

Women Veteran's Health Summit: Lesbian, Gay, Bisexual, and Transgender (LGBT) Panel

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 - <https://www.patientcare.va.gov/LGBT/index.asp>
- Zanetta Miell
 - Veterans Benefits Administration
 - www.benefits.va.gov/benefits
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 - http://www.lonestarveterans.org/lgbt_affinity_group
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Veteran's Health Administration (VHA) LGBT Health Program:

- VA uses LGBT in an inclusive way, we welcome all genders and sexual orientations
- Research shows that women are over represented among LGBT Veterans.
- VHA use appears elevated among LGBT Veterans, especially women and transgender Veterans.

VHA's goal is to have an environment where all Veterans feel welcome and respected as they access the highest quality care – including LGBT Veterans.

VHA Policies help us achieve that goal:

- 1) *Rights and Responsibilities of VA Patients and Residents of Community Living Centers:*
<http://www.va.gov/health/rights/patientrights.asp>

“You will be treated with dignity, compassion, and respect as an individual..... you will not be subject to discrimination for any reason, including for reasons of age, race, ethnicity, religion, culture, language, physical or mental disability, socioeconomic status, **sex, sexual orientation, or gender identity or expression**”

2) *Rights and Responsibilities of Family Members of VA Patients and Residents of Community Living Centers:* <http://www.va.gov/health/rights/familyrights.asp>

“When a loved one is involved in support and care of a VA patient or CLC resident, VA considers a patient or CLC resident's family to include anyone related to the patient or CLC resident in any way (for example, biologically or legally) and **anyone whom the patient or CLC resident considers to be family.**”

3) VHA Directive 2013-003: *Providing Health Care for Transgender and Intersex Veterans:* http://www.va.gov/vhapublications/ViewPublication.asp?pub_ID=2863

“Veterans are **treated based upon their self-identified gender.** Care can include: Hormonal therapy, mental health care, preoperative evaluation, and medically necessary post-operative and long-term care following sex reassignment surgery. VHA does not pay for nor perform Gender Confirming Surgeries.” * *This exclusion is from the Medical Benefits Package

4) VHA Directive 1340: *Provision of Health Care for Veterans who Identify as Lesbian, Gay, or Bisexual:* https://www1.va.gov/vhapublications/ViewPublication.asp?pub_ID=5438

“It is VHA policy that any attempts (formal or informal) by VA staff to convert or change a Veteran’s sexual orientation are prohibited.”

VHA Point of Contact at every VA hospital: **LGBT Veteran Care Coordinators (LGBT VCCs).**

Any VA employee can look-up the name of LGBT VCCs nationwide: <http://go.va.gov/LGBTVCC>

Anyone can request LGBT VCC for a facility by sending the name/location of the hospital and asking for the LGBT Veteran Care Coordinators information: VALGBTProgram@va.gov

Know your health risks: We have 4 fact sheets for LGBT Veterans that detail areas of health that are unique and/or that LGBT Veterans have increased risks for developing. Use these tools to talk with your healthcare provider (you can use this inside or outside the VA). Download them from here: https://www.patientcare.va.gov/LGBT/VA_LGBT_Outreach.asp

Transgender Care: There are several training programs for medical and mental health providers in transgender care to help increase access to quality care across all VAs. These include online training that can be done any time, a 6 session training program done over video-conferencing,

and E-consultation so any provider can get a second opinion about your care through your electronic medical record by VA experts in transgender health.

Veteran's Benefits Administration (VBA):

1) "What if I was discharged under Don't Ask Don't Tell or transgender service bans. Can I get benefits restored? What am I eligible for?"

- **Discharge due to DADT**

Service members who were discharged because of DADT or the prior policies regarding gays and lesbians in the armed forces might want to have certain changes made in the discharge paperwork.

- **Upgrading discharge characterizations**

The discharge characterization for those discharged under DADT or the prior policy should accurately reflect the character of their service.

Service members who were discharged under DADT generally received an Honorable or General Under Honorable Conditions discharge based on their service records. However, a service member discharged for a "Homosexual Act" that involved a so-called "aggravating factor" might have been given an Other Than Honorable (OTH) discharge characterization.

Most of the factors on the list (such as acts involving minors, prostitutes or coercion) constituted unacceptable behavior and should have resulted in an OTH.

