A NOTE CONCERNING THE PROGRAM MATERIALS

The materials included in this Kentucky Bar Association Continuing Legal Education handbook are intended to provide current and accurate information about the subject matter covered. No representation or warranty is made concerning the application of the legal or other principles discussed by the instructors to any specific fact situation, nor is any prediction made concerning how any particular judge or jury will interpret or apply such principles. The proper interpretation or application of the principles discussed is a matter for the considered judgment of the individual legal practitioner. The faculty and staff of this Kentucky Bar Association CLE program disclaim liability therefore. Attorneys using these materials, or information otherwise conveyed during the program, in dealing with a specific legal matter have a duty to research original and current sources of authority.

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Kentucky Bar Association
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THE PRESENTERS

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I. WHO IS A VETERAN?

Definition of a veteran: "a person who served in the active military, naval, or air service, and who was discharged or released under conditions other than dishonorable." 38 U.S.C. §101(24).

A. The Importance of "Active Military, Naval, or Air Service"

1. Active service contrasts with Reserve or National Guard service.
   a. Reservists must have been "activated" to full-time duty.
   b. Members of the National Guard must have been "activated" to federal service.

2. Active Duty for Training (ADT) is not considered active service unless the person was "disabled or died from a disease or injury incurred or aggravated" during ADT.

B. The Meaning of "Under Conditions other than Dishonorable"

1. There are five (5) types:
   a. Honorable (HD);
   b. Under Honorable Conditions/General (GD);
   c. Discharge under Other than Honorable Conditions/Undesirable (OTH);
   d. Bad Conduct (BCD); or
   e. Dishonorable (DD).
   f. A separate administrative class of discharges exists for those who received an entry level separation, had their enlistment voided, or were dropped from the rolls. These administrative, or uncharacterized, separations will not be considered in the presentation, but are defined in 38 C.F.R. §3.12(k).

2. A discharge that is dishonorable strips the individual of the ability to be recognized by the federal government as a veteran and consequently results in ineligibility for VA benefits.
One notable exception to ineligibility for dishonorably discharged persons is for those who are victims of military sexual trauma (MST). MST-related healthcare, to include counseling, is available at VA facilities or through contracted and qualified mental health professionals regardless of time in service or the discharge received. MST can result from any type of military activity (active duty, active duty training, or inactive duty training, i.e. weekend drills for Reservists and members of the National Guard). 38 U.S.C §1720D.

3. Facts related to a veteran's discharge may also result in the functional equivalent of dishonorable discharge. In these scenarios, certain "separation narratives" or codes on a veteran's DD 214 create statutory or regulatory bars which prevent the veteran from receiving VA benefits.

   a. Statutory bars.

   If a veteran was discharged for one of the stated reasons below, then the veteran is barred from VA benefits regardless of having received a discharge that is characterized as other than dishonorable. 38 C.F.R. §3.12(c)(1)-(6).

      i. Conscientious objection and refusal to perform military duty, wear the uniform, or comply with a lawful order from competent military authorities;

      ii. The sentence of a general court-martial;

      iii. Resignation by an officer for the good of the service;

      iv. Desertion;

      v. As an alien during a period of hostilities, where it is affirmatively shown that the former service member requested his or her release;

      vi. A discharge under other than honorable conditions issued as a result of being absent without leave (AWOL) for a continuous period of at least 180 days (unless compelling circumstances warrant the period the service member was AWOL).

   b. Regulatory bars.

   The VA treats veterans who have been discharged for one of the reasons below as having been dishonorably discharged despite the discharge characterization provided on the DD 214. 38 C.F.R. §3.12(d)(1)-(5).
i. Acceptance of an undesirable discharge in lieu of a trial by general court-martial;

ii. Mutiny or spying;

iii. Moral turpitude (generally involves a conviction of a felony);

iv. Willful and persistent misconduct;

v. Homosexual acts "involving aggravating circumstances or other factors affecting the performance of duty. Examples of homosexual acts involving aggravating circumstances or other factors affecting the performance of duty include child molestation, homosexual prostitution, homosexual acts or conduct accompanied by assault or coercion, and homosexual acts or conduct taking place between service members of disparate rank, grade, or status when a service member has taken advantage of his or her superior rank, grade, or status."

II. UNDERSTANDING THE DD 214

A. A "DD 214" Is Simply the Department of Defense (DD) Form Numbered "214"

B. Its Formal Title is "Certificate of Release or Discharge from Active Duty"

C. There Are Four Key Areas of Interest for Someone Contemplating the Discharge Upgrade Process

1. Field 24. Character of Service. This field will list one of the characterizations of service listed above (I.B.1.a-f).

2. Field 26. Separation Code. This field will contain three letters such as "FND" or "JFX." The Separation Code should correspond with Field 28 and can generally be searched for online to determine whether there is a correspondence between the two.

3. Field 28. Narrative Reason for Separation. As stated above, this field should correspond with the separation code. The narrative is also an important area to look at to see if there is a statutory or regulatory bar from VA benefits.

4. Field 29. Dates of Time Lost during this Period. This field will indicate how much time, if any, the service member was AWOL (this may include time the service member spent in jail). Keep in mind that if this number is equal to or greater than 180 days then there is a statutory bar from VA benefits.
There are other areas of the DD 214 that are worth significant consideration. For example, Field 13 may indicate that the service member received noteworthy medals or citations that could provide a very different narrative than what is stated as the reason for separation.

D. If the veteran does not have a DD 214, then one can be requested by completing and mailing a form entitled "SF 180." A copy of this form is included in the appendix and is also available at http://www.archives.gov/veterans. Submitting one of these forms is generally necessary even when the service member has a DD 214 for the purpose of obtaining other military records.

III. WHY SEEK A DISCHARGE UPGRADE?

A. Psychological and Societal Issues for Veterans with "Bad Paper" Discharges


1. Suicide – Veterans with an unfavorable discharge are twice as likely to commit suicide than other veterans.

2. Homelessness – Veterans with an unfavorable discharge are more likely to be homeless.

3. Incarceration – 23 percent of veterans in prison are VA ineligible.

B. Opportunity to Receive Veterans Benefits by Changing Discharge Characterization

The benefits below indicate the type of discharge a veteran must have in order to be eligible to apply.

1. Compensation for Service-Connected Disability or Death. 38 U.S. Code §1131 – Yes for HD and GD/OTH and BCD are TBD.

2. Dependency and Indemnity Compensation for Service Connected Deaths. 38 U.S. Code §1310 – Yes for Other than Dishonorable.

3. Pension for Non-Service Connected Disability or Death or For Service. 38 U.S. Code §1521 – Yes for HD and GD/OTH and BCD are TBD.

4. Vocational Rehabilitation. 38 U.S. Code §3102 – Yes for HD and GD/OTH and BCD are TBD.

5. Educational Assistance. 38 U.S. Code §3311 – Yes for HD.
6. Home and Other Loans. 38 U.S. Code §3702 – Yes for HD and GD/OTH and BCD are TBD.

7. Treatment, Rehabilitation, and Housing Assistance for Homeless Veterans. 38 U.S. Code §2002 – Yes for HD and GD/OTH and BCD are TBD.

8. Medical, Dental, Hospitalization and Domiciliary Care. 38 U.S. Code §§1712, 1710 – Yes for HD and GD/OTH and BCD are TBD.


