

Court Hails “Just Result” for Veterans as an “Example of the Class Action Concept Working at its Best”

Publications

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The US District Court for the District of Connecticut has granted final approval to a class action settlement in which the US Army agreed to reconsider the less-than-honorable discharges of thousands of veterans with service-related mental health conditions.

Jenner & Block, with the Veterans Legal Services Clinic at Yale Law School, represents Iraq war veteran Steve Kennedy and Afghanistan war veteran Alicia Carson, pro bono, in a nationwide class action against the Army. Mr. Kennedy and Ms. Carson alleged that after the Army discharged veterans with less-than-honorable status on account of symptoms of post-traumatic stress disorder, traumatic brain injury, military sexual trauma, and other mental health conditions developed during their service time, the Army Discharge Review Board failed to account for those symptoms when it denied them upgrades in their discharge status.

On Monday, the court granted final approval to a settlement reached by the parties in November. In its opinion, the court described the settlement as “an example of the class action concept working at its best” because it “achieves a just result for many veterans, and for the Army they served.”

Under terms of the settlement, the Army will automatically reconsider thousands of discharge status upgrade applications under a lenient standard of review. Additionally, the Army will adopt procedural reforms, such as a universal telephonic hearing program, that will make it easier for veterans to apply for upgrades in their discharge status and participate in related hearings.

During the final fairness hearing on the settlement last month, Judge Charles S. Haight Jr. had high praise for our pro bono work, saying on the record: “It's a fine thing ... to see one of the great firms like Jenner & Block devote considerable resources to the pro bono representation of groups like these army veterans...”

Partners Susan J. Kohlmann and Jeremy Creelan led this matter, along with Associate Jacob Tracer and former associates Ravi Ramanathan and William Goldstein.

Read more in this press release from the Veterans Legal Services Clinic, in this *Bloomberg* article, and in this *Stars and Stripes* article.

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