cause we often thank our veterans,
22 ah, but we don't always thank the family members to
23 those closest to the veterans who are also impacted,
24 um, by the sacrifice that our veterans make. Um, the
25 families also make a sacrifice. So thank you, you

1 know, for acknowledging that. It doesn't always get
2 the acknowledgement that it deserves. Um, I, I want
3 to touch on first something you spoke about in, in
4 your testimony. Ah, you spoke a lot about DVS
5 providing services like, um, connecting veterans
6 with, with assistance problems that exist at the
7 federal government. You spoke about civil service
8 examination waivers, you've helped them to get those
9 from the federal government, assistance navigating
10 already-existing programs. Um, can you talk a little
11 more about any city benefits or services that are
12 exclusive to New York City veterans, not just, um,
13 accessing food, whether even if it's city benefits,
14 food benefits that anyone can get. Are there any
15 city benefits or services that are exclusive to New
16 York City veterans?
17

18 DIRECTOR GARCIA: Chair, if you'd like I
19 can, ah, I can take that one.

20 CHAIRPERSON DINOWITZ: Sure.

21 DIRECTOR GARCIA: Ah, just thank you for
22 the, for the, ah, excuse me, for the question, Chair,
23 and, ah, to answer that question there are some city-
24 specific benefits that are only affordable to
25 veterans. Ah, once its aspect actually is the

1
2 veteran fee waiver on the New York City local level,
3 so in regards to any of the city exams that DCAS
4 administers on behalf of the city, we're thinking
5 police, we're thinking fire, we're thinking DOC, for
6 example, um, since June of last year veterans have
7 been able to access, um, an unlimited number of fee
8 waivers to take those exams. So previously a
9 veteran, if you of an honorable discharge status, you
10 are afforded one fee waiver. Moving forward, you're
11 now afford an unlimited number. So that is something
12 that specific towards veterans as a whole. Some
13 other programs that do come to mind within the city
14 is, ah, the alternative tax credit under DOF where if
15 you own property and you have a certain discharge
16 status, as well as wartime era, you're afforded, ah,
17 a tax credit on your property and, ah, another
18 example would be under DCWP for veterans that have a,
19 ah, street vendor license. You have to be a disabled
20 veteran or veteran under honorable conditions to
21 receive that, ah, benefit of being able to, ah, to
22 peddle within the streets of New York.

23 CHAIRPERSON DINOWITZ: Now on these
24 applications is there a box, does, on the examination
25 application are they being asked if they're veterans

1
2 or do they have to know to reach out to DVS in order
3 to access these benefits?

4 DIRECTOR GARCIA: So in the applications
5 themselves there is a, ah, box, a notification for
6 veterans. Um, what I can speak to is on the, ah, the
7 job application site if you're looking for a fee
8 waiver it will say, hey, you know, if you're a
9 veteran and you're looking for a fee waiver make sure
10 to send a copy or DD214 to this entity and then
11 they'll, they'll double check on that end. Ah, but
12 simply all that data is faithfully compiled under,
13 ah, Local Law 23, which is where we take it then to
14 see like how many veterans are getting these services
15 and how best we can assist and we'll expand the word
16 afterwards.

17 CHAIRPERSON DINOWITZ: OK. So going back
18 to discharge status upgrade...

19 DIRECTOR GARCIA: Yeah.

20 CHAIRPERSON DINOWITZ: A veteran contacts
21 DVS. So what's the process? Walk us through from
22 beginning to end. A veteran contacts DVS. What
23 happens then?

24 DIRECTOR GARCIA: Sure. So in that, ah,
25 initial call, right, the veteran's calling DVS, um,

1
2 ah, you know, a live person on the DVS side is
3 picking up that phone call and they're conducting
4 intake. In that intake they're taking, ah, pertinent
5 information, that individual's name, ah, their rank,
6 if anything, within the million, what military branch
7 they served, whether they've got a family member, or
8 the veteran directly, and then that also part is what
9 is it that you're looking for, you know, veteran A,
10 then what's your discharge status. So based on what
11 it is that they're looking forward, let's say
12 employment, and let's say, hey, you know, I'm an army
13 veteran, or army discharged veteran and I'm looking
14 for employment assistance, right? Well, DVS then
15 does that triage, is goes based on your status, hear
16 the plethora of benefits that we can connect you
17 with, and let's then connect you with things that
18 you're eligible for. So I'm able to do that triage
19 initially and then work with that veteran as time
20 goes on in the event there's any other service
21 request they're looking for, any questions that may
22 be answered or, ah, whatever it is that may come to a
23 veteran's mind and get help with.

24 CHAIRPERSON DINOWITZ: And what's that
25 breakdown? I mean, you have Vet Connect, you have

1
2 phone calls, what's the breakdown of how people are
3 reaching out to DVS?

4 DIRECTOR GARCIA: Ah, I can, ah, circle
5 back with you on just the, the manner of breakdown,
6 Chair. Ah, but I can assure you that, um, a lot,
7 whenever we have these service requests they're
8 ultimately entered inside United [inaudible] system.
9 That's how we keep track of any of the requests, the
10 time it [inaudible], ah, nature of the request, and
11 what process it is in, in, ah, I guess you can say in
12 the life cycle what their [inaudible] is.

13 EXECUTIVE DIRECTOR LOUGHRAN: And Chair,
14 I just want to, ah, add into that answer in that the
15 breakdown is, ah, the Vet Connect website. We have a
16 form on there that you can fill out to request
17 services. Ah, we receive phone calls regarding
18 services. We also, ah, field service requests
19 through the City Council offices and other
20 organizations just reaching out to us. But one thing
21 that, ah, we feel very proud of at DVS in our
22 inheritance of the Vet Connect contract is expanding
23 the network to allow for service providers to make
24 referrals to one another without them all having to
25 go through DVS as well.

1
2 CHAIRPERSON DINOWITZ: Speaking of
3 expanding that, right, Intro 0647, it, it just passed
4 the City Council earlier this month. Ah, it requires
5 DVS to coordinate with veteran service organizations
6 to establish a hotline to provide peer support
7 services and information to veterans. So would DVS
8 consider using the hotline in addition to what you're
9 already doing as a way to educate callers about this
10 discharge upgrade status process, as well as provide
11 referrals to clients for free legal services to
12 assist with their discharge status upgrade paperwork?

13 DIRECTOR GARCIA: Yeah, and I can, ah, I
14 can take that one, Chair, and, ah, and I would tell
15 you that we're, we're more than happy to explore
16 that, that opportunity, that idea, um, once we are
17 able to, ah, to lock in the providers that are
18 manning that hotline under the, ah, the Intro. We're
19 more than happy to work with them and see if that's
20 something we can, we can throw into the mix.

21 CHAIRPERSON DINOWITZ: Yeah, I think, I
22 think outreach is, is a huge, ah, component of the
23 work that you are doing and, and need to do.

24 DIRECTOR GARCIA: Absolutely.
25

1
2 CHAIRPERSON DINOWITZ: Right. And I
3 think we all agree, it's, it's what good is a program
4 if people don't know about it, right?

5 DIRECTOR GARCIA: Absolutely.

6 CHAIRPERSON DINOWITZ: Ah, so this
7 committee actually held its last hearing on discharge
8 upgrades assistance for veterans in 2018, and at that
9 hearing the DVS commissioner, Laurie Sutton,
10 testified that DVS had received 105 service requests
11 for discharge upgrade status in 2018. Um, I
12 wondering if you have the numbers for, for FY20?
13 What was the total number of requests for discharge
14 upgrade assistance? If you have an estimate of the
15 total number received in FY21?

16 DIRECTOR GARCIA: Yes sir, I'm, I'm happy
17 to, ah, to take that question. Um, as of right now
18 our numbers for FY20 is, ah, 36. Let me just make
19 sure that I confirm on that. Yes, it is 36 for FY20
20 and then we have 46 for FY21. I think what's
21 important to note in this distinction is really just
22 the focus on, on discharge upgrades and also the
23 increase from, from year to year, from 20 to 21.

2 CHAIRPERSON DINOWITZ: Um, ah, unless my,
3 but, you know, in 2018 they, you received 105 service
4 requests? So...

5 DIRECTOR GARCIA: So that is, yeah, I'm
6 sorry, go ahead, Chair?

7 CHAIRPERSON DINOWITZ: No, please.

8 DIRECTOR GARCIA: Ah, so, ah, correction
9 on my part, though. For FY20 it was 37, not 36. But
10 FY21 still stands at 46. So I apologize for that.
11 Um, in regards to FY 2018, ah, we are, ah, looking
12 into that number and really being able to finalize
13 what that data is based on the, the differences. For
14 your awareness, Chair, ah, in October of 2020 we
15 switched on over from the Vet Connect contracts now
16 to [inaudible] platform and being able to track our
17 mechanisms and better aggregate data that way. So FY
18 2018 uses, ah, our CRM and we're just working through
19 to confirm those numbers and see how that breakdown
20 is down.