10. For a complete list of federal benefits see https://statesidelegal.org/print/benefits_separation.

IV. THE ADMINISTRATIVE AGENCIES FOR REVIEWING UPGRADE REQUESTS

A. Discharge Review Board (DRB)


2. Limitations.
   a. Fifteen (15) year statute of limitations. Cannot apply if more than fifteen years have lapsed since discharge.
   b. Original discharge cannot be a BCD or DD.

3. Standards of review.
   a. Equity.
      i. New policies and procedures would result in a different outcome for the veteran.
      ii. Discharge was inconsistent with standards of discipline at that time.
      iii. Other evidence in military reveals a higher quality of service than portrayed by discharge.
      iv. Conduct before or after military service reveals inequity of discharge.
      v. Other considerations: potential inability to adjust to military due to age, education, or medical and/or
psychological issues that were present but not fully understood at time of enlistment, PTSD, family and/or personal problems, drug or alcohol abuse led to discharge but instigated due to circumstances listed above.

b. Propriety – the discharge was a result of an error of fact, law, procedure, or discretion.
   
i. Includes whether military authorities acted in arbitrary or capricious manner or with an abuse of discretion;
   
ii. Also includes changes in policy that are expressly made retroactive (example: repeal of DADT).

c. Presumptions and burden.
   
i. The DRB presumes the military acted correctly and that the service records are without error.
   
ii. Burden is upon the veteran to overcome the presumption.
   
iii. If the veteran contends that the discharge was a result of both inequity and impropriety, then the DRB will consider both standards in its ruling.


a. DD Form 293 must be submitted (provided in appendix).

b. The DRB will also consider:
   
i. Service records that are both available and relevant;
   
ii. Other additional relevant documents submitted by the applicant;
      
      (a) Formal rules of evidence do not apply, but supplemental statements made by the veteran or by others should be sworn;
      
      (b) Documentation that projects the image of the veteran in the appropriate light, i.e. a clean criminal history, character references, employment records, school degrees, etc. if taking the position that the veteran is far different from what is displayed on the DD 214; if taking the position that the veteran
suffers from PTSD, then documentation of counseling, medical prescriptions, and rehabilitation may be necessary to make a persuasive argument.

5. The hearing.

a. Five (5) officers from the same branch of service as the veteran comprise the board.

b. Mode of review by the hearing officers.

i. Record review.

ii. Hearing.

(a) A hearing can be requested in lieu of a record review.

(b) A hearing can also be requested if a record review results in an unfavorable outcome for the veteran.

(c) A hearing can also function as a board of reconsideration if there was not a previous hearing but only if still within the fifteen years since discharge.

(d) Reconsiderations are also permissible where there has been a change in policy that has been made expressly retroactive.

c. Appeal process.

i. Appealable under the Administrative Procedure Act.

ii. Six (6) year statute of limitations.

iii. Venue:

(a) District Court where veteran resides;

(b) District Court where veteran was discharged;

(c) Service Department Secretary (Washington DC);
(d) Exhaustion of administrative remedies may be required; thus a BCMR would be necessary prior to appeal.

B. Board of Corrections of Military Records (BCMR)

1. Legal references: Public Law 105-261; 10 U.S. Code §1552; DoD Directive 1332.41.

2. Limitations.
   a. Three (3) statutes of limitations since the time the veteran "discovered" the error or injustice, but this is often waived in the interest of justice.
   b. Unlike a DRB this board exists so that nearly any military record can be amended or corrected.
   c. A court-martial can only be discharged through the granting of clemency.

3. Standards of review.
   a. Error and/or injustice.
   b. These two standards closely approximate the standards of equity and propriety in the DRB.

   a. DD Form 149 must be submitted (provided in appendix).
   b. Likely the DRB will consider relevant military records, sworn statements, and other documents supplemented by the veteran.
   c. The branch of service may request advisory opinions from professionals within the military and have briefs prepared accordingly. These briefs can be requested in advance and responded to if warranted.

5. The hearing.
   a. Three (3) or five (5) high-ranking civilians from the veteran's branch of service comprise the board.
   b. Reconsideration.
      i. A one (1) year statute of limitations.
ii. Based upon the existence of new material evidence that was not available during the original hearing.

c. Appeal process.

i. A six (6) year statute of limitations.

ii. Jurisdiction is the same as the DRB venues.

C. Decisions of the Boards, Judicial Review, and DoD Guidance

1. Decisions from DRBs and BCMRs are accessible at http://boards.law.af.mil/.

2. BCMR decisions are "subject to judicial review and can be set aside if they are arbitrary, capricious, or not based on substantial evidence." Chappell v. Wallace, 462 U.S. 296, 303 (1983).

3. A 2014 letter from the Secretary of Defense regarding special consideration for PTSD claims and discharge upgrades is in the appendix.
**CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY**

- **NAME (Last, First, Middle)**
- **DEPARTMENT, COMPONENT AND BRANCH**
- **SOCIAL SECURITY NUMBER**
- **GRADE, RANK OR PAY GRADE**
- **DATE OF BIRTH (YYYYMMDD)**
- **RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD)**
- **PLACE OF ENTRY INTO ACTIVE DUTY**
- **HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known)**
- **LAST DUTY ASSIGNMENT AND MAJOR COMMAND**
- **STATION WHERE SEPARATED**
- **COMMAND TO WHICH TRANSFERRRED**
- **SGSI COVERAGE AMOUNT**: $**

**PRIMARY SPECIALTY** (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.)

**RECORD OF SERVICE**
- **DATE ENTERED ON THIS PERIOD**
- **SEPARATION DATE THIS PERIOD**
- **TOTAL PRIOR ACTIVE SERVICE**
- **TOTAL PRIOR INACTIVE SERVICE**
- **FOREIGN SERVICE**
- **SEA SERVICE**
- **INITIAL ENTRY TRAINING**
- **EFFECTIVE DATE OF PAY GRADE**

**DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service)**

**MILITARY EDUCATION** (Course title, number of weeks, and month and year completed)

**COMMISSIONED THROUGH SERVICE ACADEMY**

**DAYS ACCRUED LEAVE PAID**

**MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION**

**REMARKS**

The information contained herein is subject to computer matching within the Department of Defense or with any other affected Federal or non-Federal agency for verification purposes and to determine eligibility for, and/or continued compliance with, the requirements of a Federal leaves program.

**MAILING ADDRESS AFTER SEPARATION** (Include ZIP Code)

**NEAREST RELATIVE** (Name and address - include ZIP Code)

**MEMBER REQUESTS COPY 3 BE SENT TO**: (Specify laterally)

**MEMBER REQUESTS COPY 3 BE SENT TO THE CENTRAL OFFICE OF THE DEPARTMENT OF VETERANS AFFAIRS (WASHINGTON, DC)**

**SIGNATURE** (YYYYMMDD)

**OFFICER AUTHORIZED TO SIGN** (Typical name, grade and signature)

**REENTRY CODE**

**TYPE OF SEPARATION**

**CHARACTER OF SERVICE** (Include upgrades)

**NARRATIVE REASON FOR SEPARATION**

**DATES OF TIME LOST DURING THIS PERIOD (YYYYMMDD)**

DD FORM 214, AUG 2009

PREVIOUS EDITION IS OBSOLETE.

