A Discharge Upgrade, or Correction of Military Records, is an administrative law proceeding within the Department of Defense where a military Board may change military records, such as the character of service. Each branch of the military has two types of Boards that can correct military records. Where you should apply depends on your branch of service, date of discharge, and the type of change(s) you want to be made to your military record.

Discharge Review Board (DRB)

Powers:

A Discharge Review Board has the power to upgrade the character of discharge and change the reason for a discharge (except to or from a disability discharge). DRB’s are only able to upgrade discharges resulting from special court-martials, not general court martials.

Deadline:

You have 15 years from the date of your discharge to apply to a Discharge Review Board.

Form:

DD-293, Application for the Review of Discharge

Board of Corrections for Military Records (BCMR)

Powers:

A Board of Correction for Military Records has broader powers, including upgrading the character of discharge, change narrative reason for separation, change reenlistment codes, fix mistakes, and add or remove notes of medical retirement. BCMRâ??s are able to upgrade discharges resulting from special court- martials and general court martials.BCMRâ??s can also review a denial from the DRB.

Deadline:

You must apply within 3 years of discovering the â??error or injusticeâ? that you are asking the Board to fix. However, this deadline can be waived â??in the interests of justice.â? Examples of arguments that can be made to waive this deadline can be homelessness, economic hardship, PTSD and PTSD-related conditions, or simply lack of knowledge about your eligibility to apply.

Form:

DD-149, Application for Correction of Military Record

Branch	DRB	BCMR
Air Force	Air Force Discharge Review Board	Air Force Board of Correction of Military Records
Army	Army Discharge Review Board	Army Board of Correction of Military Records
Coast Guard	Coast Guard Discharge Review Board	Board of Correction of Military Records of the Coast Guard
Navy & Marine Corps	Naval Discharge Review Board	Board of Correction of Naval Records

Legal Standards

A Discharge Review Board considers whether a discharge is proper (legality) and equitable (fairness).

A Board of Correction for Military Records considers whether a discharge upgrade is necessary to correct error (legality) or injustice (fairness).

Essentially, the DRBs and BCMR’s use the same standards when reviewing a discharge upgrade application.

We investigate a former service-member’s case for legality through review of military records and military regulations to determine if the military followed its rules when he or she was discharged.

We investigate cases for fairness by investigating whether the discharge was fair considering the regulations that were in effect at the time of your discharge and those in effect today.

Department of Defense Guidance

The Department of Defense has issued memos explaining the rules for how Discharge Review Boards and Boards of Correction for Military Records must review applications for discharge upgrade.

Under the Kurta Memo, Boards must provide liberal consideration (or sympathetic review of) discharge upgrade applications based on mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. The Boards ask the following questions when considering discharge upgrades in these circumstances:

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?
2. Did that condition exist/experience occur during military service?
3. Does that condition or experience actually excuse or mitigate the discharge?
4. Does that condition or experience outweigh the discharge?

The Wilkie Memo provides a standard approach that Boards should use when evaluating equity, and clemency. It spells out factors for weighing the mitigating value of in-service proficiency, conduct, and achievements, how changes in policy can provide grounds for relief, and how to balance the changing concepts of severity of misconduct over time against mitigating evidence (i.e. marijuana use and homosexuality). The Wilkie Memo includes a long list of post-service conduct and achievements as criteria boards should consider when considering a discharge upgrade application.

Clemency

Punitive discharges, including Bad Conduct and Dishonorable discharges, can only be upgraded through an act of clemency. You must submit evidence, as listed in the Wilkie memo, demonstrating good cause for granting a higher characterization of service. Although the Boards have the power to upgrade discharges resulting from court-martials, this does not expunge the original criminal court conviction.

Submitting Your Application

Application Form (DD-293 or DD-149)

You may request a records review or personal appearance hearing.At the DRB, you may first request a Documentary Review and then a Personal Appearance if still within the statute of limitations. At the BCNR, you should select one option as there is not a right to a personal appearance hearing after a denial at records review.

Note what you want changed! To change the narrative reason for separation, you must specifically request it and specify what you would like the narrative reason for separation be changed to. Please note that your requested narrative reason for separation must be currently in use by the military branch.

Mailing addresses and websites for submitting your application are located on the final page of each application.

DD2-14, Certificate of Release or Discharge from Active Duty

Personal Statement explaining your military service and reasons for a discharge upgrade. This statement should address the misconduct and accept responsibility, if relevant. Emphasize mitigating factors and your rehabilitation post-service.

Statements from fellow service-members, friends, and family endorsing your service-experience or providing a character reference.

Military Records including discharge documentation, punishments, counselling's, deployments, evaluations, and awards.

Medical Records including service treatment records showing an in-service mental health condition or current medical records showing a mental health condition that is related to service.

VA Disability Decisions demonstrating a service-connected disability.

Positive Post-Service Achievements, including education, job history, philanthropy, and other evidence of rehabilitation.