21 CHAIRPERSON DINOWITZ: OK, 'cause, you
22 know, I'm looking for trends to see if more and
23 more...

24 DIRECTOR GARCIA: [inaudible]

1 COMMITTEE ON VETERANS 26
2 CHAIRPERSON DINOWITZ: ...people are being
3 helped, especially, um, you know, since the enactment
4 of the New York State Restoration of Honor Act in
5 2019, if, if that has had an impact on the service
6 requests for discharge status upgrades?

7 DIRECTOR GARCIA: Yeah, well I can say,
8 ah, at this time, Chair, is that we can definitely
9 look into that and see where that trajectory is
10 going. Um, but based on some of the trends that
11 we're seeing right here, we do see increases in, in
12 overriding different service categories, from food
13 assistance to legal and general, ah, to housing,
14 things like that. So there is an upward trajectory
15 in the services the veterans are seeking, especially
16 because the main recognition of DVS has increased, so
17 obviously more veterans are able to come to us, and
18 then with that being able to assist those veterans
19 and finding those services afterwards.

20 CHAIRPERSON DINOWITZ: Great. I, I just,
21 I'm a little, pardon me, I'm a little confused about
22 the, the trend, because the, the number I have for
23 2018 is 105 requests for discharge status upgrades.
24 I know you said you're, you're looking at that
25 number. Um, so it seems like even though from FY20

1
2 to 21 it up went up by nine, but it seems over the
3 longer term it's, it's gone down. So I'm just
4 interested to know, you know, more about that, again
5 especially as New York State passed the Restoration
6 of Honor Act, which, you know, seeks to recognize and
7 provide state services for people who are, um, let's
8 say unjustly discharged or received other than
9 honorable for PTSD, for TBI, military sexual trauma,
10 ah, gender identity, and sexual orientation.

11 DIRECTOR GARCIA: Yeah.

12 EXECUTIVE DIRECTOR LOUGHRAN: I want to,
13 sorry, I want to jump in here and, and Chair, I just
14 want to address that these service providers that we
15 are contracting with also have been experts in this
16 field for many years now. Ah, it's our understanding
17 that over the last three our four years that, that
18 this service has been around, um, it's because of
19 those legal services providers that have done their
20 job so well that we're confident that the veteran
21 population will fit this criteria to be eligible for
22 these services have gone directly to those
23 organizations in some cases. Um, you know, DVS is
24 one mechanism for which those, ah, those folks can
25 get connected to the providers of the services. But,

1
2 ah, I'm confident that if you spoke to the legal
3 services providers that are receiving the funding for
4 this contract, ah, they would, ah, be more than happy
5 to share with you all of the different avenues for
6 which they actually receive, ah, the supply of
7 veterans who are seeking this service. So I just
8 want to make, make clear that, um, that's part of the
9 reason why we selected these veteran providers and
10 why we get into this contract, so that we can have a
11 greater understanding of what trends do exist and the
12 supply of veterans who are seeking out this service.
13 But thank, it's a very good question, Chair, and
14 we're getting to the bottom of it.

15 CHAIRPERSON DINOWITZ: Well, if that, if
16 that is the case that, that's good to hear. It means
17 the service providers are doing that job, and it also
18 means that data, ah, doesn't show everything, right?
19 That there are always things hidden in the data.

20 EXECUTIVE DIRECTOR LOUGHRAN: Yes.

21 CHAIRPERSON DINOWITZ: Um, but just
22 speaking on the, um, the, the service providers, um,
23 in fall 2020, ah, DVS announced that through its
24 discharge upgrade assistance legal services, or DUALS
25 program, um, that 1.5 million dollars will be awarded

1 over three years to nonprofits assisting the
2 veterans, um, challenging discharge status. Um, so
3 you say you've chosen two nonprofits. Ah, which are
4 the nonprofits and how do you go about selecting
5 those nonprofit legal providers?
6

7 EXECUTIVE DIRECTOR LOUGHRAN: Yes, Chair.
8 Ah, we've selected the New York Legal Assistance
9 Group and Veteran Advocacy Project. Um, DVS
10 evaluated the vendors' proposals and ranked each
11 vendor's response to various requirements, such as
12 experience, budget, and capacity, and in this, ah,
13 mechanism for which we did this was through a
14 negotiated acquisition, ah, after which DVS awarded
15 the contract to both vendors based on their high
16 marks on the scorecard.

17 CHAIRPERSON DINOWITZ: Oh, good, like a
18 report card. But, so...

19 EXECUTIVE DIRECTOR LOUGHRAN: Yes.

20 CHAIRPERSON DINOWITZ: ...now that, I, I,
21 I can't escape my, my teacher brain.

22 EXECUTIVE DIRECTOR LOUGHRAN: [laughs]

23 CHAIRPERSON DINOWITZ: Everything is
24 [inaudible]. And so you said that was based on, so
25 you, you, you, um, provided the contract based on

1 that report card. Are you, ah, currently evaluating,
2 um, how well these, these nonprofits are doing? How
3 do you quantify the success of this initiative and
4 the success of the nonprofits?
5

6 EXECUTIVE DIRECTOR LOUGHRAN: It's a very
7 good question, Chair. And, ah, really, I want to
8 thank the providers as well for helping us establish,
9 you know, what kind of mechanisms and, and
10 [inaudible] vouchers we have and working together to,
11 to reach those outcomes. Um, given that we really
12 don't know a lot about the intricate details that
13 come from a discharge upgrade appeal process, ah,
14 we're really hoping to collect critical information
15 during this process through their reporting structure
16 that we developed every six-month period to identify
17 those trends and see what, ah, what cases are turning
18 out to be successful and which cases are turning out
19 not to be successful. And there's a lot of variables
20 that have to do with this. Um, the process, each
21 case has, has a preliminary investigation. There is
22 a process to collect documentation. Ah, and then
23 after that there's other, um, you know boards within
24 the organizations to select cases that find, that
25 that case has merit to continue on and go forth to

1 the discharge review board. Ah, cases that include
2 merit would be those cases that you discussed earlier
3 in your testimony. So what we're looking to achieve
4 here is, um, to get those critical details about each
5 unique case and find those patterns and trends that,
6 that actually describe the success of the program.
7 Ah, one thing I want to note for you here is that one
8 of the key elements about this contract is the
9 reporting requirements go beyond the three years.
10 Ah, this is because the discharge, ah, review
11 process, ah, could take many, many years. So the
12 legal service providers that we're working with,
13 they'll still be reporting to DVS several years from
14 now, maybe even well beyond the three-year period,
15 ah, for, on cases that may have been submitted in
16 year one. So this is gonna be a marathon. But, ah,
17 it's, this very, very important that we're gonna get
18 that will facilitate the decisions we make as, as a
19 city agency to build better programs that help us
20 reach the outcomes that you, the council, and
21 ourselves would like to reach.

22
23 CHAIRPERSON DINOWITZ: Yeah, it's very
24 important. I mean, it's very important, I don't have
25 to tell you, the, the success of these programs

1
2 equals the success of our veterans and their
3 families. So it's really important that this
4 information come out, that we get this data to know
5 if these programs are successfully and, and if not
6 how we make them more successful, so that all
7 veterans, ah, you know, are really getting the
8 support that they need, and we know, um, that they're
9 getting the support. Um, so you, you mentioned a
10 timeline. I'm interested to know, so a veteran is
11 referred to an outside veteran service organization,
12 um, such as City Bar Justice Center. So what is the
13 estimated length of time it takes for that veteran to
14 be connected with an attorney?

15 EXECUTIVE DIRECTOR LOUGHRAN: So each
16 case is unique, sir, um, and this all goes back to
17 the intimate details of that client's background, ah,
18 service discharge type, um, but that is also one of
19 the things that will be included in the reporting
20 requirements, plus to understand what proportion of
21 cases have legal representation and which proportions
22 do not. And this also speaks to the importance of
23 this contract. The, the funding for this contract
24 really is dedicated to legal representation, um,
25 because, um, that is the, that is the premium service

1
2 that we're offering and it's that that we want to
3 address first, and, ah, I'm sure the legal services
4 providers that we've selected here can speak to the,
5 the benefits of that and why there was such a high
6 need for it. But, but that's really our focus.

7 CHAIRPERSON DINOWITZ: And speaking of
8 the contract, the, this 1.5 million dollars, what is
9 the source of this funding?

10 EXECUTIVE DIRECTOR LOUGHRAN: Ah, the
11 funding is, ah, DVS funding.

12 CHAIRPERSON DINOWITZ: So it's, what I
13 mean, what I mean it's 100% city funded?

14 EXECUTIVE DIRECTOR LOUGHRAN: That's
15 correct.

16 DIRECTOR GARCIA: That's correct, sir,
17 yep.

18 CHAIRPERSON DINOWITZ: I'm sorry, Mr.
19 Garcia, I didn't.

20 DIRECTOR GARCIA: Oh, my apologize. So,
21 yeah, I, I said that's, that's correct. It's, ah,
22 baselined within the DVS budget.