But there were two "aggravating factors" that did not inherently constitute misconduct and that should not necessarily have resulted in OTH discharges.

These were acts committed openly in public view (e.g., holding hands at a restaurant) and acts committed on base or on post (e.g., a quick hug while being dropped off).

Service members discharged under the pre-DADT policy were very likely to receive discharges that were less than Honorable.

Former service members who received a less than Honorable discharge characterization that is not reflective of their service are eligible to apply to have that discharge upgraded to mirror their service.

- **Changing RE codes and Narrative Reasons**

The negative reentry code (usually an RE-4 code) marks the veteran as someone who the military has made a judgment is not fit for military service. It is typically reserved for veterans

whose discharge was related to misconduct, such as drug or alcohol abuse.

The narrative reason for discharge summarizes the basis of a veteran's separation from the military. In the case of a DADT discharge, the narrative reason is often "Homosexual Conduct," "Homosexual Admission" or even just "Homosexual."

The repeal of DADT and the adoption of a new regulatory framework allowing LGB service members to serve openly allows those discharged under DADT or the prior policy to apply to have their discharge paperwork changed.

Discharge Review Boards (DRBs) can "change a discharge or dismissal, or issue a new discharge" based on "propriety and equity."

This includes taking into account current regulations and deeming a discharge inequitable if policies and procedures "under which the applicant was discharged differ in material respects from those currently applicable on a Service-wide basis" and if the "current policies or procedures represent a substantial enhancement of the rights afforded" to the applicant.

- **Not an Honorable Discharge?**

Some gay service members were inappropriately denied "Honorable" discharges even when they deserved them based on their service record. If you think you were entitled to an honorable discharge characterization but it was denied under DADT or the prior ban, you can apply for an upgrade.

- **Back pay, reparations, lawsuits and other redress of grievances**

The Defense Department has said that there will be no reparations or other compensation for those who were discharged under DADT. This includes credit for the time former service members would have served or other monetary and non-monetary damages.

2) What if VBA learns that I am LGBT – will my benefits get cut?

Revealing or VBA learning of your sexual orientation or gender identity will not result in your benefits being cut.

3) If I have changed my name and sex, how do I update VBA and will it impact my benefits?

- **How Do I Change My Name on My DD214 Military Discharge Record?**

Congress has authorized the correction of records when it is considered necessary either to rectify an error or to remove an injustice [10 U.S.C. § 1552 (a)(1)]. The form DD214 does not list gender but it does list your name. While for most non-transgender people a service record showing a former name does not communicate any sensitive information, for transgender people disclosure of the former name can be equivalent to disclosure of transgender status. This can be considered an injustice, and will be the strongest basis for your request to update your name on the DD214.

Evidence to support your name change request, as detailed below.

- **What Should I Say on the DD149 Form to Request a Name Change?**

The DD149 form gives you the opportunity to make a case for why having a prior name on your military record is an injustice for you. You should personalize your responses on the DD149 form according to your situation. Below is sample language for certain questions to give you an idea of how you can make your case. Because the Department of Defense has not published written guidance on this issue, this is simply a recommendation and may be updated over time.

Question 1.b Name: Next to Name write in (on DD214), and then list your name as shown on your current DD214.

Question 3 Type of Discharge: Character of service associated with the discharge, such as Honorable, General, Other Than Honorable (OTH), Bad Conduct (BCD) or Entry Level Separation (ELS).

Question 5. I request the following error or injustice in the record be corrected as follows:

I request the name on my DD 214 to be corrected from [name on DD214] to [current name]. I am a transgender [man/woman/person]. I changed my legal name from [prior name] to [current name] in [year], as evidenced in the attached name change order, to align my name with my gender identity. As explained below, the appearance of my old name on my DD 214 is an injustice because it reveals my transgender status every time I show my DD 214.

Question 6. I believe the record to be in error or unjust for the following reasons:

Disclosure of my former name, in effect, discloses my transgender status. This is an injustice due to the social stigma and discrimination that transgender people face. My current DD 214 record with my prior name reveals my transgender status every time I show the form. This injustice can be remedied effectively by issuing a correct DD214 listing my current name.

Question 7 Organization: The command you were serving at when you were discharged. This information is listed in block 8a on your DD214.