SERVICE - 2
1. General Information. The Standard Form 180, Request Pertaining to Military Records (SF180) is used to request information from military records. Certain identifying information is necessary to determine the location of an individual's record of military service. Please try to answer each item on the SF 180. If you do not have and cannot obtain the information for an item, show "NA," meaning the information is "not available". Include as much of the requested information as you can. Incomplete information may delay response time. To determine where to mail this request see Page 2 of the SF180 for record locations and facility addresses.

Online requests may be submitted to the National Personnel Records Center (NPRC) by a veteran or deceased veteran’s next-of-kin using e VetRecs at http://www.archives.gov/veterans/military-service-records.

2. Personnel Records/Military Human Resource Records/Official Military Personnel File (OMPF) and Medical Records/Service Treatment Records (STR). Personnel records of military members who were discharged, retired, or died in service LESS THAN 62 YEARS AGO and medical records are in the legal custody of the military service department and are administered in accordance with rules issued by the Department of Defense and the Department of Homeland Security (DHS, Coast Guard). STRs of persons on active duty are generally kept at the local servicing clinic. After the last day of active duty, STRs should be requested from the appropriate address on page 2 of the SF 180. (See item 3, Archival Records, if the military member was discharged, retired or died in service more than 62 years ago.)

a. Release of Information: Release of information is subject to restrictions imposed by the military services consistent with Department of Defense regulations, the provisions of the Freedom of Information Act (FOIA) and the Privacy Act of 1974. The service member (either past or present) or the member's legal guardian has access to almost any information contained in that member's own record. The authorization signature of the service member or the member's legal guardian is needed in Section III of the SF180. Others requesting information from military personnel records and/or STRs must have the release authorization in Section III of the SF 180 signed by the member or legal guardian. If the appropriate signature cannot be obtained, only limited types of information can be provided. If the former member is deceased, the surviving next-ofKin may, under certain circumstances, be entitled to greater access to a deceased veteran's records than a member of the general public. The next-ofKin may be any of the following: unmarried surviving spouse, father, mother, son, daughter, sister, or brother. Requesters MUST provide proof of death, such as a copy of a death certificate, newspaper article (obituary) or death notice, coroner’s report of death, funeral director’s signed statement of death, or verdict of coroner’s jury.

b. Fees for records: There is no charge for most services provided to service members or next-of-kin of deceased veterans. A nominal fee is charged for certain types of service. In most instances, service fees cannot be determined in advance. If your request involves a service fee, you will receive an invoice with your records.

3. Archival Records. Personnel records of military members who were discharged, retired, or died in service 62 OR MORE YEARS AGO have been transferred to the legal custody of NARA and are referred to as “archival records”.

a. Release of Information: Archival records are open to the public. The Privacy Act of 1974 does not apply to archival records, therefore, written authorization from the veteran or next-of-kin is not required. In order to protect the privacy of the veteran, his/her family, and third parties named in the records, the personal privacy exemption of the Freedom of Information Act (5 U.S.C. 552 (b) (6)) may still apply and may preclude the release of some information.

b. Fees for Archival Records: Access to archival records are granted by offering copies of the records for a fee (44 U.S.C. 2116 (c)). If a fee applies to the photocopies of documents in the requested record, you will receive an invoice. Photocopies will be sent after payment is made. For more information see http://www.archives.gov/st-louis/archival-programs/military-personnel-archival-omfp-archival-requests.html.

4. Where reply may be sent. The reply may be sent to the service member or any other address designated by the service member or other authorized requester. If the designated address is NOT registered to the addressee by the U.S. Postal Service (USPS), provide BOTH the addressee’s name AND “in care of” (c/o) the name of the person to whom the address is registered on the NAME line in Section III, item 3, on page 1 of the SF 180. The COMPLETE address must be provided, INCLUDING any apartment/suite/unit/lot/space/etc. number.

5. Definitions and abbreviations. DISCHARGED -- the individual has no current military status; SERVICE TREATMENT RECORD (STR) -- The chronological of medical, mental health, and dental care received by service members during the course of their military career (does not include records of treatment while hospitalized); TDRL -- Temporary Disability Retired List.

6. Service completed before World War I. National Archives Trust Fund (NATF) forms must be used to request these records. Obtain the forms by e-mail from inquire@nara.gov or write to the Code 6 address on page 2 of the SF 180.

PRIVACY ACT OF 1974 COMPLIANCE INFORMATION

The following information is provided in accordance with 5 U.S.C. 552(a)(4)(C) and applies to this form. Authority for collection of the information is 44 U.S.C. 2907, 3101, and 3103, and Public Law 104-134 (April 26, 1996), as amended in title 31, section 7701. Disclosure of the information is voluntary. If the requested information is not provided, it may delay servicing your inquiry because the facility servicing the service member's record may not have all of the information needed to locate it. The purpose of the information on this form is to assist the facility servicing the records (see the address list) in locating the correct military service record(s) or information to answer your inquiry. This form is then retained as a record of disclosure. The form may also be disclosed to Department of Defense components, the Department of Veterans Affairs, the Department of Homeland Security (DHS, U.S. Coast Guard), or the National Archives and Records Administration when the original custodian of the military health and personnel records transfers all or part of those records to that agency. If the service member was a member of the National Guard, the form may also be disclosed to the Adjutant General of the appropriate state, District of Columbia, or Puerto Rico, where he or she served.

PAPERWORK REDUCTION ACT PUBLIC BURDEN STATEMENT

Public burden reporting for this collection of information is estimated to be five minutes per request, including time for reviewing instructions and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to National Archives and Records Administration (ISSD), 8601 Adelphi Road, College Park, MD 20740-6001. DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. SEND COMPLETED FORMS TO THE APPROPRIATE ADDRESS LISTED ON PAGE 2 OF THE SF 180.
REQUEST PERTAINING TO MILITARY RECORDS

Requests from veterans or deceased veteran’s next-of-kin may be submitted online by using eVetRecs at http://www.archives.gov/veterans/military-service-records/To ensure the best possible service, please thoroughly review the accompanying instructions before filling out this form. PLEASE PRINT LEGIBLY OR TYPE BELOW.

SECTION I - INFORMATION NEEDED TO LOCATE RECORDS (Furnish as much information as possible.)

1. NAME USED DURING SERVICE (last, first, full middle)  2. SOCIAL SECURITY #  3. DATE OF BIRTH  4. PLACE OF BIRTH

5. SERVICE, PAST AND PRESENT (For an effective records search, it is important that ALL service be shown below.)

<table>
<thead>
<tr>
<th>BRANCH OF SERVICE</th>
<th>DATE ENTERED</th>
<th>DATE RELEASED</th>
<th>OFFICER</th>
<th>ENLISTED</th>
<th>SERVICE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. ACTIVE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. RESERVE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. STATE NATIONAL GUARD</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

6. IS THIS PERSON DECEASED? ☐ NO ☐ YES - MUST provide Date of Death if veteran is deceased:

7. DID THIS PERSON RETIRE FROM MILITARY SERVICE? ☐ NO ☐ YES

SECTION II – INFORMATION AND/OR DOCUMENTS REQUESTED

1. CHECK THE ITEM(S) YOU ARE REQUESTING:
   ☐ DD Form 214 or equivalent. Year(s) in which form(s) issued to veteran:
   This form contains information normally needed to verify military service. A copy may be sent to the veteran, the deceased veteran’s next-of-kin, or other persons or organizations, if authorized in Section III, below. An UNDELETED DD214 is ordinarily required to determine eligibility for benefits. If you request a DELETED copy, the following items will be blacked out: authority for separation, reason for separation, reenlistment eligibility code, separation (SPD/SPN) code, and, for separations after June 30, 1979, character of separation and dates of time lost. An UNDELETED copy will be sent UNLESS YOU SPECIFY A DELETED COPY by checking this box: ☐ I want a DELETED copy.

