MODULE #18 DISCHARGE REVIEWS; CORRECTION OF MILITARY RECORDS				
DATE STARTED:	LOCATION:			
SERVICE OFFICER/TRAINEE SIGNATURE:				
TRAINER SIGNATURE:				
DATE COMPLETED				
I. Please rate the effectiveness of this training module.				
Objective		**Acceptable**	**Marginal**	**Unacceptable**
Acquire knowledge to assist with an upgrade in character of discharge or a correction of the military record.	Objective Achieved			
	Applied objective content through practical exercises			
	Effectiveness of teaching methods used			
Objective				
Discharge review Board: 1) Extent to which VA is bound by upgrade. Timelines for discharge review.	Objective Achieved			
	Applied objective content through practical exercises			
	Effectiveness of teaching methods used			
Objective				
Board for the Correction of Military Records: 1) Extent that VA is bound by upgrade by the Board of Correction. 2) Time restraints on submission of 149 and means of waiver of time restrictions.	Objective Achieved			
	Applied objective content through practical exercises			
	Effectiveness of teaching methods used			
Objective				
	Objective Achieved			
	Applied objective content through practical exercises			
	Effectiveness of teaching methods used			
Objective				
	Objective Achieved			
	Applied objective content through practical exercises			
	Effectiveness of teaching methods used			
Objective				
	Objective achieved			
	Applied objective content through practical exercises			
	Effectiveness of teaching methods used			
Objective				
	Objective achieved			
	Applied objective content through practical exercises			
	Effectiveness of teaching methods used			

MODULE # 18 CONTINUED

Objective		Acceptable	Marginal	Unacceptable
	Objective Achieved			
	Applied objective content through practical exercises			
	Effectiveness of methods used			
Objective				
	Objective Achieved			
	Applied objective content through practical exercises			
	Effectiveness of methods used			
Objective				
	Objective Achieved			
	Applied objective content through practical exercises			
	Effectiveness of methods used			

SUBJECTIVE EVALUATION

	Good	Fair	Poor
1. Please rate the extent to which you met your personal objective for this module			
2. Rate the information provided in the Training Manual & other reference materials			
3. Please evaluate the physical environment where the training was held.			

4. Is there anything that we could have done to make this training better for you? (Please comment)

Training Module 18

DISCHARGE REVIEWS; CORRECTION of MILITARY RECORDS

Objective: To learn how to assist a claimant request a change or upgrade in the character of his or her discharge from service, as well as how to request other corrections of the military record when necessary.

References:

38 Code of Federal Regulations §§ 3.12, 3.360, 17.47.
VA Pamphlet: Federal Benefits for Veterans & Dependents
Department of Defense Directive 1332.28 "Discharge Review Board Procedures and Standards" August 11, 1982

Instructions: Study the assigned reference materials to learn the procedures for requesting review or correction of a claimant's discharge or other military records.

Summary:

Except as provided by 38 CFR §§ 3.360 and 17.47(a)(2) for health care benefits, eligibility for VA benefits in general requires that the claimant or person on whose service the claim is based have been discharged from service under honorable conditions. With certain exceptions, an honorable discharge or a general discharge under honorable conditions is binding upon VA for all benefits purposes. If the discharge was less than honorable, VA will determine if the discharge was under other than dishonorable conditions so long as it was not issued for any of the reasons constituting a statutory bar to benefits, such as a discharge or dismissal by reason of sentence of a general court-martial, or a resignation of an officer for the good of the service, etc. If VA determines that the discharge was issued under other than dishonorable conditions, the claimant is eligible to proceed with his or her claim for benefits. Otherwise, the claim(s) must be denied.

Persons whose discharge from service was under other than honorable conditions may instead choose to apply for a review of the discharge by the Service Department. This may be either by a **Discharge Review Board** or by a **Board for Correction of Military Records**. Each is briefly described below.

I. Discharge Review Boards:

Each of the Armed Forces has established a Discharge Review Board under the provisions of 10 U.S. Code, Section 1553, to review upon application the nature and type of discharge issued in a particular case. The Board is empowered to determine whether the discharge or dismissal in an individual case should be changed, corrected, or modified under reasonable standards of regulations and discipline for that branch of service. The Board does not have the authority to reinstate the applicant to service, nor can the Board change reenlistment codes to permit the applicant to return to service. In addition, if the other than honorable discharge was based on having been AWOL for more than 180 days, a re-characterized discharge by the Discharge Review Board is not necessarily binding upon VA; in such cases, VA must still determine whether there were compelling reasons for the person's absence from duty.