Question 8. Discovery of Alleged Error or Injustice

a. Date of Discovery – You can put in a date that was important in your transition process—such as the date when you socially transitioned, legally changed your name, or updated your identification, or you can use a date when you attempted to use your DD 214 and you were “outed”.

b. If more than three years since the alleged error or injustice was discovered, state why the board should find it in the interest of justice to consider the application, such as: *I was not previously aware that it was possible to remedy this injustice, and I request correction of my record so I will not continue to have to reveal my transgender status every time I show my DD214.*

- **What Evidence Should I Submit Along With My DD Form 149?**

You should bring evidence of your legal name change, such as a certified copy of your name change order.

We recommend including at least one, and as many as you have available, of the following:

- A U.S. Passport showing your updated name and gender
- A state driver’s license or identification card showing your updated name and gender
- A court order recognizing your gender transition
- A signed statement, on office letterhead, from a licensed physician, verifying that you have had appropriate clinical treatment for gender transition (see the definition of appropriate clinical treatment below). Though no requirements for this statement have been issued, we recommend the statement follow the following format:

I, (physician’s full name), (physician’s medical license or certificate number), (issuing U.S. State/Foreign Country of medical license/certificate), (DEA Registration number or comparable foreign designation), am the physician of (name of patient), with whom I have a doctor/patient relationship and whom I have treated (or with whom I have a doctor/patient relationship and whose medical history I have reviewed and evaluated).

(Name of patient) has had appropriate clinical treatment for gender transition to the new gender (specify new gender male or female).

I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.

Signature

Typed Name

Address

Phone Number

Date

If you cannot obtain any of the above, use any other evidence of your gender transition, including a letter from any medical or mental health care provider.

- **How Do I Update My Name and Gender in the Defense Enrollment Eligibility Reporting System (DEERS)?**

In order to change your name and gender in DEERS, the DEERS/RAPIDS Service Project Office for your military department must submit a request to Defense Human Resources Activity (DHRA) for review and implementation.

A gender (or name) change in DEERS will not affect the eligibility of any of your existing dependents for military benefits.

- **What Documents Should a Name and Gender Change Request Include?**

The Service Project Office of your military department should submit scans of the below documentation for DHRA review, with the subject line “DEERS Record Change Request ICO First Name Last Name”.

- Two forms of identification that are listed as acceptable on the federal Form I-9, one of which is a government-issued picture ID. Passports, driver’s licenses and Social Security cards are recommended, but the Department of Defense will accept all documents on page 9 of the I-9 list (<http://www.uscis.gov/sites/default/files/files/form/i-9.pdf>).
- If name change is requested, a court order legally changing your name.
- If gender marker change is requested, a signed statement, on office letterhead, from a licensed physician. The statement must include the following information:
 - Physician’s full name;
 - Medical license or certificate number;
 - Issuing state or other jurisdiction of medical license/certificate;
 - DEA registration number assigned to the physician;
 - Address and telephone number of the physician;
 - Language stating that the physician is your physician and has a doctor/patient relationship with you;
 - Language stating you have had the appropriate clinical treatment for gender transition to male/female (for a definition of appropriate clinical treatment see question three below); and,
 - Language stating “I declare under penalty of perjury under the laws of the United States that the forgoing is true and correct.”

- **Can I change my gender in DEERS if I am in active duty service?**

Yes. When Gender Transition is Complete per your treatment plan

Servicemember will request the commander's written approval to change the gender marker in the Service personnel data system.

The request must comply with Service policies and must, at a minimum, be accompanied by one of the following legal documents to support gender change:

- A certified true copy of a State birth certificate reflecting your preferred gender;
- A certified true copy of a court order reflecting your preferred gender; or
- A U.S. passport reflecting your preferred gender.

Then take the approval and the legal documentation to the personnel administrative office

4) I have heard about a new Forever GI Bill. What does it mean for benefits?

Please go to here for more information about the Forever GI Bill:

<https://benefits.va.gov/gibill/forevergibill.asp>

5) Will transgender Service members who discharged with President Trump's new ban on service be eligible for benefits?

At this time it is unknown how transgender Servicemembers will be affected

Lone Star Veterans Association (LSVA)- A Texas-based Veteran Service

Organization:

1) Give a quick overview of your organization:

LSVA is the new unit after leaving the military. We strive to see veterans looked up to as leaders and resources for the community by advancing careers and strengthening families. Our programming is designed to create affinity groups around the things that we strongly identify with, in addition to military service experience and a passion to support our veterans. Our LGBT group is one example of our affinity groups.