23 CHAIRPERSON DINOWITZ: OK, good. Um, and
24 so, you know, we're talking about, you know, a lot of
25 what you mentioned in your, ah, opening statement was

1 access to federal benefits, money, dollars coming in
2 for housing, for health care, for education, for
3 jobs. I'm interested, um, how much, how much money
4 does an honorably discharged veteran with access to
5 those state and federal benefits contribute to New
6 York City's economy versus a veteran who has received
7 other than honorable discharge, who have been
8 deprived of those benefits?
9

10 EXECUTIVE DIRECTOR LOUGHRAN: That's a
11 very good question, Chair, and, ah, it really speaks
12 to how beneficial this, this contract is and how it
13 really pays for itself. Um, as, as somebody in the
14 education world I'll speak to that benefit. Um, just
15 getting a single individual access to the GI Bill,
16 ah, education benefit that comes from somebody's
17 exiting the service within honorable conditions, that
18 one benefit, if it's, ah, awarded at 100%, given the
19 time in service and other criteria, ah, that one
20 benefit can lead to, um, that single student going to
21 school at one of New York City's educational
22 institutions upwards to hundreds of thousands of
23 dollars just for the educational institution in, in
24 the form of tuition. Ah, additionally, that single
25 student receives what is known as basic allowance for

1
2 housing while going to school. And that number
3 range, depending on whether they're a part-time or
4 full-time student, but, ah, last I've, I've checked,
5 ah, in New York City if a student is going full time
6 using the GI Bill benefits, they're awarded upwards
7 of \$4300 a month just for cost of living, for which
8 that fund comes back into New York City's economy,
9 because that money is spent on housing, food, books,
10 everything that student needs to be successful while
11 they're going to school here in New York City.

12 CHAIRPERSON DINOWITZ: So I, I just have,
13 I'm sorry, continue.

14 EXECUTIVE DIRECTOR LOUGHRAN: I'm sorry,
15 Chair. I know that was a micro number, but we can
16 get back to you on a macro number on what, what kind
17 of larger impact we expect with federal dollars
18 coming into the City of New York.

19 CHAIRPERSON DINOWITZ: Yes, please, please
20 do. You know, you know, it's very important we get,
21 and the most important thing, obviously, is that our
22 veterans and their families are getting the services,
23 right?

24 EXECUTIVE DIRECTOR LOUGHRAN: Absolutely.

25

1 COMMITTEE ON VETERANS 36
2 CHAIRPERSON DINOWITZ: But we also, you
3 know, we also want to know that, you know, the
4 investment, also we, people should know that this
5 investment, you know, more than pays for itself,
6 right?

7 EXECUTIVE DIRECTOR LOUGHRAN: That is
8 correct.

9 CHAIRPERSON DINOWITZ: Um, in terms of
10 access to federal and, and state benefits. Um, I
11 just have one more question and then I'm gonna turn
12 it back to, ah, committee counsel for other council
13 members to ask their questions. Um, but given how
14 important, um, these services are for our heroes and
15 their families, both for those individuals and for
16 the city as a whole, I just want you to talk a little
17 more about this specific outreach that you are doing
18 to ensure that veterans who, who come home know that
19 they have access to upgrade discharge status
20 assistance.

21 EXECUTIVE DIRECTOR LOUGHRAN: Yes, sir.
22 And, ah, very quickly, before I address that question
23 I do want to make a correction to my last response.
24 I just got the current VHH rate and it's \$3093 a
25 month, so it's not \$4300, and that rate changes every

1 year. Ah, so it's, it's subject to the benefit and,
2 ah, at that time contingent upon where the locality
3 is. But going back to answer your question, um,
4 since the program has yet to launch our DVS hasn't,
5 ah, hasn't participated in a marketing plan
6 specifically for this program. Um, we do expect it
7 to occur within this calendar year, but, um, we do
8 intend to full out blitz our community through
9 working with organizations in our VetConnect network,
10 working with our New York State partners and working
11 with the legal service providers that are receiving
12 this contract to perform outreach. Ah, we also would
13 like to work with council to get the word out about
14 this program. Ah, prior to this, though, ah, DVS
15 would share information about these legal service
16 groups that existed in our newsletter and they're
17 also accessible through our VetConnect network for
18 our service providers to make those referrals if they
19 come across a veteran who, ah, openly shares that
20 they have a discharge type that is, ah, under, under,
21 under than, ah, honorable conditions. Sorry.

23 CHAIRPERSON DINOWITZ: Well, I, I look
24 forward to working with you on that, especially as we
25 provide, um, that access and those services to our

1 veterans, particularly those who are struggling the
2 most, those struggling with the homelessness, mental
3 health struggles, ah, and the like. I'm going in the
4 office turn it back to the committee counsel now.
5 Thank you.
6

7 EXECUTIVE DIRECTOR LOUGHRAN: Thank you,
8 Chair.

9 COMMITTEE COUNSEL: Thank you. Sorry,
10 didn't mean to cut you off there. Um, I will now
11 call on council members in the order they have, ah,
12 used the Zoom raise hand function. If you would like
13 to ask a questions, council members, and you have not
14 raised, um, yet raised your hand in the Zoom function
15 please do so now. Council members, please keep your
16 questions to three minutes. The Sergeant at Arms
17 will keep a timer and will let you know when your
18 time is up. Ah, you should begin, ah, once I have
19 called on you and the sergeant has announced that you
20 may begin. Hold on one second. I think we have
21 Council Member Vallone. Um, we'll hear from you
22 first, and if I see any other hands as you are asking
23 questions I will turn it over to your colleagues.
24 Hold on one second. Um, all right, you are not
25 muted. Council Member Vallone.

1
2 COUNCIL MEMBER VALLONE: Thank you,
3 Counsel. Thank you, Chair Dinowitz. Good morning
4 everyone. Ah, I, I hear, as always, good things.
5 This is a great team coming up to speak. Um, so I
6 just wanted to touch base because we've [inaudible]
7 testimony with a quick sentence towards vague
8 references to the opposition to the bill and I'm not
9 quite sure what the opposition is, you just kind of
10 threw it in there at the last second. So can we, can
11 we flush that out? What is the issue with either one
12 or both of the bills that we are objecting to?

13 DIRECTOR GARCIA: Ah, I'm, I'm happy to
14 take over that, that question, Council Member, and
15 to, um, I guess to clarify, there, there is no
16 opposition to the bill. In fact, we, we are
17 supportive of, of its drafting and everything else.
18 Again, I think with the focus of the latter piece of
19 the testimony is that, in particular, subdivision CMD
20 of Intro 2354, ah, its changes are because the bill
21 as written requires DVS to collaborate with other
22 city agencies to post city jobs on a federal job
23 board, ah, which, ah, as detailed in the testimony is
24 just something that is not possible for DVS to do
25 because the job board is strictly for federal

1
2 government agencies and entities to post federal
3 jobs. Um, so our seeking to strike to that provision
4 doesn't negate the fact that DVS is working
5 diligently to inform veterans of, for example,
6 veteran fee waiver for city jobs, connecting jobs,
7 ah, both public and private through Empire Vets, and
8 really just interacting with the constituency to be
9 aware of other employment opportunities. Um, our
10 piece just in that latter part of the testimony is
11 just highlighting the fact that as written within the
12 current law we are unable to comply with subsection C
13 and D because we are unable to post city jobs on the
14 federal job board, and that's really the [inaudible]
15 of it, sir.

16 COUNCIL MEMBER VALLONE: Excuse me for
17 that, but we're not posting, I thought the
18 requirement with finding federal and state
19 opportunities onto your listings, it's not that we're
20 gonna conveniently post our listing on a federal or
21 state, or am I getting that wrong?

22 DIRECTOR GARCIA: Um, I can just see
23 here, just for, quickly...

24 COUNCIL MEMBER VALLONE: I know it would
25 be, I mean, we, we can't require city [inaudible] on

1 federal and state, that's different. But we should
2 have every opportunity listed for our veterans on all
3 our veterans' boards and our, ah, Department of
4 Veterans' Services and everything else that's here,
5 whether it's federal, state, local, I don't care
6 where it is. But I don't want the confusion to be
7 that we can't post opportunities for veterans, but I
8 get if there's a concern requesting federal and state
9 to post our opportunities.

11 DIRECTOR GARCIA: Yeah, and I, and I
12 agree with you on that, sir, and I think the, the
13 piece is that the legislation requires both, right?
14 It requires us to inform veterans of federal job
15 postings and state job postings, which are included
16 within Empire Vets, the whole host of other
17 mechanisms that we, ah, interact with veterans in
18 seeking employment opportunities, but simultaneous
19 the law as written previously, ah, required DVS to
20 also post city jobs and coordinate with SBS and DCAS,
21 for example, to do the same on the federal job board.
22 So our reason will be to strike the, um, the piece
23 that we can't comply with, which is the posting on
24 federal job boards, but continue what we're already
25 doing in compliance with the law, to inform veterans

1 of state, federal, and local opportunities as, as we
2 do right now [inaudible].

3
4 COUNCIL MEMBER VALLONE: Ah, it sounds
5 like we're going around in circles. But I think it's
6 something that, that we don't need to strike, we just
7 need to learn the language and have Chair Dinowitz
8 and his team just figure that out. I, I, what we're
9 trying to do is provide as much, not cut things back
10 or listing because that was the problems in the past
11 was all the great nonprofits and, and sister agencies
12 posting and doing that and DVS being out of the loop
13 and they were, would be trying to catch up on what
14 services and jobs that are out there. Ah, we want
15 that, that continuity continued within, within our
16 new agency and work with that. I don't want folks
17 having to [inaudible] over the place to different
18 listings.