A request for review of a discharge is made by submitting **DD Form 293, Application for Review of Discharge or Dismissal from the Armed Forces of the United States,** to the appropriate discharge review board, at the address listed on the form. The applicant must specify what change or re-characterization is required, and why it is necessary. Supporting documentation, including statements from witnesses, may be submitted either with the application or at any time up to the time the Board meets to consider the application.

The application must be filed not later than 15 years after the discharge or dismissal from service; this time limit may not be waived. If more than 15 years have elapsed since discharge or dismissal, the applicant must file DD Form 149, Application for Correction of Military Record Under Provisions of Title 10, U.S.C., Section 1552, with the appropriate Board for Correction of Military Records, as described below.

Discharge Review Boards conduct hearings for applicants to personally plead their cases and provide additional evidence, if desired. All of the Boards hold hearings in Washington, D.C. In addition, the Army and the Air Force have traveling review boards, which conduct personal hearings in various cities in each state. The Navy and Marine Corps Boards conduct personal hearings outside Washington, D.C. only in Arlington, Virginia; Dallas, Texas; Chicago, Illinois; and San Francisco, California. Applicants are entitled to representation of their choice, including representation by a veterans service organization.

II. Boards for the Correction of Military Records:

The Secretary of each of the military services is authorized under 10 U.S. Code, Section 1552, to establish a board to correct any military record, for the purpose of correcting an error in the record or to correct an injustice. Correction of a military record may include review of a discharge that was directed by a court-martial. A re-characterization of a discharge by a Board for Correction of Military Records as "honorable" or "general under honorable conditions" is final and binding on VA for all veterans' benefits purposes. To apply for correction of a military record, **DD Form 149, Application for Correction of Military Record** Under Provisions of Title 10, U.S.C., Section 1552, must be filed with the Board at the address listed on the form. All supporting documentation, including statements from witnesses, briefs of arguments, or any other evidence, must accompany the application as a complete package. The Board will not accept any additional evidence filed subsequently, except under the most extraordinary circumstances.

The application may be filed by the veteran or former service member, his or her survivors, or a legal representative. The time limit for filing is three years after the discovery of the alleged error or injustice; however, this time limit may be waived or excused if the Board finds that it would be in the interests of justice to do so. It is the applicant's responsibility to explain why the application should be considered despite the delay, and to show why the alleged entry in, or omission from, the record was erroneous or unjust.

Boards for Correction of Military Records do not normally hold personal hearings for the applicants. The Board will review the evidence and documentation submitted and will determine if a hearing would be necessary or appropriate, and if so, notify the applicant accordingly. All hearings before Boards for Correction of Military Records are conducted in Washington, D.C.

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III. Military Records

Veterans are routinely advised at separation from military service to have a copy of their discharge recorded at the County Register of Deeds in their permanent residence. However, many veterans fail to record the discharge, may have lost it, or it may have been destroyed. Veterans (or next of kin if the veteran is deceased) can apply for copies of service member records stored at the National Archives – National Personnel Record Center (NPRC) in St. Louis, Mo. by using a Standard Form 180 (SF 180). Under certain circumstances it may be necessary to complete additional National Archive forms in order to provide research staff with detailed information needed to reconstruct or verify military records. This is especially true for those veterans whose records were damaged or destroyed in a fire at the Archives facility in 1973. The records stored in the area which suffered the most damage in the fire are those of Army veterans discharged or deceased between 11-1-1912 and 12-31-1959; and Air Force veterans discharged, deceased, or retired before 1-1-1964, whose names come alphabetically after Hubbard (James E.).

In some instances the NPRC staff is able to verify sufficient service information from a variety of Government sources to create a "Certificate of Military Service" in lieu of a damaged or destroyed discharge. This document may state the veteran's name, rank, Service number, dates of service, branch of service, and will have a raised seal of Authenticity affixed to it. It has the same legal status as the original discharge and can be used for the same purposes. Do not confuse this document with the DD Form 256 "Certificate of Honorable Discharge" that is suitable for framing.

The Department of Defense began issuing DD Form 214 "DOD Armed Forces report of Transfer or Discharge" to active duty & active reserve service members on 1-1-1950. Prior to this date, each branch of service issued its own version of a discharge document.

The Army issued a W.D.A.G.O. Form 55 "Honorable Discharge from the Army of the United States" to those personnel separated before September 1944, W.D.A.G.O. Form 53-55 "Enlisted Record – Report of Separation Honorable Discharge" to personnel separated between September 1944 and 1-1-1950.

The Air Force issued Army W.D.A.G.O. Form 53 "Enlisted Record – Report of Separation Honorable Discharge" to its personnel that separated between 1947 and 1949.