2) What is your Veteran-Service Organization's stance toward women Veterans – and especially LGBT women?

We are actively recruiting more women veterans and spouses for our programming and leadership of our affinity groups. We want our leadership team to represent our membership.

3) Do you have any specific programs/groups/gatherings for LGBT or women?

Our community building model begins with a recurring monthly social in order to build cohesion and camaraderie among the affinity group. We currently have a monthly social in Houston at Guava Lamp, which is predominantly male in attendance. I'm very curious to know if we need a new venue, time, or date to attract more women LGBT members. I need women leaders to drive that programming so that it's a grass roots led initiative.

4) **Are there any opportunities for to get involved in your group?**

Yes. We'd love to have some women volunteer to take a leadership role in our LGBT group as well as any other volunteer opportunities available throughout the year across the organization.

Montrose Center in Houston TX- a LGBT center

1.Overview of the organization:

The Montrose Center works to empower our community, primarily lesbian, gay, bisexual, and transgender individuals, their families, and allies to live healthier and more fulfilling lives. This is accomplished through six areas of service: Community Center and support groups, Women, youth, counseling, HIV/AIDs, and seniors.

The Community Center provides community events, wellness classes, and space for cultural expression and cultivation of the LGBTQ community in Houston.

The Montrose Center seeks to improve whole women's health through two programmatic initiatives: the Lesbian Health Initiative and AssistHers. The Lesbian Health Initiative is based on the pillars of Access, Advocacy, Education serving LGBT+ women and anyone on trans spectrum. Program staff accomplishes this by providing free and reduced cost services and screening for health needs in the LGBT+ community, community forums for advocacy conversations and educational workshop series'. AssistHers serves Lesbian women with chronic illnesses and disabilities through care teams who provide non-medical support, case management, and food assistance.

Youth services at the Center include the HATCH Drop-In Center, SchoolHouse, and NEST Homelessness Collaborative which collectively impacted 867 youth last year (2016).

Services provided by Montrose Center Counseling Program include sliding scale LGBT+ affirming individual counseling and group counseling; intensive outpatient program for substance disorder recovery, rapid rehousing for LGBT+ survivors of violence, advocate accompaniment to

hospitals, court & law enforcement; educational grant for LGBT+ survivors of violence; food, transportation & furniture vouchers for LGBT+ survivors of violence; and case management for LGBT+ survivors of violence.

Services provided by the HIV/AIDS program at the Montrose Center include comprehensive case management; community outreach and education; rapid rehousing; mobile HIV and STI testing; and resource navigation.

In 2005, the Montrose Center launched its Seniors Preparing for Rainbow Years (SPRY) program with the intention of reducing isolation and depression among LGBT seniors. The SPRY program hosts a congregate meal and social three times a week as well as educational and social events. Case management services are also available for our most insecure seniors to connect them to mental health, housing, and other resources.

2. What Veteran-specific programs does your LGBT Center (and specifically the women's health program) offer?

While there are currently no programs specifically aimed towards veterans, we do have veterans in all of our programs (except youth, of course). We do veteran sensitivity trainings for staff, and there are also efforts to help many veterans undo their dishonorable discharge statuses, received due to their sexuality. Both our women's health programs, LHI and AssistHers (detailed above) have veterans as clients.

3. What is your Organization's stance toward Veterans – and especially LGBT women Veterans?

We are very supportive of Veterans, especially LGBT women Veterans, and proudly serve them as clients!

4. Do you have any specific programs/groups/gatherings for Veterans or women?

As described above, the Montrose Center seeks to improve whole women's health through two programmatic initiatives: the Lesbian Health Initiative and AssistHers. The Lesbian Health Initiative is based on the pillars of Access, Advocacy, Education serving LGBT+ women and anyone on trans spectrum. Program staff accomplishes this by providing free and reduced cost services and screening for health needs in the LGBT+ community, community forums for advocacy conversations and educational workshop series'. AssistHers serves Lesbian women

with chronic illnesses and disabilities through care teams who provide non-medical support, case management, and food assistance.

5. We always love receiving volunteers! Here is a link to the general volunteer app:

<https://montrosecenter.org/forms/volunteer-app/>. Otherwise, to work specifically with the women's health department, please feel free to email me at womenshealth@montrosecenter.org