19 DIRECTOR GARCIA: Yep.

20 COUNCIL MEMBER VALLONE: So I'm, I'm sure
21 we can work on your doubt to make it contiguous and,
22 and not duplicative.

23 DIRECTOR GARCIA: Absolutely, sir, yeah.

24 And we're more than happy to work with the council to
25 find, um, the appropriate balance to achieve that

1
2 goal, because we are in complete agreement to make
3 sure that we are providing information that
4 [inaudible] about job opportunities. So we're happy
5 to, um, to figure what that wording may be with the
6 council.

7 COUNCIL MEMBER VALLONE: Thank you,
8 Chair. And just in case there is not this
9 [inaudible] October there may not be another hearing
10 or two, it's been an honor to be on the Veterans
11 Committee years now, as I come towards the end of my
12 two terms. So for all of you there who have guided
13 me through this amazing world and, and being a
14 blessing to learn from every one of you, ah, the
15 honor and the sacrifice that everyone has given to
16 give us this great freedom in this country I say
17 thank you. So God bless everyone, and Chair
18 Dinowitz, thank you for your leadership.

19 EXECUTIVE DIRECTOR LOUGHRAN: Thank you,
20 Council Member.

21 COMMITTEE COUNSEL: OK, now I will turn
22 it back to Chair Dinowitz for additional questions.
23 Um, I don't see that any other council members, let
24 me give it a second. If any other council members
25 have any questions please use your raise hand

1 function in Zoom and we'll call on you. OK, seeing
2 there are no council members with the hand raise
3 function, I will turn it back to Chair Dinowitz for
4 additional questions.
5

6 CHAIRPERSON DINOWITZ: I have no
7 additional questions, thank you.

8 COMMITTEE COUNSEL: OK. Thank you. Ah,
9 we've concluded administration testimony. Um, we'll
10 now be turning it over, ah, to public testimony. I'd
11 like to remind everyone that we will be calling on
12 individuals one by one to testify. Ah, each panelist
13 will be given three minutes to speak. After I call a
14 name, your name, a member of our staff will unmute
15 you. There may be a few seconds of delay before you
16 are unmuted, and we thank you in advance for your
17 patience. Ah, please wait a brief moment for the
18 Sergeant at Arms to announce that you may begin
19 before your, um, before you start your testimony.
20 Council members who have questions for a particular
21 panelist, again, use the raise hand function in Zoom.
22 I will call on you after the panel has completed
23 their testimony in the order in which you have, ah,
24 raised your hand. Ah, for our first public panel I
25 would like now, I would like to welcome Coco Culhane,

1 Ryan Foley, and Ashton Stewart. Ah, Coco, you may
2 begin your testimony.
3

4 SERGEANT AT ARMS: Time starts now.

5 COCO CULHANE: Hi, I'm Coco Culhane. I'm
6 the executive director of Veteran [inaudible]
7 Project. Um, we provide free legal services to low-
8 income veterans and their families, and we focus on
9 those living with post-traumatic stress, traumatic
10 brain injury, and substance use disorders. We have
11 three areas - criminal defense, a civil practice that
12 focuses on housing, and then veterans' law, which,
13 ah, is centered around veterans with less than
14 honorable discharges. I also sit on the New York
15 State Discharge Upgrade Advisory Board, teach, um, at
16 Brooklyn Law School veterans' law, and, ah, sat on
17 the advisory board for the newly published AVA
18 discharge upgrade manual. So I want to thank you.
19 Ah, first I just want to thank City Council for their
20 commitment to this population with the several
21 hearings for the last couple of years and thank the
22 mayor's office and the Department of Veterans
23 Services for this contract and, you know, this is a
24 real commitment to this work. It takes so much time,
25 as you were just discussing. Um, just to provide a

1
2 brief overview of the process which I think might be
3 helpful. Um, you know, a veteran comes into us and
4 just ordering records alone can take more than a
5 year, depending on the, you know, right now it's the
6 pandemic, the National Personnel Records Center has
7 been shut down. Um, so anyone who served before the
8 mid '90s is out of luck, and they've been waiting for
9 a year and a half. Um, and the first thing that we
10 do is connect them with mental health care. You
11 know, we make sure are they getting primary care, are
12 they, you know, in partner with places like the
13 Community Healthcare Network and any other number of
14 different places, um, to make sure that they have the
15 resources that they are barred from, ah, at the
16 federal level. Um, and so I just wanted to also, ah,
17 point out that on the new Mayor's Office of Community
18 Health there's a new roadmap for all, mental health,
19 and there's a statement on the new website that's
20 really fantastic. It talks about there's no
21 guarantee for mental health at the federal level and
22 so local communities really have to step in and we
23 have to be there, and that nothing can be more true
24 for this population, right? Um, there, it's, less
25 than honorable discharge is the second-highest

1
2 predictor of homelessness. Um, you know, the suicide
3 rate is three times higher in this population than
4 other veterans, which is already, um, almost double,
5 I think, than the general population. So we're
6 talking about extremely vulnerable people who need
7 mental health services. Um, so it's disappointing to
8 see that there are no mental health providers in the
9 veterans' section on that website, and I know that we
10 all have our lists and have partners, and I would
11 hope that those make it onto that site. Um, and, um,
12 one of the things that's so important, ah, in this
13 process, you know, we work with veterans, we connect
14 them to care. They need that mental health treatment
15 because as we go through their case and build, you
16 know, most individuals did not seek mental health
17 treatment in service, so we need medical evidence,
18 but also we're going back through their trauma. They
19 need support. They need care. Um, so we need two
20 different types of psychological, ah, services.
21 One...

22 SERGEANT AT ARMS: Time expired.

23 COCO CULHANE: Sorry, and also forensic,
24 if I could just wrap up. I just want to mention the
25 forensic element is so important and so we're

1
2 developing a program that we're really excited about,
3 um, with Columbia and we hope it will become a new
4 standard for best practice that has, um, and I also
5 just want to add that I've made all sorts of notes
6 about the questions that were coming up earlier and I
7 just want to offer data on that and dollar amounts
8 and all that if they're needed. Thank you for time
9 to speak today.

10 COMMITTEE COUNSEL: Thank you so much,
11 Coco. Ah, now we'll be calling on Ryan Foley. You
12 may begin, ah, your testimony.

13 SERGEANT AT ARMS: Time starts now.

14 RYAN FOLEY: Hello. Ah, my name is Ryan
15 Foley and I am the supervising attorney of the
16 Veterans Practice at New York Legal Assistance Group,
17 NYLAG, a nonprofit law office dedicated to providing
18 free legal services in civil matters to low-income
19 New Yorkers. Given the need, level of need in New
20 York City's diverse veterans' population, NYLAG
21 operates two veteran-specific legal programs. We
22 have a medical legal partners with the Bronx and V.A.
23 Medical Centers and a community-based program that
24 provides comprehensive services to veterans and their
25 families regardless of their discharge status and

1 eligibility to use the V.A. healthcare system. Less
2 than one month ago the longest war in our nation's
3 history, the war in Afghanistan, ended after nearly
4 20 years. Since 2001, more than 775,000 US troops
5 had deployed to Afghanistan. When the withdrawal was
6 announced there was a surge in active service members
7 and military veterans seeking mental health support.
8 The veterans' crisis line, which provides crucial
9 emergency mental health assistance to veterans,
10 reported a significant spike in calls and texts. The
11 secretary of the V.A. put out a message encouraging
12 former service members who are struggling with mental
13 health to reach out to the V.A., stating we the V.A.
14 are here for you. However, that message may not have
15 reached the estimated 500,000 veterans across the
16 United States who received less than honorable
17 discharges, including more than 100,000 veterans who
18 received less than honorable discharges since the
19 start of the war in Afghanistan. As we, as has
20 already been mentioned, a less than honorable
21 discharge means a former service members will not be
22 entitled to the full range of benefits that their
23 military service would otherwise grant them.
24 Veterans who received a general discharge will not be
25

1 entitled to educational benefits, which are crucial
2 for service members transitioning back into civilian
3 life. Veterans who receive other than honorable or a
4 bad conduct discharge often find they have a complete
5 bar to V.A. benefits, which includes critical
6 resources such as V.A. disability benefits and access
7 to V.A. health care. Veterans who receive a less
8 than honorable discharge are permitted to apply for a
9 discharge upgrade, but the process is difficult,
10 slow, and near impossible to navigate without a legal
11 advocate. Successful applications require extensive
12 record collection and analysis, which has increased
13 in difficulty as a result of massive backlogs and
14 pandemic closures at important record keepers, like
15 the National Personnel Record Center. For veterans
16 dealing with significant mental health conditions,
17 applications may require obtaining detailed medical
18 opinions, explaining how the mental health
19 conditions, um, started in service and led to the
20 less than honorable discharge. During the pandemic
21 that has been even more difficult for veterans to be
22 able to access their normal healthcare providers.
23 Applications also require detailed legal arguments
24 explaining the errors or injustices that may have
25

1 occurred during a service member's military service
2 and discharge. Once a discharge upgrade application
3 is submitted the veteran must then wait for a
4 decision, which depending on the branch of service,
5 dates of service, and whether they requested a
6 hearing may take several years. NYLAG is extremely
7 grateful to the City of New York for its investment
8 in legal services for veterans. NYLAG has been the
9 recipient of funding through the Legal Services for
10 Veteran Initiatives since its inception, and because
11 of that funding we've been able to assist veterans
12 with thousands of cases in the areas of veteran
13 benefits, public benefits, housing, consumer
14 protection, and advanced planning.