The Navy issued NAVPERS-553 "Notice of Separation from U.S. Naval Service" to its personnel that separated between September 1944 and 12-31-1949 (also issued to members of Coast Guard who served during WWII).

The Marine Corps issued NAVMO 78-PD "Report of Separation from U.S. Marine Corps" to its personnel that separated prior to 1-1-1950.

Veterans of the National Guard can obtain copies of their service records for Federal active duty from the NPRC. Most National Guard service is non-active duty for training purposes and will not be recorded with NPRC. Instead, veterans of the National Guard must obtain copies of their records from the State Government Adjutant General's office in the State Capitol. These requests can be in the form of a personal letter or on the appropriate application form if one is available. The National Guard Bureau issues a NGB Form 22 "Report of Separation and

Record of Service" that contains similar information regarding the member's service as the DD 214 does for active duty service members.

Certain members of the Merchant Marine service may also be granted veteran status for VA benefits. These veterans may need to obtain official certification of their wartime service from the U.S. Coast Guard. There are also numerous organizations that have been granted veteran status for obtaining possible VA benefits such as: Women's Army Corps, Women's Army Air Forces, Women's Army Auxiliary Corps, etc. Filing a DD Form 2168 "Application for Discharge of Member or Survivor of Member of Group Certified to Have Performed Active Duty with the Armed Forces of the United States" with the appropriate branch of service (including the Coast Guard for wartime Merchant Marine veterans) will result in a DD Form 214 being issued for any verifiable service.

Note: The VA maintains it own archive facility for claimant's records that are no longer being used. It is not uncommon for a veteran's service medical & dental records to be in this archive if the VA ever requested the originals from the NPRC. File a VA Form 21-4138 to the local VA Regional Office requesting copies of the appropriate documents.

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Review Questions: Discharge Reviews and Correction of Military Records

Using the assigned references and reading materials, answer the following questions:

1. When applying to a Discharge Review Board you must use what form? 18-2

   a. 21-526
   b. 21-4138
   c. 21-22
   d. DD Form 293

2. Which VA benefit may be authorized even if the person's discharge from service was under other than honorable conditions, so long as it was not a bad conduct discharge or for one of the reasons constituting a statutory bar? 18-1

   a. Vocational Rehabilitation
   b. Health care for a service-related disability
   c. Burial allowance, including plot/interment allowance
   d. None

3. The absolute time limit for application to a Discharge Review Board for upgrading the character of a discharge is: 18-2

   a. Five (5) years after discharge from service.
   b. Ten (10) years after discharge from service.
   c. Fifteen (15) years after discharge from service.
   d. There is no time limit for application to review the character of discharge from service.

4. Even if the Discharge Review Board upgrades the character of a discharge to "General, under honorable conditions," this is not necessarily binding upon VA in all cases. 18-2

   a. True
   b. False

5. Can a Discharge Review Board order that an applicant be allowed to re-enter service? 18-2
   a. Yes
   c. No

6. If other than honorable discharge is based upon having been absence without leave (AWOL) for more than 180 days, a re-characterized discharge by the discharge review board is not necessarilily binding upon the VA; in such cases, VA must still determine whether there were compelling reasons for the person's absence from duty. 18-2
   a. True
   b. False

7. Application for correction of a military record must ordinarily be made not later than three years after the claimed error in the record is discovered. Can this time limit be waived?18-2

   a. Yes
   b. No

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8. On application, a Board for Correction of Military Records will schedule a personal hearing for the applicant to personally plead his or her case. 18-3

   a. True
   b. False

9. All evidence and documentation in support of an application for correction of a military record, including statements from witnesses and briefs of arguments, must be submitted accompanying the application, or the Board for Correction of Military Records will not accept it. 18-3

   a. True
   b. False

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FORMS

DD Form 293 – Application for Review of Discharge

DD Form 149 – Application for Correction to Military Records

DD Form 2168 – Application for Discharge or Member or Survivor of Member of Group Certified Have Performed Active Duty With The Armed Forces of the United States.

Standard Form 180 – Request Pertaining to Military Records

National Archives Form 13042 (Rev. 10-87) – Request for Information Needed to Locate Medical Records

National Archives Form 13055 (Rev. 1-90) – Request for Information Needed to Reconstruct Medical Data

National Archives Form 13075 (Rev. 10-98) – Questionnaire About Military Service

APPLICATION FOR THE REVIEW OF DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES

(Please read instructions on Pages 3 and 4 BEFORE completing this application.)

