



Restoration of Honor Act Fact Sheet

- The New York State Restoration of Honor Act authorizes the New York State Department of Veterans' Services (NYS DVS) to restore **State** Veterans Benefits to Veterans who have an other-than-honorable (OTH), a General (Under Honorable Conditions) (GUH), or Uncharacterized (UC) character of service due to Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), Military Sexual Trauma (MST), Sexual Orientation, Gender Identity or Gender Expression.
- **Does not** change a Veteran's official federally issued character of discharge.
- Considers only the Veteran's **time in service**, not conduct after service.
- NYS DVS field offices will assist Veterans in accessing their complete and unredacted Official Military Personnel File and if applicable and required their U.S. Department of Veterans' Affairs Rating Decision Notice for the conditions they are claiming led to their discharge.
- NYS DVS shall afford "liberal consideration," employing the standards described by the Hagel, Carson, and Kurta Memorandums issued by the United States Department of Defense, to all evidence provided by the Veteran. If the Veteran can demonstrate that PTSD, TBI, MST, Sexual Orientation, Gender Identity or Gender Expression was at least as likely as not the reason for the Veteran's OTH, GUH or UC discharge from military service, then NYS DVS will adjudicate the matter in the Veteran's favor.
- NYS DVS will provide an appeal process for Veterans who are denied. The *de novo* appellate review will be conducted by the General Counsel of NYS DVS.
- If the Veteran receives a favorable determination and their service is considered honorable for the purpose of receiving New York State Veterans Benefits, NYS DVS will provide an award letter with a list of New York State Veterans benefits for which the Veteran is now eligible.



Restoration of State Veterans Benefits Instructions

In 2019, the Restoration of Honor Act was signed into law in New York State. The Restoration of Honor Act authorizes the New York State Department of Veterans' Services (NYS DVS) to restore access to State Veterans Benefits to Veterans who have an Other-Than-Honorable Discharge (OTH), General Under Honorable (GUH), or Uncharacterized (UC) conditions discharge due to Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), Military Sexual Trauma (MST), Sexual Orientation, or Gender Expression to an Honorable Discharge.

This does not change a Veteran's federal official character of discharge on their DD-214 or other discharge paperwork. This determination refers solely to a Veteran's character of discharge for the purposes of qualifying for specific New York State benefits for Veterans and their families.

NYS DVS will strive to provide an initial decision within 90 days of the receipt of the **completed application**.

When necessary, NYS DVS field offices will assist Veterans in obtaining the Veteran's complete and unredacted Official Military Personnel File, a review of which is necessary for NYS DVS to render a decision on the Veteran's application. A copy of the Standard Form 180 is available on our web-page to assist you in filing to your appropriate military service department to receive a complete and unredacted copy of your Official Military Personal File. NYS DVS field offices can also assist the Veteran in obtaining a copy of their Department of Veterans Affairs Rating Decision Notice. Please note that the 90 days for NYS DVS to render a decision will not begin until NYS DVS has a complete application, to include the complete and unredacted Official Military Personnel File.

Once NYS DVS renders a decision, the Veteran will have 120 days from the date on which the decision is issued to appeal the original decision. This *de novo* review will be conducted by the General Counsel of NYS DVS. The appellate decision is final.

If you would like assistance in preparing your application or gathering mandatory documents, you can schedule an appointment with our nearest NYS DVS field office by calling 1-888-838-7697 or by booking an appointment on our web site <https://veterans.ny.gov/>.



Application Packet

Mandatory Documents

- 1) Restoration of State Veterans Benefits Application
- 2) Complete unredacted Official Military Personnel File (Copy)
 - a) (NYS DVS Field Office can assist in applying for your OMPF documents).
 - b) Sending in a completed Standard Form 180 will not meet this requirement.
- 3) Personal statement (**signed**) describing precisely why your assigned character of service was unjust and why an upgrade to a higher character of service is appropriate.
- 4) If applicable, a VA Rating Decision Letter, from the United States Department of Veterans Affairs, verifying that you have a service-connected rating for your disability.

Mandatory for those demonstrating their less-than-honorable discharge was caused by a mental health condition (i.e. PTSD, TBI, MST) during service:

- 1) If symptoms of a disability incurred or aggravated during your military service (e.g., Post-Traumatic Stress Disorder, Traumatic Brain Injury, Military Sexual Trauma) caused you to act in a way that led directly to your less-than-honorable discharge, provide the following:
 - a) Evidence of the medical diagnosis of the disability (or disabilities) that led to these actions;
 - b) Evidence your disability originated or worsened during your military service;
 - c) Signed statement by the Veteran explaining how the diagnosed medical disability (or disabilities) led to the less-than-honorable discharge;
 - d) If VA service connected, a Department of Veterans' Affairs Rating Decision Letter identifying the condition and the reason for their decision to award service connection for your disability. A VA letter only stating your disability rating percentage will not suffice.

Optional

1. Supporting letters from individuals who can sincerely vouch for the Veteran's good conduct and character in the military.
2. Evidence of any medals, commendations, and decorations earned during your military service.
3. If NYS DVS Appellate Unit did not receive enough information to adjudicate your application, we may request signed documents for the release of additional information.

Applications should be sent to the following address or email:

New York State Department of Veterans' Services
ATTN: Appellate Unit
2 Empire State Plaza, 17th Fl Albany, NY 12223

Email: RestoreVetHonor@veterans.ny.gov

Legal questions regarding the application of benefits under the Restoration of Honor can be sent to: generalcounsel@veterans.ny.gov or RestoreVetHonor@veterans.ny.gov

Restoration of State Veterans Benefits Application

Full Name: _____

Mailing Address: _____

Date of Birth: _____ Last 4 Digits of Social Security Number: _____

Branch of Service: Army Navy Air Force
 Marines Coast Guard Space Force

Dates of Service: Entry: _____ Discharge: _____

Discharge Status: Uncharacterized Service
 General Under Honorable Conditions
 Other Than Honorable Conditions

Reason for Restoration of State Veterans Benefits:

Post-Traumatic Stress Disorder (PTSD)

Traumatic Brain Injury (TBI)

Military Sexual Trauma

Sexual Orientation

Gender Expression

Email: _____ Phone Number: _____

Signature _____ Date: _____

If you need assistance in gathering the required documents, please contact your nearest NYS DVS field office prior to submitting your **complete** application package. Incomplete applications will not be considered.

Send completed package to:

New York State Department of Veterans' Services
ATTN: Appellate Unit
2 Empire State Plaza, 17th Fl.
Albany, NY 12223

or Email: RestoreVetHonor@veterans.ny.gov