15
16 SERGEANT AT ARMS: Time expired.

17 RYAN FOLEY: Can I wrap up? Ah, NYLAG is
18 now excited to receive funding from New York City
19 Department of Veterans Services, specifically aimed
20 at assisting veterans with less than honorable
21 discharges apply for discharge upgrades. This new
22 funding demonstrates New York City's true commitment
23 to uplifting a veteran population that is frequently
24 overlooked and often most in need. We look forward
25 to working with the city and NYC DVS to make sure our

1
2 former service members know this assistance is
3 available, recognizing that many individuals eligible
4 for this assistance may not identify as veterans
5 because of their discharge status. NYLAG is
6 committed to utilizing our expertise of 300-plus
7 attorneys and paralegals and financial counselors to
8 comprehensively address the different and diverse
9 civil legal needs of these struggling veterans.
10 Thank you so much for the opportunity to testify, and
11 I'm happy engage in further questions.

12 COMMITTEE COUNSEL: Thank you so much,
13 ah, Ryan Foley. Um, Ashton Stewart, you may begin
14 your testimony.

15 SERGEANT AT ARMS: Time starts now. It
16 appears you're still on mute.

17 CHAIRPERSON DINOWITZ: Stewart, you're
18 muted.

19 ASHTON STEWART: Sorry about that. Um,
20 thank you members of the New York City Council
21 Committee on Veterans for holding this oversight
22 hearing. My name is Ashton Stewart and I'm the
23 manager of SAGEVets, SAGE's statewide program for
24 lesbian, gay, bisexual, and transgender veterans.
25 I'm also a member of the Intrepid's Council of

1
2 Veterans Advisors and the New York State Council of
3 Veterans Organizations. Back in the fall of 2019 I
4 was honored to provide requested data to Mayor de
5 Blasio's office in drafting the DUALS program.
6 Support from the New York City Council has been
7 instrumental in our program and we're so grateful
8 for, for your support. Um, SAGE is the country's
9 first and largest organization dedicated to improving
10 the lives of LGBT, um, older people. Founded in New
11 York City in 1978, SAGE has provided comprehensive
12 social services and programs for LGBTQ older people
13 for more than four decades. SAGEVets is one of
14 SAGE's programs and in fact is the only program in
15 the state designed for older LGBT veterans. Ah,
16 SAGEVets was created to identify, support, and
17 improve access to care among older LGBTQ veterans
18 among, across the city and state, and to respond to
19 the swelling needs described above. Um, I had to cut
20 that part out just for, ah, the sake of time and
21 further to elevate the visibility of older LGBT
22 veterans and their unique needs. SAGEVets program,
23 ah, works in partnership with the veteran service
24 programs throughout the city to provide legal
25 information and referrals for V.A. benefits,

1 including medical, pension, and education. Ah,
2 serving LGBT veterans is a difficult task, since most
3 of these individuals served while the military
4 enforced anti-LGBTQ policies, followed by the
5 discrimination Don't Ask, Don't Tell policy that
6 began in 1994 and lasted for almost 18 years.
7 Recently we have seen legislative and policy changes
8 that have aided our work and we applaud the
9 legislators who have championed these improvements.
10 In New York the Restoration of Honor Act was signed
11 into law in 2020, providing an opportunity for LGBTQ
12 veterans who were discharged with an OTH discharge
13 with an opportunity to have their discharge upgraded
14 to honorable, thereby granting them access to veteran
15 benefits offered by the state. Also, just last week
16 on September 20, the 10-year anniversary of the
17 repeal of Don't Ask, Don't Tell the V.A. announced it
18 will reverse harm done to LGBTQ+ vents by offering
19 healthcare and benefits to veterans discharged under
20 the Don't Ask, Don't Tell policy. This announcement
21 will go far in meeting the estimated 14,000 veterans
22 who were discharged under this discriminating policy,
23 but unfortunately it does nothing for those estimated
24 100,000 who were discharged for being LGBTQ between
25

1
2 World War II and 1994, when Don't Ask, Don't Tell
3 began. Additionally, through our work we discovered
4 another policy gap for veterans who are ineligible
5 for the V.A. despite the new policy announced last
6 week. In 1980 the V.A. enacted a requirement for
7 veterans to serve a minimum of 24 months of active
8 duty in order to qualify for healthcare and services.
9 Even with an honorable discharge, we have seen
10 veterans denied care at the V.A. when they fall short
11 of the 24-month requirement. This includes those who
12 were discharged for sexual orientation and gender
13 identity, and we are actively working with the New
14 York City Department of Veterans Services in
15 addressing this policy gap, seeking a legislative
16 solution and together have discovered that there are
17 close to 10,000 LGBTQ+ veterans who were discharged
18 within the first 24 months of their services.

19 SERGEANT AT ARMS: Time expired.

20 ASHTON STEWART: Ah, may I, may I just
21 share this personal story, ah, this anecdotal? Um,
22 SAGEVets works on a case-by-case basis advocating on
23 behalf of, ah, veterans, and this year we nominated a
24 54-year-old veteran who was a victim of MST to state
25 veterans, State Senate Veterans Hall of Fame. His

1 name is Gaston Roberge and up until this year he did
2 not consider himself a veteran. He hails from a long
3 line of military men and women, growing up in a
4 military family. He dreamed of a lifelong career in
5 the US Army, and as a young cadet in the junior ROTC
6 program Gaston was groomed to realize his dream, but
7 unfortunately a traumatic event occurred during basic
8 training that abruptly ended his career and made a
9 detrimental impact on his future. Um, it happened in
10 1987, and 35 years later he connected with SAGEVets
11 and we have been working with him. Um, we got him
12 some help. We got him this nomination with Senator
13 Brad Hoylman. Ah, he is now, he got a Section 8
14 voucher as a veteran status and got placed at the top
15 of the list and we're helping him get housing for he
16 and his mother, who he is caring for. He's been in
17 complete isolation caring her for over eight years.
18 It's a remarkable story, but this is just one story
19 of one individual who was affected by, ah, the
20 veteran status. So this effort that you're doing
21 here in the city is monumental. It's inspiring. The
22 Restoration of Honor Act sizzled and it went out
23 across the nation and there's five states now with
24 similar legislation, and I think that this is a first
25

1 step on, ah, encouraging other cities and
2 administrations to, ah, consider, allowing people to
3 consider [inaudible] a veteran, um, during these
4 really trying circumstances. Um, we're deeply
5 grateful for your support in the City Council and the
6 Committee on Veterans and we look forward to further
7 collaboration with you. I know I went over time so
8 I'll stop now. I'm so sorry. Thank you so much.

10 COMMITTEE COUNSEL: Thank you so much,
11 Ashton. Um, I now going to turn it over, ah, to
12 Chair Dinowitz for questions for the panelists.

13 CHAIRPERSON DINOWITZ: Thank you. And,
14 you know, before I ask my questions, I just want to
15 say thank you for sharing that story. Um, you know,
16 I, I think us in, ah, these roles in the City Council
17 or at, ah, city agencies, we do get caught up in the
18 data and the numbers very often. Um, but it's about
19 more, as you articulated, more than just a veteran
20 receiving benefits and dollars from the city, or from
21 the state or federal government. Um, it's about
22 considering yourself a veteran, being part of that
23 veteran family, you know, and I, I think one thing
24 was mentioned was military honors and burial rights.
25 Um, so, you know, while, while we do get caught up in

1 the benefits that our heroes and their families, ah,
2 deserve, there is something more, you know,
3 intangible about it. So I want to, I do want to
4 first thank you for, for sharing that story. Um, I,
5 so unfortunately going back to the numbers, though,
6 because, because we do want to make sure that those
7 veterans for whatever services and honors they
8 deserve, um, are getting those services. Um, we were
9 talking about the data, the number of veterans
10 accessing these services and Ms. Culhane, um, alluded
11 to this in her statement. Um, you know, how many
12 discharge service requests upgrades have you all
13 received this year?