   ☐ Medical Records Includes Service Treatment Records, Health (outpatient) and Dental Records. IF HOSPITALIZED (inpatient) the FACILITY NAME and DATE (month and year) for EACH admission MUST be provided:

   ☐ Other (Specify):

2. PURPOSE: (Providing information about the purpose of the request is strictly voluntary; however, it may help to provide the best possible response and may result in a faster reply. Information provided will in no way be used to make a decision to deny the request.)
   ☐ Benefits (explain) ☐ Employment ☐ VA Loan Programs ☐ Medical ☐ Genealogy ☐ Correction ☐ Personal ☐ Other (explain)

   Explain here:

SECTION III - RETURN ADDRESS AND SIGNATURE

1. REQUESTER NAME:
   ☐ I am the MILITARY SERVICE MEMBER OR VETERAN identified in Section I, above.
   ☐ I am the DECEASED VETERAN’S NEXT-OF-KIN (MUST submit Proof of Death. See item 2a on instruction sheet.)
   ☐ Relationship to deceased veteran

2. SEND INFORMATION/DOCUMENTS TO: (Please print or type. See item 4 on accompanying instructions.)

   Name
   Street
   Apt.
   City State Zip Code

3. AUTHORIZATION SIGNATURE: I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the information in this Section III is true and correct and that I authorize the release of the requested information. (See items 2a or 3a on accompanying instruction sheet. Without the Authorization Signature of the veteran, next-of-kin of deceased veteran, veteran’s legal guardian, authorized government agent, or other authorized representative, only limited information can be released unless the request is archival. No signature is required if the request if for archival records.)

☐ I am the VETERAN’S LEGAL GUARDIAN (MUST submit copy of Court Appointment) or AUTHORIZED REPRESENTATIVE (MUST submit copy of Authorization Letter or Power of Attorney)
☐ OTHER (Specify type of Other)

4. Signature Required - Do not print

   Signature

   Date

   Daytime phone
   Fax Number

   Email address

* This form is available at http://www.archives.gov/veterans/military-service-records/standard-form-180.html on the National Archives and Records Administration (NARA) web site. *
The various categories of military service records are described in the chart below. For each category there is a code number which indicates the address at the bottom of the page to which this request should be sent. Please refer to the Instruction and Information Sheet accompanying this form as needed.

<table>
<thead>
<tr>
<th>BRANCH</th>
<th>CURRENT STATUS OF SERVICE MEMBER</th>
<th>Personnel Record</th>
<th>Medical or Service Treatment Record</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIR FORCE</td>
<td>Discharged, deceased, or retired before 5/1/1994</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired 5/1/1994 – 9/30/2004</td>
<td>14</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired 10/1/2004 – 12/31/2013</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired on or after 1/1/2014</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Active (including National Guard on active duty in the Air Force), TDRL, or general officers retired with pay</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Reserve, IRR, Retired Reserve in non-pay status, current National Guard officers not on active duty in the Air Force, or National Guard released from active duty in the Air Force</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Current National Guard enlisted not on active duty in the Air Force</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired before 1/1/1998</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired 4/1/1998 – 9/30/2006</td>
<td>14</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired 10/1/2006 – 9/30/2013</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired on or after 10/1/2013</td>
<td>3</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>Active, Reserve, Individual Ready Reserve or TDRL</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>MARINE CORPS</td>
<td>Discharged, deceased, or retired before 1/1/1895</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired 1/1/1895 – 4/30/1994</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired 5/1/1994 – 12/31/1998</td>
<td>14</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired 1/1/1999 – 12/31/2013</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired on or after 1/1/2014</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Individual Ready Reserve</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Active, Selected Marine Corps Reserve, TDRL</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>ARMY</td>
<td>Discharged, deceased, or retired before 11/1/1912 (enlisted) or before 7/1/1917 (officer)</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired 11/1/1912 – 10/15/1992 (enlisted) or 7/1/1917 – 10/15/1992 (officer)</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired 10/16/1992 – 9/30/2002</td>
<td>14</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired (including TDRL) 10/1/2002 – 12/31/2013</td>
<td>7</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired (including TDRL) on or after 1/1/2014</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Current Soldier (Active, Reserve (including Individual Ready Reserve) or National Guard)</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>NAVY</td>
<td>Discharged, deceased, or retired before 1/1/1886 (enlisted) or before 1/1/1903 (officer)</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired 1/1/1886 – 1/30/1994 (enlisted) or 1/1/1903 – 1/30/1994 (officer)</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired 1/31/1994 – 12/31/1994</td>
<td>14</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired 1/1/1995 – 12/31/2013</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Discharged, deceased, or retired on or after 1/1/2014</td>
<td>10</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Active, Reserve, or TDRL</td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>PHS</td>
<td>Public Health Service - Commissioned Corps officers only</td>
<td></td>
<td>12</td>
</tr>
</tbody>
</table>

ADDRESS LIST OF CUSTODIANS and SELF-SERVICE WEBSITES (BY CODE NUMBERS SHOWN ABOVE) – Where to write/send this form

1 Air Force Personnel Center
HQ AFPC/DPSHRP
550 C Street West, Suite 19
Rolph AFB, TX 78150-4721

2 Air Force Reserve Personnel Center
Records Management Branch (DPTSC)
18420 E. Silver Creek Avenue
Building 390 MS 68
Buckley AFB, CO 80111

3 Commander, Personnel Service Center (BOPS-C-MR)
MS7200
US Coast Guard
2703 Martin Luther King Jr Ave SE
Washington, DC 20593-7200
MR_CustomerService@uscg.mil

4 Headquarters U.S. Marine Corps
Manpower Management Records & Performance (MMRP-10)
2008 Elliot Road
Quantico, VA 22134-5030

5 Marine Forces Reserve
2000 Opeoucas Avenue
New Orleans, LA 70146-5400

6 National Archives & Records Administration
Research Services (RDT1R)
700 Pennsylvania Avenue NW
Washington, DC 20004-0001

7 US Army Human Resources Command's web page:
https://www.hrc.army.mil/TAGD/Accessing%20or%20Requesting%20Your%20Official%20Military%20Personnel%20File%20Documents
or 1-888-ARMYHRC (1-888-276-9472)

8 Navy Medicine Records Activity (NMRA)
BUMED Detachment St. Louis
4300 Goodfellow Boulevard, Building 103
St. Louis, MO 63120

9 AMEDD Record Processing Center
3370 Nacogdoches Road, Suite 116
San Antonio, TX 78217

10 Navy Personnel Command (PERS-313)
5720 Integrity Drive
Millington, TN 38055-3120

11 Department of Veterans Affairs
Records Management Center
ATTN: Release of Information
P.O. Box 5020
St. Louis, MO 63115-5020

12 Division of Commissary Corps Officer Support
ATTN: Records Officer
1101 Wooton Parkway, Plaza Level, Suite 100
Rockville, MD 20852

13 AF STR Processing Center
ATTN: Release of Information
3370 Nacogdoches Road, Suite 116
San Antonio, TX 78217

14 National Personnel Records Center
(Military Personnel Records)
1 Archives Drive
St. Louis, MO 63136-1002

eVetRecs:
http://www.archives.gov/veterans/military-service-records/
# Application for Correction of Military Record

**Title:** Application for Correction of Military Record under the provisions of Title 10, U.S. Code, Section 1552

**Instructions:** (Please read Privacy Act Statement and instructions on back BEFORE completing this application.)

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Washington Headquarters Services, Executive Services Directorate, Directives Division, 4800 Mark Center Drive, Alexandria, VA 22350-3100 (0704-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON THE BACK OF THIS PAGE.

