

114TH CONGRESS
2D SESSION

H. R. 4683

To amend title 10, United States Code, to provide for a review of the characterization or terms of discharge from the Armed Forces of individuals with mental health disorders alleged to affect terms of discharge.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2016

Mr. COFFMAN (for himself, Mr. WALZ, Mr. ZELDIN, Miss RICE of New York, Mr. KING of New York, Mr. JONES, Mr. RUSSELL, Mr. ZINKE, Mr. MOULTON, Ms. DUCKWORTH, Mr. MURPHY of Florida, and Mr. GALLEG0) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide for a review of the characterization or terms of discharge from the Armed Forces of individuals with mental health disorders alleged to affect terms of discharge.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness for Veterans
5 Act of 2016”.

1 **SEC. 2. REVIEW OF CHARACTERIZATION OR TERMS OF DIS-**
2 **CHARGE FROM THE ARMED FORCES OF INDI-**
3 **VIDUALS WITH MENTAL HEALTH DISORDERS**
4 **ALLEGED TO AFFECT TERMS OF DISCHARGE.**

5 Section 1553(d) of title 10, United States Code, is
6 amended by adding at the end the following new para-
7 graph:

8 “(3)(A) In addition to the requirements of para-
9 graphs (1) and (2), in the case of a former member de-
10 scribed in subparagraph (B), the board shall—

11 “(i) review medical evidence of the Secretary of
12 Veterans Affairs or a civilian health care provider
13 that is presented by the former member; and

14 “(ii) review the case with a rebuttable presump-
15 tion in favor of the former member that post-trau-
16 matic stress disorder or traumatic brain injury ma-
17 terially contributed to the circumstances resulting in
18 the discharge of a lesser characterization.

19 “(B) A former member described in this subpara-
20 graph is a former member described in paragraph (1) or
21 a former member whose application for relief is based in
22 whole or in part on matters relating to post-traumatic
23 stress disorder or traumatic brain injury as supporting ra-
24 tionale or as justification for priority consideration whose
25 post-traumatic stress disorder or traumatic brain injury

1 is related to combat or military sexual trauma, as deter-
2 mined by the Secretary concerned.”.

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