15 COCO CULHANE: Um, this year the number
16 has been low because of the pandemic. But I would
17 guess that that's also why DVS's numbers dropped.
18 Um, I can tell historically like our first discharge
19 upgrade was in 2011. Um, we had no idea what we were
20 doing, I'll admit, ah, and started to see this need,
21 though, and developed a program. We had the only
22 out, really serious outreach we've done was in 2013.
23 We had this huge intake, um, and since then, I mean
24 at some point in 2017 our wait list of names had
25 ballooned to like 650 or 700 vets. We then went

1 through a very painful process of like cutting all of
2 those names down to like 400 or so. We tracked that
3 over an 18-month period. I think we caught, you
4 know, 300 or so veterans, only one over 18 months
5 found representation elsewhere in the entire country.
6 So to give you a sense of how, you know, this is
7 unique, what New York is doing. There is such a huge
8 need, not just in New York City but everywhere. Um,
9 so in the last, you know, that 100 number that they
10 cited for 2018, um, you know, I think is probably
11 more predictive of what is to come. We average about
12 probably 200, before the pandemic we would average
13 200, 250 intakes per year without doing outreach,
14 right? I mean we would trainings here and there and
15 we, but we don't put out flyers, you know, we don't
16 conduct outreach for it just because the need is so
17 huge, and we've had, we had a veteran move from Texas
18 to New York so that we would take his case. Like
19 that's, that's the kind of need we're talking about.

21 CHAIRPERSON DINOWITZ: I'm sorry, just
22 for a little clarity, and it will be the same
23 question for everyone else, is the 200 is the number
24 that you're able to address or the 200 is, right,
25 is...

2 COCO CULHANE: They're calling.

3 CHAIRPERSON DINOWITZ: Right, it's just
4 the calls.

5 COCO CULHANE: Yeah.

6 CHAIRPERSON DINOWITZ: So how many are
7 you actually able to address? I, I, I mean, and
8 you're cutting lists down and what is that based off
9 of? I know these are a bunch of questions
10 [inaudible].

11 COCO CULHANE: Yeah, so what I'll say is,
12 um, we developed, I mean, every organization has
13 their own, ah, mission and guidelines, right. We
14 developed a criteria that was based on our mission
15 being centering around, um, mental health and things
16 like that. Um, so we looked at where can we make the
17 most impact in terms of benefits and psychological
18 healing. Um, ah, so we focus our practice, ah, with
19 those things in mind. Um, you know, one of the
20 things that we look as well, um, just if you look at,
21 you know, systemic racism, black men are disciplined
22 at twice the rate of their counterparts. So over 60%
23 of our clients are African American, they identify,
24 or as black. So these things are all intertwined.
25 So we look at whatever injustice, wherever we think

1 there's a valid legal argument. Um, and then also
2 where can we do the most good. So if someone has a
3 general discharge, they served in the 1980s, and they
4 can access everything, we may not take their case
5 because there's not a monetary benefit that we can
6 gain for them. They're not, um, you know, we don't
7 want to rank people's trauma, but sometimes we in, in
8 effect end up doing that a bit. Um, we want to, you
9 know, who's in with the most need is how it ends up,
10 um, happening. We also have a list of programs
11 across the country and we always provide that and say
12 [inaudible] expectations about the wait list, about
13 the years the process takes and say here are other
14 resources if you'd like to go try to find that. We
15 do strongly recommend that you find an advocate of
16 some kind because this process is so difficult. Um,
17 and that's, you know, I mean it's, it's really, it's
18 really hard. It's really hard to say no. And, um,
19 and [inaudible] so grateful. We have 400, right now
20 we have 400 case that are in some stage. I think,
21 you know, when Jason mentioned the timeline, but we
22 have a flow chart I'm happy to share with you that
23 goes through the years-long process.

1 CHAIRPERSON DINOWITZ: Yeah, I think, I
2
3 mean, I would very much value that, you sharing that,
4 thank you. Um, for the other panelists, same
5 question.

6 RYAN FOLEY: Sure. Ah, so I want to
7 highlight something that Coco said towards the end.
8 The, this difficult decision of how you choose which
9 cases that you can take on, which I think is one of
10 the...

11 CHAIRPERSON DINOWITZ: Explain to me
12 [inaudible].

13 RYAN FOLEY: Which is one of the like
14 hardest choices that you need to make, realizing that
15 we just don't have the resources to take on all the
16 cases that come in the door. And so being able to
17 address things like stigma versus trying to really
18 connect individuals with other than honorable
19 discharges who really have this bar to all the
20 different benefits out there and deciding how we can
21 prioritize to make sure that we can provide as many
22 services as possible, often it doesn't allow us to do
23 full representation for clients that we otherwise
24 would love to have fully represented. Instead, we're
25 giving resources, we're providing steps, um, lists in

1 terms of what they can do, different ideas of how
2 they can strengthen their case, but a lot of the
3 times it means that we are not going to be able to
4 represent them. Um, in the last year we also saw a
5 downtick in terms of number of callers for this
6 issue. We around 100 callers. Um, I think it's a
7 little bit skewed for us because of our, our
8 connection with the V.A. Hospital themselves, that we
9 have this medical-legal partnership, so a lot of our
10 clients aren't necessarily coming in with discharge
11 issue right off the bat, but we're really looking to
12 expand and make sure that the community knows what
13 we're doing. Um, we do get a lot of calls from
14 different organizations, including one of our biggest
15 partners, Samaritan Village, which is a substance
16 abuse program for veterans that usually aren't able
17 to access the V.A.'s mental health and substance
18 abuse programs. And so it, it's really just this
19 ability to expand what we're already doing and be
20 able to provide full representation, which is really
21 the difference in these cases. If you're giving
22 someone resources and helping in the small steps,
23 yes, it makes a difference, but it doesn't make
24 nearly the same difference as having an advocate
25

1 making legal arguments, developing the evidence that
2 you're gonna be submitting when you're actually in
3 front of the boards.

4
5 CHAIRPERSON DINOWITZ: And Mr. Stewart?

6 ASHTON STEWART: Thank you, thank you,
7 Chair. Um, we have had five this calendar year five
8 discharge upgrade requests. Ah, one of them we
9 referred to NYLAG. Um, three of them have been
10 Restoration of Honor Act, ah, ah, upgrades, and two
11 are federal. Um, and last year, calendar year, we
12 had 43 legal referrals that we made, um, with nine
13 legal victories, um, including one discharge upgrade.
14 And might I also add that, um, with punitive
15 discharges, ah, I don't know how much thought has
16 been, ah, I haven't heard in the conversation yet,
17 other than Jason mentioning, um, mentioning them by
18 name, um, the Restoration of Honor process goes
19 through the State Division of Veteran Services and
20 they vet the, the circumstances and, ah,
21 unfortunately punitive discharges weren't included in
22 the, the bill and that's something that, ah, we and
23 some other advocates were, were unhappy with, because
24 there are times that people do receive a punitive
25 discharge, like that great example Jason gave, that,

1
2 you know, really need to be considered and evaluated,
3 um, before just being denied, um, to, to give that
4 person veteran status. So I hope that that will be
5 considered, um, at the city level as well.

6 CHAIRPERSON DINOWITZ: Thank you. And,
7 so it sounds like there is an issue of, ah, of
8 resources. Are there volunteer, I guess training
9 opportunities for volunteer attorneys, let's say, who
10 wish to help?

11 ASHTON STEWART: They can volunteer...

12 CHAIRPERSON DINOWITZ: I think the
13 panelists, I'm sorry, and correct me, I think
14 panelists can stay unmuted, um, because...

15 COCO CULHANE: [laughs]

16 ASHTON STEWART: I had a...

17 CHAIRPERSON DINOWITZ: There you go. Ah,
18 go ahead, I'm, go ahead.

19 COCO CULHANE: Um, we...

20 ASHTON STEWART: I had a volunteer
21 attorney help us out with our first case, just to go
22 through the, the military files. Um, but that was
23 just to get me started. Basically I've been doing
24 this program a little more than three years. Um, and
25 then we were able to give a really good proposal to

1 that, um, insofar the first case that we put
2 together. Um, and I know that they're out there, ah,
3 for SAGE anyway. But, ah, I'll let Coco and, and
4 Ryan take this.
5

6 COCO CULHANE: Yeah, we, um, so we have
7 a, a network of probably a hundred-some different
8 volunteer attorneys at various firms. Um, that's how
9 we, we kind of launched our discharge upgrade clinic
10 in 2012, 2013, as a pro bono model. Um, and so
11 there, that really, you know, expands our capacity.
12 Um, but it's difficult because there are also, um, a
13 lot of clients that have various challenges and
14 sometimes corporate attorneys aren't use to working
15 with people who have experienced trauma, so there can
16 be some challenges and, um, you know, that it takes
17 many sources to run those programs, I would say. But
18 that's, it's a huge resource and, um, in terms of
19 just adding onto Ashton's, um, remark about the
20 punitive discharges, um, that's something that we're
21 trying to, as he said, advocate throughout, trying to
22 change the Restoration of Honor Act because they're
23 excluded, um, from that state bill and, um,
24 [inaudible] working with Connecticut, they sort of
25 originated the Restoration of Honor grades, um, and

1
2 they're trying to reform it, so we're joining forces
3 to hopefully, ah, change that in New York. But, um,
4 a great thing about DVS is that, and I think about
5 bill they introduced, is that it's every, they're
6 including everyone, and there's no exclusions, and I
7 think that's really, really important.