## 1. Applicant Data
(The person whose record you are requesting to be corrected.)

<table>
<thead>
<tr>
<th>A. Branch of Service</th>
<th>Navy</th>
<th>Air Force</th>
<th>Marine Corps</th>
<th>Coast Guard</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Branch of Service (X one)</td>
<td>Army</td>
<td>Navy</td>
<td>Air Force</td>
<td>Marine Corps</td>
</tr>
<tr>
<td>b. Name</td>
<td>Print - Last, First, Middle Initial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Present or Last Pay Grade</td>
<td>d. Service Number (If applicable)</td>
<td>e. SSN</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## 2. Present Status with Respect to the Armed Services
(Active Duty, Reserve, National Guard, Retired, Discharged, Deceased)

## 3. Type of Discharge
(If by court-martial, state the type of court.)

## 4. Date of Discharge or Release from Active Duty
(YYYYMMDD)

## 5. I Request the Following Error or Injustice in the Record Be Corrected as Follows:
(Entry required)

## 6. I Believe the Record to Be in Error or Unjust for the Following Reasons:
(Entry required)

## 7. Organization and Approximate Date (YYYYMMDD) at the Time the Alleged Error or Injustice in the Record Occurred
(Entry required)

## 8. Discovery of Alleged Error or Injustice

a. Date of Discovery (YYYYMMDD)

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.

## 9. In Support of This Application, I Submit as Evidence the Following Attached Documents:
(If military documents or medical records are pertinent to your case, please send copies. If Veterans Affairs records are pertinent, give regional office location and claim number.)

## 10. I Desire to Appear Before the Board in Washington, D.C. (At no expense to the Government) (X one)

| a. Is this a request for reconsideration of a prior appeal? | Yes | No |

## 11. Counsel
(If any)

<table>
<thead>
<tr>
<th>a. Name (Last, First, Middle Initial) and Address (Include ZIP Code)</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Telephone (Include Area Code)</td>
</tr>
<tr>
<td>c. E-mail Address</td>
</tr>
<tr>
<td>d. Fax Number (Include Area Code)</td>
</tr>
<tr>
<td>e. I would like all correspondence/documents sent to me electronically.</td>
</tr>
</tbody>
</table>

## 12. Applicant Must Sign in Item 15 Below. If the record in question is that of a deceased or incompetent person, legal proof of death or incompetency must accompany the application. If the application is signed by other than the applicant, indicate and relationship by marking one box below.

<table>
<thead>
<tr>
<th>Spouse</th>
<th>Widow</th>
<th>Widower</th>
<th>Next of Kin</th>
<th>Legal Representative</th>
<th>Other (Specify)</th>
</tr>
</thead>
</table>

## 13. Complete Current Address (Include ZIP Code) of Applicant or Person in Item 12 Above
(Forward notification of all changes of address.)

<table>
<thead>
<tr>
<th>a. Complete Current Address (Include ZIP Code) of Applicant or Person in Item 12 Above</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Telephone (Include Area Code)</td>
</tr>
<tr>
<td>c. E-mail Address</td>
</tr>
<tr>
<td>d. Fax Number (Include Area Code)</td>
</tr>
</tbody>
</table>

## 14. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)

## 15. Signature
(Applicant must sign here.)

## 16. Date Signed
(YYYYMMDD)

Adobe Designer 9.0
PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1552 and E.O. 9397, as amended (SSN).

PRINCIPAL PURPOSE(S): To initiate an application for correction of military record. The form is used by Board members for review of pertinent information in making a determination of relief through correction of a military record. Completed forms are covered by correction of military records SORNs maintained by each of the Services or the Defense Finance and Accounting Service. The DoD Systems of Records Notices can be located at: http://dpclo.defense.gov/Privacy/SORNsIndex/DODSystemNotices.aspx.

ROUTINE USE(S): The DoD Blanket Routine Uses at http://dpclo.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx may apply to this collection.

DISCLOSURE: Voluntary. However, failure to provide the information not annotated as "optional" may result in a denial of your application. An applicant's SSN is used to retrieve these records and links to the member's official military personnel file and pay record.

Applicable SORNs:
Army (http://dpclo.defense.gov/Privacy/SORNsIndex/DODComponentArticleView/tabid/7489/Article/6000/a0015-185-smfmr.aspx)
Navy and Marine Corps (http://dpclo.defense.gov/Privacy/SORNsIndex/DODwideSORNArticleView/tabid/6797/Article/6510/hrm1000-1.aspx)
Air Force (http://dpclo.defense.gov/Privacy/SORNsIndex/DODwideSORNArticleView/tabid/6797/Article/5904/f036-safpc-d.aspx)
Defense Finance and Accounting Service (http://privacy.defense.gov/notices/dfas/T5015a.shtml)

INSTRUCTIONS

Under Title 10 United States Code Section 1552, Active Duty and Reserve Component Service members, Coast Guard, former Service members, their lawful or legal representatives, spouses of former Service members on issues of Survivor Benefit Program (SBP) benefits, and civilian employees with respect to military records other than those related to civilian employment, who feel that they have suffered an injustice as a result of error or injustice in military records may apply to their respective Boards for Correction of Military Records (BCMR) for a correction of their military records. These Boards are the highest level appellate review authority in the military. The information collected is needed to provide the Boards the basic data needed to process and act on the request.

1. All information should be typed or printed. Complete all applicable items. If the item is not applicable, enter "None."

2. If space is insufficient on the front of the form, use the "Remarks" box below for additional information or attach an additional sheet.

3. List all attachments and enclosures in item 9. Do not send original documents. Send clear, legible copies. Send copies of military documents and orders related to your request, if you have them available. Do not assume that they are all in your military record.

4. The applicant must exhaust all administrative remedies, such as corrective procedures and appeals provided in regulations, before applying to the Board of Corrections.

5. ITEM 5. State the specific correction of record desired. If possible, identify exactly what document or information in your record you believe to be erroneous or unjust and indicate what correction you want made to the document or information.

6. ITEM 6. In order to justify correction of a military record, it is necessary for you to show to the satisfaction of the Board by the evidence that you supply, or it must otherwise satisfactorily appear in the record, that the alleged entry or omission in the record was in error or unjust. Evidence, in addition to documents, may include affidavits or signed testimony of witnesses, executed under oath, and a brief of arguments supporting the application. All evidence not already included in your record must be submitted by you. The responsibility of securing evidence rests with you.

7. ITEM 8. U.S. Code, Title 10, Section 1552b, provides that no correction may be made unless a request is made within three years after the discovery of the error or injustice, but that the Board may excuse failure to file within three years after discovery if it finds it to be in the interest of justice.

8. ITEM 10. Personal appearance before the Board by you and your witnesses or representation by counsel is not required to ensure full and impartial consideration of your application. If the Board determines that a personal appearance is warranted and grants approval, appearance and representation are permitted before the Board at no expense to the government.

