



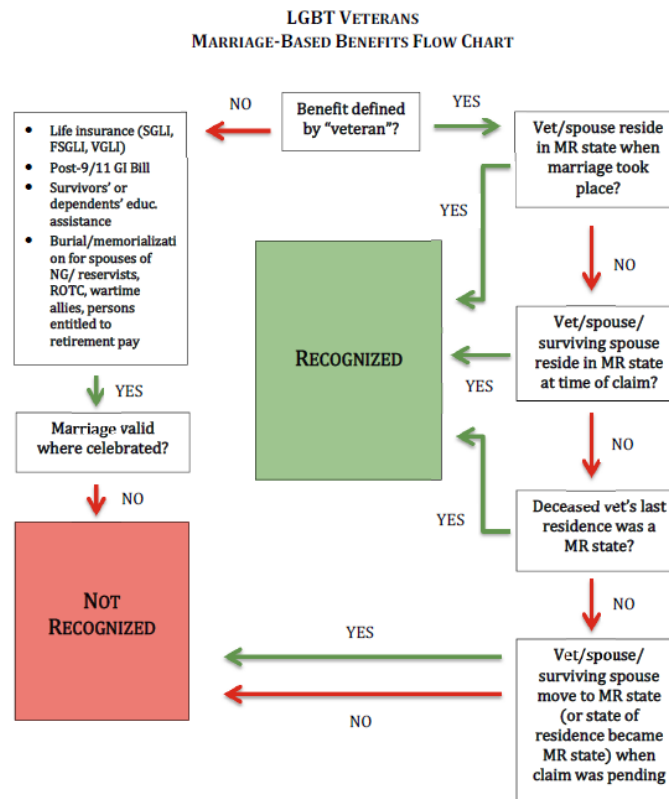
LGBT and the Military Challenges and Opportunities

Peter Perkowski
Aaron Belkin
August 21, 2014

LGB

Determining VA Spousal-Based Benefits

<http://www.scribd.com/doc/237372317/VA-LGBT-Benefit-Chart>



VA Determinations: Resources

- Summary of Precedent Opinions of the General Counsel:
<https://www.federalregister.gov/articles/2014/06/2014-14476/summary-of-precedent-opinions-of-the-general-counsel>
- Important Information on Marriage (VA):
<http://www.va.gov/opa/marriage/>
- Administration of Same-Sex Spousal Benefits (June 20, 2014):
<http://dvs.ohio.gov/Portals/0/library/odvs/saa/news/DOMAVBALetter062014.pdf>



AMPA Petition

http://www.lambdalegal.org/in-court/legal-docs/ampa_us_20140819_ampa-petition-for-review.pdf

No. 2014-_____

IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

AMERICAN MILITARY PARTNER ASSOCIATION,

Petitioner,

v.

ROBERT A. MCDONALD, SECRETARY OF VETERANS AFFAIRS,

Respondent.

PETITION FOR REVIEW

SUSAN L. SOMMER LAMBDA LEGAL DEFENSE & EDUCATION FUND, INC. 120 Wall Street, 19th Floor New York, New York 10005 Telephone: 212.809.8585 Facsimile: 212.809.0055	M. ANDREW WOODMANSEE JESSICA A. ROBERTS MORRISON & FOERSTER LLP 12531 High Bluff Dr., Suite 100 San Diego, California 92130 Telephone: 858.720.5100 Facsimile: 858.720.5125
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AUGUST 18, 2014



Trans*

VA Trans Resources

■ VHA Directive 2013-003

http://www.va.gov/vhapublications/ViewPublication.asp?pub_ID=2863

Department of Veterans Affairs
Veterans Health Administration
Washington, DC 20420

VHA DIRECTIVE 2013-003

February 8, 2013

PROVIDING HEALTH CARE FOR TRANSGENDER AND INTERSEX VETERANS

1. PURPOSE: This Veterans Health Administration (VHA) Directive establishes policy regarding the respectful delivery of health care to transgender and intersex Veterans who are enrolled in the Department of Veterans Affairs (VA) health care system or are otherwise eligible for VA care.

2. BACKGROUND: In accordance with the medical benefits package (title 38 Code of Federal Regulations (CFR) section 17.38), VA provides care and treatment to Veterans that is compatible with generally accepted standards of medical practice and determined by appropriate health care professionals to promote, preserve, or restore the health of the individual.

a. VA provides health care for transgender patients, including those who present at various points on their transition from one gender to the next. This applies to all Veterans who are enrolled in VA's health care system or are otherwise eligible for VA care, including those who have had sex reassignment surgery outside of VHA, those who might be considering such surgical intervention, and those who do not wish to undergo sex reassignment surgery but self-identify as transgender. Intersex individuals may or may not have interest in changing gender or in acting in ways that are discordant with their assigned gender.

b. VA does not provide sex reassignment surgery or plastic reconstructive surgery for strictly cosmetic purposes.

c. **Definitions**

(1) **Sex.** Sex refers to the classification of individuals as female or male on the basis of their reproductive organs and functions.

(2) **Gender.** Gender refers to the behavioral, cultural, or psychological traits that a society associates with male and female sex.

(3) **Transgender.** Transgender is a term used to describe people whose gender identity (sense of themselves as male or female) or gender expression differs from that usually associated with their sex assigned at birth.

(a) **Transsexual (Male-to-Female).** Male-to-female (MtF) transsexuals are a subset of transgender individuals who are male sex at birth but self-identify as female and often take steps to socially or medically transition to female, including feminizing hormone therapy, electrolysis, and surgeries (e.g., vaginoplasty, breast augmentation).

THIS VHA DIRECTIVE EXPIRES FEBRUARY 28, 2018



Trans* - Correcting DD214

- NLGBT Military Law Working Group memo:

<http://www.lgbtbar.org/assets/NLGBT-Memo-re-DD-214-Amendments-for-Gender-Change-FINAL.pdf>

- Assistance with request

<http://www.sldn.org/page/s/vetdischargechanges>

