



Legislation Text

File #: Int 1218-2018, **Version:** *

Int. No. 1218

By Council Member Yeger

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a discharge upgrade assistance unit at the department of veterans' affairs

Be it enacted by the Council as follows:

Section 1. Title 31 of the administrative code of the city of New York is amended by adding a new section 31-106 to read as follows:

§ 31-106 Discharge Upgrade Assistance Unit. a. Definitions. For the purposes of this section the following terms have the following meanings:

Veteran. The term "veteran" means a person who has served in the active military or naval service of the United States and who has been released from such service otherwise than by dishonorable discharge, or who has been furloughed to the reserve.

b. The department shall create a unit to assist veterans with discharge characterization upgrades, changes of narrative reasons for discharge, and changes of separation and separation program designator codes and changes of reentry/reenlistment, where there are no aggravating factors related to the discharge. Such assistance shall be provided by legal counsel or an accredited representative of an organization recognized under section 5902 of title 38 of the United States code or successor provisions.

c. Upon request and where the unit deems it meritorious, the unit may provide non-binding opinions to veterans on their discharge characterization upgrade appeal that veterans may then submit as evidence with their claim. Where the unit does not deem a claim meritorious, it must inform the veteran, in writing, the reason for its opinion.

d. The department shall make available on its website, at a minimum, information about such discharge upgrade assistance unit, including services offered, the possibility of issuing non-binding opinions for meritorious appeals, and general information on discharge characterization upgrades including any applicable federal or state services available.

e. The commissioner, in consultation with any agencies identified by the mayor, shall establish and engage in outreach and education efforts to inform veterans about discharge characterization upgrades and the existence of the discharge upgrade assistance unit.

f. The commissioner may promulgate such rules as may be necessary to carry out the purposes of this section.

§ 2. This local law takes effect 120 days after it becomes law.

NJC
LS 8653
10/25/2018