8 CHAIRPERSON DINOWITZ: Thank you. Mr.
9 Foley, anything to add?

10 RYAN FOLEY: I echo a lot of what Coco
11 says. In terms of pro bono attorneys they're a huge
12 resource for us to be able to do the work they, we
13 do. Um, but it's also a lot of training and it's a
14 lot of supervision to make sure those cases are going
15 how they're supposed to be going. And so even if you
16 have a million volunteers, you need somebody to make
17 sure those volunteers are handling the cases
18 appropriately and also able to kind of work with
19 clients that have a lot of severe challenges, whether
20 it be military sexual trauma, TBI, PTSD, or even
21 things like, ah, insecure housing situations, or even
22 keeping in contact with a client is, is something
23 that's a, a challenge in itself. And so we
24 definitely have volunteers out there. But it's,
25 it's, really this requirement and need the expertise

2 to be able to lead those volunteers to be able to
3 have successful results for our clients.

4 CHAIRPERSON DINOWITZ: How, how many
5 attorneys are on staff?

6 RYAN FOLEY: Ah, currently for us we have
7 three attorneys that work within the V.A. itself and
8 then we have three attorneys that are outside of the
9 V.A.

10 CHAIRPERSON DINOWITZ: OK.

11 RYAN FOLEY: So the V.A.-specific
12 attorneys wouldn't be able to handle these cases
13 because of their, ah, funding requirements. However,
14 they're able to refer it outside to our program, so
15 we're able to still assist those veterans.

16 CHAIRPERSON DINOWITZ: So essentially
17 there are three attorneys working on all these cases?

18 RYAN FOLEY: Correct.

19 CHAIRPERSON DINOWITZ: OK. And what
20 could the, the city do differently to support VSOs
21 that provide, um, legal assistance to veterans
22 seeking to upgrade discharge status?

23 RYAN FOLEY: OK. I was gonna to say one
24 of the things I think you touched on a little bit is
25 outreach. I think it's, it's a very important to

1
2 make sure that veterans across New York, as we have
3 this expansion happening, know that this program is
4 something that's out there and available for them,
5 and that they're connecting them with all the other
6 resources that are available for them. I think one
7 of the challenges, and I know Coco talked about it a
8 little bit, too, is connecting individuals with
9 mental health issues to mental health resources. And
10 so making sure that right off the bat one of the
11 first things that is addressed for any client that
12 comes in asking for this sort of assistance is also
13 connecting them to the healthcare resources that are
14 available.

15 CHAIRPERSON DINOWITZ: So, but even, I, I
16 guess even with the outreach it seems that there's a
17 staffing issue, right, 'cause there's this, it sounds
18 like you're already overwhelmed and you already have
19 to, you have to turn people away. So even with all
20 the outreach, I would just think, it seems like it
21 would just increase the wait list and not necessarily
22 the number of veterans that would be served.

23 COCO CULHANE: Yeah, I mean, personally
24 speaking like we don't [laughs], we don't want any
25 outreach, sadly, but, but I don't want to minimize

1
2 what DVS is doing here, right? I mean, 'cause our
3 capacity is doubling or tripling and it's incredible,
4 so I think when, for us, when we talk about outreach
5 it's more about like there are resources for you for
6 mental health. There are these other things, and I
7 think, um, in terms of like helping VSOs, you know,
8 there's a tension there with, um, how difficult these
9 cases are and so I know the state has started doing
10 upgrades, um, it's, it's hard because veterans need
11 their shot. You know, if you lose that, there are
12 different types of boards and you only have one shot
13 at a personal, which is the statistically best place
14 to win, right, and if you burn that, um, with someone
15 who doesn't know what they're doing, which is what
16 we're seeing, it's unfortunate. So I think there's,
17 it's, it's hard, there's a tension there, like where
18 are you sending people when there aren't enough
19 resources, like is something better than nothing.
20 Anyway, I won't get into that [laughs], um, but, um,
21 [inaudible] just offer the dollar amount, um, in
22 terms of the investments that you had raised earlier.
23 So for the top four benefits that our clients use,
24 just looking at actual federal dollars coming in, um,
25 it's, right now if you look at a single veteran with

1
2 no dependents, um, and we did an estimate for looking
3 at a veteran who's 28 and going, averaging through
4 age 80, um, it's 7.8 million dollars over their
5 lifetime. Um, and that doesn't include any
6 employment or any of the, you know, economic, ah,
7 advantages after continuing education. So it's a
8 pretty conservative number, in other words. Um, and
9 I can send you that as well.

10 CHAIRPERSON DINOWITZ: Yes, please, that
11 and the, ah, that, I think you said was a flow chart
12 indicating the, the timeline for all these things.
13 Um, I'm gonna turn it back to committee counsel to
14 call on other, ah, council members for questions.

15 COMMITTEE COUNSEL: Thank you, Chair.
16 Um, I do not see that any council members have their
17 hand raised right now, but I'm gonna give it a
18 moment. Um, as a reminder, council members who have
19 a questions for a particular panelist they should use
20 the raise hand function in Zoom artists. All right,
21 I don't see any, um, raised hands. So we will now,
22 ah, move on to our second public panel. Um, I would
23 like to welcome Matthew Ryba, um, from New York-
24 Presbyterian Military Families Wellness Center.
25 Matthew I'm going to ask you to unmute, and you may

1
2 begin once the, um, Sergeant at Arms starts the
3 clock.

4 SERGEANT AT ARMS: Time starts now.

5 MATTHEW RYBA: Ah, good morning, Chair
6 Dinowitz, council members, advocates. My name is
7 Matt Ryba. Ah, I'm a Marine Corps combat veteran of
8 Iraq and Afghanistan, and I'm also the director of
9 community outreach and education at Presbyterian's
10 Military Family Wellness Center. Thank you for
11 giving me the time to give testimony today, ah, and I
12 want to speak on the importance of access to mental
13 health for veterans with bad paper or other than
14 honorable discharges. Although the total number of
15 veterans struggling with service-connected mental
16 health issues is unknown, recent studies have shown
17 that in the general veteran population 15% to 30%
18 already carry a diagnosis of PTSD or major depressive
19 disorder, where publicly available treatment, such as
20 the V.A. healthcare system provided services, ah,
21 this community only about 50% of the veterans, ah,
22 actually use services at the V.A. because some
23 refuse, others do not qualify at all. These numbers
24 most likely excluded, ah, the very high-risk
25 population that we're discussing today, those who do

1 not identify as veterans due to bad paper. So since
2 2016 the Presbyterian's Military Family Wellness
3 Center, directed by Doctors [inaudible] at Columbia
4 Universe and Joanne Defiti at Weil Cornell have
5 sought to bridge this treatment divide by providing
6 cost-free, evidence-based assessment and treatment to
7 local area veterans, active-duty service personnel,
8 and their adult family members regardless of service
9 era, disability rating, or discharge status. Since
10 its inception we have prioritized collaborations with
11 regional public and private institutions seeking to
12 complement existing resources rather than to compete
13 or try to replace them. Ah, this includes
14 VetConnectNYC. Since both of our clinics have been
15 registered we've received close to 50 patients, ah,
16 referrals from the DVS office and a good number of
17 which who did not qualify for services elsewhere as a
18 result of their discharge status. Ah, I would like
19 to highlight that it's important, ah, both our
20 clinics and with many of the other service providers
21 listed on VetConnectNYC to recognize that we're
22 nonprofit organizations and we struggle to find
23 funding in order to continue serving this veteran
24 community in New York. Um, I'm going to skip ahead
25

1 here just because of the time restraints. Ah, our
2 innovative center has distinct advantages in four
3 areas - ease of access, minimal bureaucracy,
4 confidentially, and privacy, with a wide range of
5 quality treatment options, and during COVID-19 we
6 have been able to, via our secure HIPAA-compliant
7 telemedicine platform, ah, provide these veterans
8 their continued services for mental health from the
9 safety of their homes. In recognize this importance
10 of the access to care issue for veteran benefits, our
11 team at Columbia Psychiatry has formed a community
12 partnership with the Veteran Advocacy Project. Our
13 partnership will provide a vital resource to the
14 city's veterans with less than honorable discharges,
15 as our programs combine psychiatry and advocacy to
16 serve this population. While the idea of this
17 collaboration began around discharge upgrades, it
18 soon expanded and will assist veterans with bad paper
19 in several ways - providing treatment,
20 representation, therapy for family members that are
21 not served by the V.A., as well as evaluations for
22 legal cases, and more. With some further
23 development, we hope that our friends at Psychiatric
24 Alliance will soon be a citywide assess for DVS and
25

1
2 for the veteran families, the agencies looking to
3 serve under the new DUALS program. Ah, the
4 challenges facing our military families are enormous.
5 Although the V.A. continues to provide most of the
6 care to veterans, thousands of individuals seeking
7 service-related mental health treatment in New York
8 do not receive it. Both military families and
9 veterans with bad paper are especially vulnerable.
10 We have a well-established record [inaudible].

11 SERGEANT AT ARMS: Time expired.

12 MATTHEW RYBA: Ah, through our focus and
13 ease of access and privacy, ah, our high-quality
14 services, we hope that our collaboration with the
15 Veteran Advocacy Project and the city's Department of
16 Veterans Services, ah, we can expand our scope to
17 serve this vital population. Thank you for your
18 time. I'll be happy to answer any questions about
19 [inaudible].

