May 27, 2014, New York, NY—Legal Services NYC’s (LSNYC’s) Veterans Justice Project, in collaboration with the law firm of Winston & Strawn LLP, has reached a settlement with NYC’s Department of Consumer Affairs that will make certain veterans with service-connected mental disabilities eligible for specialized yellow vendor licenses which, until now, have been available only to veterans with physical disabilities.

While New York City has long issued special vending licenses based on a New York State statute defining the eligible recipient pool as “honorably discharged members of the armed forces of the United States who are physically disabled as a result of [their service],” those veterans’ mentally disabled counterparts have been excluded. The New York State Court of Appeals, along with other New York courts, has repeatedly interpreted other statutes referring to “physical disabilities” to also include individuals with mental health disabilities. However, the DCA has until now refused to grant licenses to disabled veterans who suffer from PTSD (Post Traumatic Stress Disorder), TBI (Traumatic Brain Injury) and other similar ailments. Consequently, scores of veterans who suffer from mental disabilities and who have been declared disabled by the U.S. Department of Veterans Affairs have been precluded from obtaining special vending licenses, while veterans with physical disabilities had an opportunity to significantly improve their economic prospects.

Under the terms of the settlement, the DCA has agreed to deem all honorably discharged veterans with service-connected mental disabilities to fall within the scope of “physically disabled” as that term is used in NY General Business Law §35-a, and to amend its application process and associated policies and instructions accordingly.

The plaintiff in the settled lawsuit, Kamal Nasser, was honorably discharged from the military and has been diagnosed as disabled by the Veterans Administration. He applied for a special vendor license to better support his wife and four children. With this week’s settlement, he will now be afforded the opportunity to significantly improve his family’s financial position and more fully reintegrate into civil society.

“I am happy with the settlement, and glad that future veterans with mental disabilities will have the same opportunities that I now have,” said Mr. Nasser.

“We are very excited that the New York City Department of Consumer Affairs has settled Nasser v. DCA, by awarding Mr. Nasser the special vending license for disabled veterans that he deserves and by recognizing that veterans who suffer from mental disabilities should be treated the same as veterans with physical disabilities,” said Staff Attorney Peter Kempner of LSNYC’s Brooklyn Program. The statute at issue in this case was written during a time when many disabling mental health issues were not commonly recognized. This settlement brings the statute into the 21st century. Veterans who suffer from the hidden scars of war will no longer be treated as any less deserving when it comes to pursuing their entrepreneurial spirit in New York City.

Winston & Strawn partners John Schreiber and Matthew DiRisio, together with associates Andrew Robbins and Alexandra Kushner, worked alongside LSNYC on the matter, which Winston undertook on a pro bono basis. Said Mr. DiRisio, “Winston is honored to have been able to contribute to such an important cause. The result of this settlement is deeply gratifying on both personal and professional levels.”