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COMMITTEE ON
FINANCIAL SERVICES

CAPITAL MARKETS, INSURANCE, AND GSEs
INTERNATIONAL MONETARY POLICY AND TRADE
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COMMITTEE ON BUDGET



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House of Representatives

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February 3, 2011

The Honorable Eric Shinseki
Secretary
U.S. Department of Veterans Affairs
810 Vermont Ave, NW
Washington, DC 20420

Dear Secretary Shinseki,

As the Administration moves forward in the coming months with implementing the repeal of Don't Ask, Don't Tell (DADT), we write to express support for action by your department to restore the link to veterans' benefits that may have been blocked because of their discharge characterization under DADT and policies that preceded it.

Your department plays a crucial role in helping our nation show its appreciation and gratitude to those who have served in our nation's military through a broad variety of VA benefits and services. These earned benefits include various types of health care and related services, Dependency and Indemnity Compensation (DIC) for survivors of certain servicemembers and veterans, disability payments for veterans who have incurred an injury or disease contracted in, or aggravated by, active military service, education benefits, home financing assistance, and more.

In these difficult economic times, the VA's range of benefits and services are even more valued. As you know, eligibility for VA benefits in general requires that the claimant or the person on whose service the claim is based have been discharged from service under honorable conditions.

While we are aware that many discharged under DADT received an honorable characterization and thus were by and large not hindered in their ability to receive VA benefits, this was not the case for all. The most likely deterrent to VA benefits for those discharged under DADT is a discharge characterization of "other than honorable." We urge you to study and implement procedures to make it easier for those who believe their discharge characterization under DADT was inappropriate to make their case to the VA and, if successful, to restore those benefits. This concern is also relevant for those discharged from the military under the prior regulatory ban.


As you know the DoD repeal implementation plan notes the need for strong coordination between the VA and DoD to ensure that veterans discharged under DADT have access to the benefits they have earned as U.S. servicemen and women. We could not agree more and strongly urge you to begin work with Secretary Gates immediately to make sure that you are at the table when decisions are being made about how to best work to restore earned benefits when appropriate.

We recognize that other outstanding issues related to their discharge may still keep some of those discharged under DADT or the prior regulatory ban from receiving VA benefits. We are not asking you to ignore or overlook factors associated with a discharge characterization that would otherwise block benefits, regardless of sexual orientation. However, we understand that you have authority under existing laws, after an appropriate review by your Department, to make veterans affected by this policy eligible for "VA purposes" even if their discharge characterization would otherwise block their access. We believe it is prudent that you begin planning to ensure that this process is made available. We urge you to put in place mechanisms (including education of VA employees and outreach plans for those who may benefit from such a process) to make full use of this authority to speed relief for those who may qualify once repeal is implemented.

We hope that you share our goal of ensuring that all men and women who have served their country and are eligible for veterans' benefits and services receive the care that they have earned.

We look forward to your timely response on this matter.


Sincerely,


Gwen Moore
Member of Congress



Barney Frank
Member of Congress


Jared Polis
Member of Congress


Tammy Baldwin
Member of Congress


David N. Cicilline
Member of Congress


John Yarmuth
Member of Congress



Henry Waxman
Member of Congress

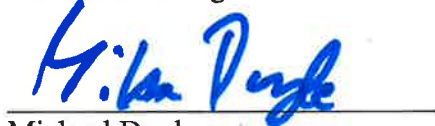

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Shelley Berkley
Member of Congress

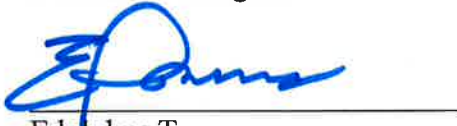

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Bobby Rush
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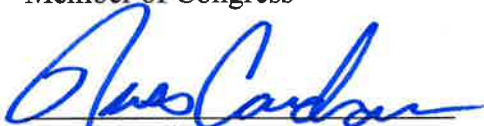

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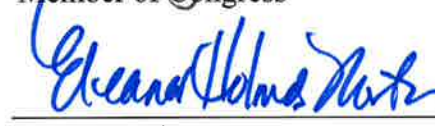

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