20 COMMITTEE COUNSEL: Thank you so much,
21 Matthew. Um, I'm now going to turn it over to Chair
22 Dinowitz for some questions. Chair.

23 CHAIRPERSON DINOWITZ: Thanks very, thank
24 you very much. Um, Mr. Ryba, can you talk a, a
25 little more, you know, again, we're not just talking

1 about veterans, we're talking about veterans and
2 their families. Can you talk a little more about the
3 services you provide, both for individual veterans
4 and, and what you're seeing in terms of families
5 coming in for support, or if that's the work that you
6 engage in?
7

8 MATTHEW RYBA: Absolutely. Um, so we
9 provide a wide range of mental health services, ah,
10 all related to military issues, whether it be
11 military sexual trauma, PTSD, depression, anxiety,
12 couples therapy, insomnia. Ah, about one-third of
13 our clients are military family members. Since we
14 have started our operations in 2016, ah, we have seen
15 north of 450 people come to the center for treatment.
16 Ah, that's not including our research programs, which
17 are separate, because we do have, ah, research
18 programs that also have treatment options, so that
19 number is probably somewhere north of 800, if you
20 include all the research programs that we've done
21 where people have gotten treatment in that same
22 timeframe. Um, and that's also not including the
23 screenings. The screening is a separate process. So
24 we see probably 800 to 1000 screenings that have come
25 through since we've started in 2016.

1 COMMITTEE ON VETERANS 77
2 CHAIRPERSON DINOWITZ: And these are, and
3 these are people who have received other than
4 honorable discharges?

5 MATTHEW RYBA: There is a subpopulation
6 of that group because they can't get services
7 anywhere else. Ah, we just offer our services to any
8 veteran regardless. It's a very, very loose
9 criteria. If you served one day in the military you
10 qualify for services at our clinics.

11 CHAIRPERSON DINOWITZ: Great. And do you
12 see, and, and is, is any of that related to, any, any
13 of the reasons people are coming in related to, um,
14 their not receiving those federal services? I mean,
15 that adds to their, well, please continue.

16 MATTHEW RYBA: There's a number of people
17 that's in access to care issue, ah, whether they
18 don't qualify at the V.A., ah, or they just don't
19 want to identify as a veteran within the V.A. system.
20 Ah, I know that a lot of us on, ah, the committee
21 members here and, and the advocates are familiar with
22 the Rand report that was commissioned a few years
23 back by the, ah, New York City, or, excuse me, New
24 York State Health Foundation, um, and we know, you
25 know, 50% of the veterans use the system and of those

1
2 50% I think in that year it was 25% of those who
3 actually used it within that year. Ah, there's a lot
4 of bureaucracy in the V.A. Some veterans prefer not
5 to use it, and we just like to kind of cover those
6 gaps to ensure that there was another option for
7 veterans and family members who don't qualify to use
8 the V.A. [inaudible].

9 CHAIRPERSON DINOWITZ: So I kind of want
10 to separate two things. You said you spoke about
11 veterans who don't want to use the V.A. for
12 bureaucratic reasons, and then people who don't want
13 to identify as veterans. So can you talk a little
14 more about the veterans who don't want to identify as
15 veterans?

16 MATTHEW RYBA: Certainly. There's a,
17 there's a significant population of veterans who the
18 trauma that they experienced, ah, during service, ah,
19 it causes them not to want to assistance with that,
20 that group, and a lot of it having to do with, ah,
21 there's certain levels with the, this kind of heads
22 back to bureaucracy as well, when you're going
23 through the V.A. system, ah, the discharge paperwork
24 is one thing, that you man not qualify for services.
25 There's also people that just feel uncomfortable

1 going there because of the way that they're treated.
2 I know that we've had a lot of, ah, female clients
3 that have come through who are just not comfortable
4 going to the V.A. because of the, the treatment they
5 get. Not from the medical staff, but just from other
6 veterans or other people that are in the area. Um,
7 so they aren't people that outright identify as
8 veterans. They like to, you know, I'm sure Ashton
9 can speak to this with some of the people that he
10 works with, ah, maybe don't feel comfortable
11 identifying with the majority of that population so
12 they find these smaller groups like our nonprofit,
13 ah, that they're here, their care from.

15 CHAIRPERSON DINOWITZ: Do you find, so,
16 you know, understanding, um, that obviously the way
17 someone is treated after giving of themselves and
18 their family sacrifice, um, you know, understanding
19 those feelings. Do you think, um, there's, that they
20 don't have an honorable discharge also leads to, you
21 know, resentment and additional mental health needs
22 and then not wanting to be identified as a veteran?
23 Could that, could that discharge status be the very
24 cause of them not seeking help and support, both for,
25 both for their internal mental health needs and also

1
2 for, ah, services that the city, state, and federal
3 government may or may not provide?

4 MATTHEW RYBA: I, I think that's
5 absolutely part of the equation. We know that some
6 of the symptomatology of PTSD, you know, is you
7 become reclusive, you don't want to associate. Um,
8 there's definitely a group of these veterans that we
9 treat that the trauma was the cause, the root issue
10 that caused the, that paperwork to begin with. So
11 that PTSD already existed. They got reprimanded for
12 it. They have a huge resentment towards the military
13 because they lost their career because of something
14 that was caused by the very career that they chose to
15 serve, and now they can't get treatment that they
16 seek afterwards. So it's, it's definitely a, a
17 snowballing issue that can start at that moment of
18 trauma, ah, for whether it be military sexual trauma
19 or PTSD, or, or just any bad experience in the
20 military.

21 CHAIRPERSON DINOWITZ: And in, and, you
22 know, we were speaking about this before with Mr.
23 Stewart. Both of the, you know, the financial
24 benefit of being a veteran, but also that internal
25 honor of, of, of being a veteran. Um, in your

1
2 conversations, ah, with, with, um, veterans who
3 receive other than honorable discharge, you know,
4 could, could you put a number on it, like a
5 percentage of how many of them, if given the
6 opportunity, would seek to upgrade their discharge
7 status and how many, or what percent, would, would
8 just rather say, you know what, it was too traumatic
9 for me to ever engage with it again?

10 MATTHEW RYBA: That, that's a good
11 question. I don't know if I can put a percentage on
12 it, but I would, I would like to think the majority
13 of people would like to go through the process to
14 upgrade, because there's a significant amount of
15 benefit to that. And you could, as the, the, ah,
16 state's legislation has shown, it's a restoration of
17 the honor that you served, and I think that plays a,
18 a large part as well.

19 CHAIRPERSON DINOWITZ: Right, right, and
20 again, personally I think that the restoration of
21 honor is, is the perfect term, both legal, ah, and
22 internal, that for the people you mentioned, ah, an
23 internal struggle like mental health or they're
24 LGBTQ+ status should not be determinant of whether or
25 not they receive, ah, an honor. Ah, I'm gonna turn

1
2 it back to, thank you very much, Mr. Ryba. I'm gonna
3 turn it back to committee counsel now.

4 COMMITTEE COUNSEL: Thank you, Chair.

5 Um, I will now turn it over, um, I will give this
6 opportunity for council members to ask questions if
7 they have any. I would like to remind council
8 members if you have any questions for our panelists
9 please use your raise hand function in Zoom and I
10 will call on you in the order in which you have
11 raised your hand. Um, let me give it a second here.
12 OK, seeing as there are, um, no, ah, questions from
13 council members I would like to announce that if we
14 have inadvertently missed anyone that has registered
15 to testify today and has yet to have been called,
16 please use the Zoom raise hand function now and you
17 will be called in the order that your hand has been
18 raised. OK, seeing as there are no one, ah, no other
19 panelists today I'm gonna turn it over to the chair
20 and we'll give close remarks. Chair?

21 CHAIRPERSON DINOWITZ: Thank you. Thank
22 you very much. Um, I, I want to thank everyone, ah,
23 for attending this hearing today, where it's DVS, the
24 advocates for their testimony, fellow council
25 members, ah, for their attendance and questions,

1
2 committee counsel, and, ah, other staff members. Um,
3 and I want to send my, my deepest thanks to veterans
4 for their service and their families for their
5 sacrifice. Ah, you know, we often say that. We
6 often go up to veterans and say thank you for your
7 service. But saying thank you, ah, as we know, is,
8 is not enough. We have to show our thanks. And that
9 means ensuring all veterans and families are provided
10 the resources and support regardless of discharge
11 status. Um, that is what we in the council, the
12 advocates, and DVS are seeking, are seeking to do.
13 And I look forward to working with DVS, with my
14 fellow council members, with all the advocates to
15 make sure that all those veterans who deserve that
16 honorable discharge, who were discharged because of,
17 you know, reasons out of their control, um, receive
18 the, the honor they deserve and the resources that
19 they deserve.

20 COMMITTEE COUNSEL: Chair, I'm gonna ask
21 that you gavel out now and close the proceedings.

22 CHAIRPERSON DINOWITZ: [gavel]

23 COMMITTEE COUNSEL: Thank you, everyone.
24
25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 27, 2021