9. ITEM 11. Various veterans and service organizations furnish counsel without charge. These organizations prefer that arrangements for representation be made through local posts or chapters.

10. ITEM 12. The person whose record correction is being requested must sign the application. If that person is deceased or incompetent to sign, the application may be signed by a spouse, widow, widower, next of kin (son, daughter, mother, father, brother, or sister), or a legal representative that has been given power of attorney. Other persons may be authorized to sign for the applicant. Proof of death, incompetency, or power of attorney must accompany the application. Former spouses may apply in cases of Survivor Benefit Plan (SBP) issues.


MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW

<table>
<thead>
<tr>
<th>ARMY</th>
<th>NAVY AND MARINE CORPS</th>
<th>AIR FORCE</th>
<th>COAST GUARD</th>
</tr>
</thead>
</table>

17. REMARKS

DD FORM 149 (BACK), DEC 2014
APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

Please read Privacy Act Statement and Instructions on Pages 3 and 4 BEFORE completing this application.

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Department of Defense, Washington Headquarters Services, Executive Services Directorate, Directives Division, 4800 Mark Center Drive, Alexandria, VA 22350-3100 (0704-0004). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.

1. APPLICANT DATA (The person whose discharge is to be reviewed). PLEASE PRINT OR TYPE INFORMATION.
   a. BRANCH OF SERVICE (X one)
      - ARMY
      - MARINE CORPS
      - NAVY
      - AIR FORCE
      - COAST GUARD
   b. NAME (Last, First, Middle Initial)
   c. GRADE/RANK AT DISCHARGE
   d. SOCIAL SECURITY NUMBER
   e. CURRENT MAILING ADDRESS OF APPLICANT OR PERSON NAMED IN ITEM 11
      (Forward notification of any change in address.)
   f. TELEPHONE NUMBER (Include Area Code)
   g. E-MAIL
   h. FAX NUMBER (Include Area Code)

2. DATE OF DISCHARGE OR SEPARATION (YYYYMMDD) (If date is more than 15 years ago, submit a DD Form 149)
   a. BRANCH OF SERVICE (X one)
      - OTHER
      - UNCHARACTERIZED
      - BAD CONDUCT (Special Court-Martial only)
      - UNDER OTHER THAN HONORABLE CONDITIONS
      - GENERAL/UNDER HONORABLE CONDITIONS
      - HONORABLE

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION

4. DISCHARGE CHARACTERIZATION RECEIVED (X one)
   - CHANGE TO HONORABLE
   - CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
   - CHANGE TO UNCHARACTERIZED (Not applicable to Air Force or service members with over 6 months of service)
   - CHANGE NARRATIVE REASON FOR SEPARATION:

5. BOARD ACTION REQUESTED (X all that apply)
   - CHANGE TO HONORABLE
   - CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
   - CHANGE TO UNCHARACTERIZED (Not applicable to Air Force or service members with over 6 months of service)
   - CHANGE NARRATIVE REASON FOR SEPARATION:

6. ISSUES: WHY AN UPGRADE OR CHANGE IS REQUESTED AND JUSTIFICATION FOR THE REQUEST (Continue in Item 13. See instructions on Page 3.)

7. (X if applicable) AN APPLICATION WAS PREVIOUSLY SUBMITTED ON (YYYYMMDD) AND THIS FORM IS SUBMITTED TO ADD ADDITIONAL ISSUES, JUSTIFICATION, OR EVIDENCE.

8. IN SUPPORT OF THIS APPLICATION, THE FOLLOWING ATTACHED DOCUMENTS ARE SUBMITTED AS EVIDENCE: (Continue in Item 14. If military documents or medical records are relevant to your case, please send copies.)

9. TYPE OF REVIEW REQUESTED (X one)
   - CONDUCT A RECORD REVIEW OF MY DISCHARGE BASED ON MY MILITARY PERSONNEL FILE AND ANY ADDITIONAL DOCUMENTATION SUBMITTED BY ME.
   - I AND/OR (counsel/representative) WILL NOT APPEAR BEFORE THE BOARD.
   - I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE THE BOARD IN THE WASHINGTON, D.C. METROPOLITAN AREA.
   - I AND/OR (counsel/representative) WISH TO APPEAR AT A HEARING AT NO EXPENSE TO THE GOVERNMENT BEFORE A TRAVELING PANEL CLOSEST TO (enter city and state) (NOTE: The Naval and Coast Guard Discharge Review Boards do not have traveling panels.)

10. COUNSEL/REPRESENTATIVE (If any) NAME (Last, First, Middle Initial)
    AND ADDRESS (See Item 10 of the instructions about counsel/representative.)
    a. COUNSEL/REPRESENTATIVE
    b. TELEPHONE NUMBER (Include Area Code)
    c. E-MAIL
    d. FAX NUMBER (Include Area Code)

11. APPLICANT MUST SIGN IN ITEM 12.a. BELOW. If the record in question is that of a deceased or incompetent person, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY THE APPLICATION. If the application is signed by other than the applicant, indicate the name (print) and relationship by marking a box below.
    a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)
    b. DATE SIGNED - REQUIRED (YYYYMMDD)

12. CERTIFICATION. I make the foregoing statements, as part of my claim, with full knowledge of the penalties involved for willfully making a false statement or claim. (U.S. Code, Title 18, Sections 287 and 1001, provide that an individual shall be fined under this title or imprisoned not more than 5 years, or both.)
    a. SIGNATURE - REQUIRED (Applicant or person in Item 11 above)
    b. DATE SIGNED - REQUIRED (YYYYMMDD)

DD FORM 293, AUG 2015

PREVIOUS EDITION IS OBSOLETE.
13. CONTINUATION OF ITEM 6, ISSUES (If applicable)

14. CONTINUATION OF ITEM 8, SUPPORTING DOCUMENTS (If applicable)

15. REMARKS (If applicable)

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW.

<table>
<thead>
<tr>
<th></th>
<th>NAVY AND MARINE CORPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARMY</td>
<td>Secretary of the Navy</td>
</tr>
<tr>
<td>Army Review Boards Agency</td>
<td>Council of Review Boards</td>
</tr>
<tr>
<td>251 18th Street South</td>
<td>ATTN: Naval Discharge Review Board</td>
</tr>
<tr>
<td>Suite 385</td>
<td>720 Kennon Ave S.E., Suite 309</td>
</tr>
<tr>
<td>Arlington, VA 22202-3531</td>
<td>Washington Navy Yard, DC  20374-5023</td>
</tr>
<tr>
<td>(See <a href="http://arba.army.pentagon.mil">http://arba.army.pentagon.mil</a>)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>COAST GUARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>AIR FORCE</td>
<td>Commandant (CG-133)</td>
</tr>
<tr>
<td>Air Force Review Boards Agency</td>
<td>Attn: Office of Military Personnel</td>
</tr>
<tr>
<td>SAF/MRBR</td>
<td>US Coast Guard Stop 7907</td>
</tr>
<tr>
<td>550-C Street West, Suite 40</td>
<td>2703 Martin Luther King, Jr. Ave., S.E.</td>
</tr>
<tr>
<td>Randolph AFB, TX  78150-4742</td>
<td>Washington, DC  20593-7907</td>
</tr>
</tbody>
</table>
AUTHORITY: 10 U.S.C. 1553, Review of Discharge or Dismissal; DoD Instruction 1332.28, Discharge Review Board (DRB) Procedures and Standards; and E.O. 9397 (SSN), as amended.

PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual. The appropriate Military Service Discharge Review Board reviews submitted packages and makes determinations. Completed forms are covered by the correction of discharge review board official military records SORNs maintained by each of the Military Services. The DoD Systems of Records Notices can be located at http://dpcld.defense.gov/Privacy/SORNsIndex/DODwideSORNArticleView/tabid/6797/Article/5876/f036-af-pc-c.aspx.

ROUTINE USE(S): The DoD Blanket Routine Uses found at http://dpcld.defense.gov/Privacy/SORNsIndex/BlanketRoutineUses.aspx may apply to this collection.

DISCLOSURE: Voluntary. However, failure to provide identifying information may impede processing of this application. The SSN is used by the Military Services to ensure the correct individual’s official military personnel file is updated.

Applicable SORNs:
Discharge Review Board Records:
Army (http://dpcld.defense.gov/Privacy/SORNsIndex/DODwideSORNArticleView/tabid/6797/Article/6000/a0015-185-sfmr.aspx)
Navy/Marine Corps (http://dpcld.defense.gov/Privacy/SORNsIndex/DODwideSORNArticleView/tabid/6797/Article/6510/nm01000-1.aspx)
Air Force (http://dpcld.defense.gov/Privacy/SORNsIndex/tabid/5915/Article/5899/f036-safcb-a.aspx)

Official Military Personnel Files:
Army (http://dpcld.defense.gov/Privacy/SORNsIndex/DODwideSORNArticleView/tabid/6797/Article/6131/a0600-8-104-ahrc.aspx)
Navy (http://dpcld.defense.gov/Privacy/SORNsIndex/DODwideSORNArticleView/tabid/6797/Article/6405/m01070-3.aspx)
Marine Corps (http://dpcld.defense.gov/Privacy/SORNsIndex/DODComponentArticleView/tabid/7489/Article/6775/m01070-6.aspx)
Air Force (http://dpcld.defense.gov/Privacy/SORNsIndex/DODComponentArticleView/tabid/6797/Article/5876/f036-af-pc-c.aspx)

REQUESTING COPIES OF YOUR OFFICIAL MILITARY PERSONNEL FILE
Information on how to obtain military or health records is available at the National Personnel Records Center website at www.nara.gov/regional/mpr.html or at your local Veterans Administration office.

Applicants are strongly encouraged to submit any request for their military records prior to applying for a discharge review rather than after submitting a DD Form 293 in order to avoid substantial delays in processing of the application and scheduling of review. Applicants and their counsel may also examine their military personnel records at the site of their scheduled review prior to the review. The Board shall notify applicants of the date of availability of the records for examination in their standard scheduling information.

Submission of a request for an applicant's military records (including a request pursuant to the Freedom of Information Act or Privacy Act) after the DD Form 293 has been submitted will automatically result in the suspension of processing of the application for discharge review until the requested records are sent to an appropriate location for copying, are copied, and are returned to the possession of the headquarters of the Discharge Review Board. Processing of the application shall then be resumed at whatever stage of the discharge review process is practicable.

DD FORM 293 - PLEASE PRINT OR TYPE INFORMATION. (Items on the form are self-explanatory unless otherwise noted below.)

ITEM 1b. Use the name which you served under while in the Armed Forces. If your name has since changed, then also include your current name after adding the abbreviation "AKA". If the former member is deceased or incompetent, see Item 11.

ITEM 1e. Indicate the address to be used for all future correspondence regarding this application. If you change this address while this application is pending, you must notify the Discharge Review Board immediately. Failure to attend a hearing as a result of an unreported change in address may result in a waiver of your right to a hearing.

ITEM 2. If you received more than one discharge, the information in this item should refer to the discharge that you want changed. Discharge Review Boards cannot consider any type of discharge resulting from a sentence given by a general court-martial.

ITEM 3. If the discharge you want reviewed was issued over 15 years ago, instead of applying on a DD Form 293, you must petition the appropriate Board for Correction of Military Record using DD Form 149, Application for Correction of Military Record Under the Provisions of Title 10, U.S. Code, Section 1552.

ITEM 5. If you request a change of narrative reason for separation, you must list the specific reason for discharge that you believe to be appropriate, otherwise the Board will presume that you do not want a change in reason for discharge. If you do not request a change of discharge characterization in this item, the Board will presume you want to change discharge to Honorable.

If you were separated on or after 1 October 1982 while in an entry level status with an under other than honorable conditions discharge and less than 180 days of active service, you can request a change of discharge characterization to "Uncharacterized" and discharge reason to "Entry Level Separation".

ITEM 6. "Issues" are the reasons why you think your discharge should be changed. You are not required to submit any issues with your application. However, if you want the Board to respond in writing to the issues of concern, you must list your specific issues in accordance with those instructions and regulations governing the Board. Issues must be stated clearly and specifically. Your issues should address the reasons why you believe that the discharge received was improper or inequitable. It is important to focus on matters that occurred while you served in the Armed Forces.

The following examples demonstrate one way in which issues may be stated (the example issues do not indicate, in any way, the only type of issues that should be submitted to the Board):

Example 1. My discharge was inequitable because it was based on one isolated incident in 28 months of service with no other adverse action.
INSTRUCTIONS FOR COMPLETION OF DD FORM 293 (Continued)

ITEM 6. ISSUES (Continued)

Example 2. The discharge is improper because the applicant's previous service civilian conviction, properly listed on his enlistment documents, was used in the discharge proceedings.

In Item 6 list each of your issues that you want the Board to address. There is no limit to the number of issues that you may submit. If you need additional space, continue in Item 14 or on a plain sheet of paper and attach it to this application.

NOTE: If an issue is not listed in Item 6, it may result in the Board not addressing the issue even if the issue is discussed in a legal brief or other written submissions or at the hearing. Changes or additions to the list may be made on the DD Form 293 anytime before the Discharge Review Board closes the review process for deliberation. Please be sure that your issues are consistent with the Board Action Requested (Item 5). If there is a conflict between what you say in your issues and what you requested in Item 5, the Board will respond to your issue in the context of the action requested in Item 5. For example, if you request a General Discharge in Item 5 but your issue in Item 6 indicated you want an Honorable Discharge, the Board will respond to the issue in terms of your request for a General Discharge. Therefore, if you are submitting issues for the purpose of obtaining an Honorable Discharge, be sure to mark the box for an Honorable Discharge in Item 5.

Incorporation by Reference. Issues that are listed on a legal brief or other written submissions may be incorporated by reference in Item 6. The reference must be specific enough for the Board to clearly identify the matter being submitted as an issue. At a minimum, it shall identify the page, paragraph, and sentence incorporated.

Example: Issue 1. Brief, page 2, paragraph 1, sentences one and two.

Applicants should be as specific as possible with all references so the Board can clearly distinguish the scope of the issue. Because it is to your benefit to bring such issues to the Board's attention as early as possible in the review, if you submit a brief, you are strongly urged to set forth all such issues as a separate item at the beginning of the brief.

ITEM 8. Evidence not in your official records should be submitted to the Board before the review date. It is to your advantage to submit such documentation with this application. This also applies to legal briefs or counsel submissions. However, you have the right to submit evidence until the time the Discharge Review Board closes the review process for deliberation. Documents that are of the most benefit are those which substantiate or relate directly to your issues in Item 6. Other documents that may be helpful are character references, criminal, credit and employment reports, educational achievements, exemplary post-service conduct, and medical reports. You should add your name and Social Security Number to each document submitted. The Board will consider all documents submitted in your behalf, but will respond in writing only to those issues set forth in Item 6.

ITEM 9. TYPE OF REVIEW REQUESTED (Continued)

2. Hearing. You may appear personally (alone or assisted by a representative/counsel) before the Board in the Washington, D.C. Metro Area or before a Traveling Panel of the Board in selected locations throughout the U.S., if appropriate. The Department of Defense is not responsible for, nor will it pay for, any costs incurred by the applicant or representative/counsel for appearance or providing testimony or documentation. Detailed notification and/or scheduling information for all personal appearances will be provided after the application has been processed. In addition, without appearing yourself, you may have your case presented by a representative/counsel of your choice. NOTE: The Naval and Coast Guard Discharge Review Boards do not have traveling panels.

Applicants participating in a personal appearance or hearing examination may make sworn or unsworn statements, introduce witnesses, documents, or other information on their behalf. Applicants may make oral or written arguments personally and/or through representative/counsel. Applicants and witnesses who present sworn or unsworn statements may be questioned by the Board.

FAILURE TO APPEAR AT A HEARING OR RESPOND TO A SCHEDULING NOTICE. If you do not appear at a scheduled hearing or respond as required to a scheduling notice, and you did not make a prior, timely request for a continuance, postponement, or withdrawal of the application, you will forfeit the right to a personal appearance and the Board shall complete its review of the discharge based upon the evidence of record.

ITEM 10.a - d. Omit if you do not have a representative/counsel. If you later obtain the services of either, inform the Board immediately.

The military services do not provide counsel representation or evidence for you, nor do they pay the cost of such representation under any circumstance. The following organizations regularly furnish representation at no charge to you. Representatives may or may not be lawyers.

1. American Legion
2. Disabled American Veterans
3. State or Regional Veterans Offices

In addition, there are other organizations willing to assist you in completing this application and to provide representation at no cost. It is to your advantage to coordinate with your counsel prior to submitting this application. This will insure that your counsel is able to appear at the location you listed in Item 9. Please note that some of the organizations listed above only represent applicants who appear before the Board in the Washington, D.C. Metro Area. Contact your local veterans affairs office, Veterans Administration Office or veterans service organization for further information.

ITEM 11. If the former member is deceased or incompetent, the application may be submitted by the next of kin, a surviving spouse or a legal representative. Legal proof of death or incompetency and satisfactory evidence of the relationship to the former member must accompany this application.

ITEM 12.a. and b. A signature and date entered by the applicant or person identified in Item 11 are required.
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder

Recent attention has been focused upon the petitions of Vietnam veterans to Military Department Boards for Correction of Military/Naval Records (BCM/NR) for the purposes of upgrading their discharges based on claims of previously unrecognized Post Traumatic Stress Disorder (PTSD). In these cases, PTSD was not recognized as a diagnosis at the time of service and, in many cases, diagnoses were not made until decades after service was completed. To help ensure consistency across the Services, this memorandum provides supplemental policy guidance for BCMR/NRs on these applications.

BCM/NRs will fully and carefully consider every petition based on PTSD brought by each veteran. This includes a comprehensive review of all materials and evidence provided by the petitioner. Quite often, however, the records of Service members who served before PTSD was recognized, including those who served in the Vietnam theater, do not contain substantive information concerning medical conditions in either Service treatment records or personnel records. It has therefore been extremely difficult to document conditions that form a basis for mitigation in punitive, administrative, or other legal actions or to establish a nexus between PTSD and the misconduct underlying the Service member's discharge with a characterization of service of under other than honorable conditions.

BCM/NRs are not courts, nor are they investigative agencies. To assist the BCM/NRs in the review of records and to ensure fidelity of the review protocol in these cases, the supplemental policy guidance which details medical considerations, mitigating factors, and procedures for review is provided (Attachment). This guidance is not intended to interfere with or impede the Boards' statutory independence to correct errors or remove injustices through the correction of military records.

This policy guidance, which is intended to ease the application process for veterans who are seeking redress and assist the Boards in reaching fair and consistent results in these difficult cases, shall be accompanied by a public messaging campaign by the Services throughout 2014 and 2015 that is targeted toward veterans groups and leverages existing relationships with the Department of Veterans Affairs.
Military Department Secretaries shall direct immediate implementation of this guidance and report on compliance with this guidance within 45 days.

Thank you.

Attachment:
As stated

cc:
Chairman of the Joint Chiefs of Staff
Under Secretary of Defense for Personnel and Readiness
General Counsel of the Department of Defense
Assistant Secretary of Defense for Legislative Affairs
Assistant to the Secretary of Defense for Public Affairs
Attachment

Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder

Medical Guidance

Liberal consideration will be given in petitions for changes in characterization of service to Service treatment record entries which document one or more symptoms which meet the diagnostic criteria of Post-Traumatic Stress Disorder (PTSD) or related conditions.

Special consideration will be given to Department of Veterans Affairs (VA) determinations which document PTSD or PTSD-related conditions connected to military service.

In cases where Service records or any document from the period of service substantiate the existence of one or more symptoms of what is now recognized as PTSD or a PTSD-related condition during the time of service, liberal consideration will be given to finding that PTSD existed at the time of service.

Liberal consideration will also be given in cases where civilian providers confer diagnoses of PTSD or PTSD-related conditions, when case records contain narratives that support symptomatology at the time of service, or when any other evidence which may reasonably indicate that PTSD or a PTSD-related disorder existed at the time of discharge which might have mitigated the misconduct that caused the under other than honorable conditions characterization of service.

This guidance is not applicable to cases involving pre-existing conditions which are determined not to have been incurred or aggravated while in military service.

Consideration of Mitigating Factors

Conditions documented in the record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge.

In cases in which PTSD or PTSD-related conditions may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the under other than honorable conditions characterization of service.

Corrections Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a characterization of service of under other than
honorable conditions. Potentially mitigating evidence of the existence of undiagnosed combat-related PTSD or PTSD-related conditions as a causative factor in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct.

PTSD is not a likely cause of premeditated misconduct. Corrections Boards will also exercise caution in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

**Procedures**

1. Time limits to reconsider decisions will be liberally waived for applications covered by this guidance.
2. Cases covered by this guidance will receive timely consideration, consistent with statutory timeliness standards.
3. Boards for Correction of Military Records (BCMRs) may obtain advisory opinions from Department of Defense mental health care professionals or otherwise use Department of Defense mental health care professionals or physicians in their consideration of cases to advise them on assessing the presence of PTSD and its potentially mitigating effects relating to the misconduct that formed the basis for the under other than honorable characterization of service.
4. The outreach and messaging plan conditions executed by the Military Departments will include detailed information on the BCMR’s guidelines and procedures for handling these cases.
While some of our Veterans need assistance with military discharge upgrades there are many other civil matters in which this special part of our population benefits from the help of the private bar.

For more information on how you can provide pro bono civil legal assistance to Kentucky Veterans living in poverty contact the Volunteer Lawyers for Veterans (VLV) Program contact us via email or phone:

Veterans@laslou.org
1-844-268-0838, ext. 2