OMB No. 0704-0004
OMB approval expires Oct 31, 2009

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, Executive Services Directorate (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 ORGANIZATION. RETURN COMPLETED FORM TO THE APPROPRIATE ADDRESS ON BACK OF THIS PAGE.**

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1553; E.O. 9397.
PRINCIPAL PURPOSE(S): To apply for a change in the characterization or reason for military discharge issued to an individual.
ROUTINE USE(S): None.
DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security Number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA *(The person whose discharge is to be reviewed).* **PLEASE PRINT OR TYPE INFORMATION.**

a. BRANCH OF SERVICE *(X one)*	X	ARMY		MARINE CORPS		NAVY		AIR FORCE		COAST GUARD

b. NAME *(Last, First, Middle Initial)*	c. GRADE/RANK AT DISCHARGE	d. SOCIAL SECURITY NUMBER
Doe, John, E.		123-45-6789

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)*
100 Veteran Avenue Raleigh, NC 27999	(919) 777-1234
	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)*
2004/12/30

3. UNIT AND LOCATION AT DISCHARGE OR SEPARATION
82nd Airborne, Ft. Bragg, NC

4. DISCHARGE CHARACTERIZATION RECEIVED *(X one)*		5. BOARD ACTION REQUESTED *(X one)*	
	HONORABLE	X	CHANGE TO HONORABLE
X	GENERAL/UNDER HONORABLE CONDITIONS		CHANGE TO GENERAL/UNDER HONORABLE CONDITIONS
	UNDER OTHER THAN HONORABLE CONDITIONS		CHANGE TO UNCHARACTERIZED *(Not applicable for Air Force)*
	BAD CONDUCT *(Special court-martial only)*		CHANGE NARRATIVE REASON FOR SEPARATION:
	UNCHARACTERIZED		
	OTHER *(Explain)*		

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.
X	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 Navy Discharge Review Board does not have a traveling panel.)*

10.a. COUNSEL/REPRESENTATIVE *(If any)* NAME *(Last, First, Middle Initial)* AND ADDRESS *(See Item 10 of the instructions about 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.**

[ ] SPOUSE [ ] WIDOW [ ] WIDOWER [ ] NEXT OF KIN [ ] LEGAL REPRESENTATIVE [ ] OTHER *(Specify)*

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)*
John E. Doe	2009/04/15

CASE NUMBER *(Do not write in this space.)*

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.

ARMY	NAVY AND MARINE CORPS
Army Review Boards Agency Support Division, St. Louis 9700 Page Avenue St. Louis, MO 63132-5200 (See http://arba.army.pentagon.mil)	Naval Council of Personnel Boards 720 Kennon Street, S.E. Room 309 (NDRB) Washington Navy Yard, DC 20374-5023
AIR FORCE	**COAST GUARD**
Air Force Review Boards Agency SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	U.S. Coast Guard Commandant (CG-122) 2100 Second Street, S.W. Room 5500 Washington, DC 20593

INSTRUCTIONS FOR COMPLETION OF DD FORM 293

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.

Example 2. The discharge is improper because the applicant's pre-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, 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

A Discharge Review is conducted in two basic ways:
(1) Records Review or (2) Hearing.

1. Records Review. You may have the Board conduct a discharge review based solely on military records and any additional documentation that you provide. This review is conducted without personal appearance by you and/or your counsel appearing.

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.

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. Veterans of Foreign Wars
4. 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.

APPLICATION FOR CORRECTION OF MILITARY RECORD UNDER THE PROVISIONS OF TITLE 10, U.S. CODE, SECTION 1552

(Please read instructions on reverse side BEFORE completing this application.)

OMB No. 0704-0003
OMB approval expires Jun 30, 2009

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, Executive Services Directorate, Information Management Division, 1155 Defense Pentagon, Washington, DC 20301-1155 (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.

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 US Code 1552, EO 9397.

PRINCIPAL PURPOSE: 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.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide identifying information may impede processing of this application. The request for Social Security number is strictly to assure proper identification of the individual and appropriate records.

1. APPLICANT DATA *(The person whose record you are requesting to be corrected.)*

a. BRANCH OF SERVICE *(X one)*	X ARMY	NAVY	AIR FORCE	MARINE CORPS	COAST GUARD

b. NAME *(Print - Last, First, Middle Initial)*	c. PRESENT OR LAST PAY GRADE	d. SERVICE NUMBER *(If applicable)*	e. SSN
Doe, John E.	Pfc	123-45-6789	123-45-6789

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)*
Discharged	Honorable	2004/12/30

5. I REQUEST THE FOLLOWING ERROR OR INJUSTICE IN THE RECORD BE CORRECTED: *(Entry required)*

DD Form does not show my CIB earned during OIF.

6. I BELIEVE THE RECORD TO BE IN ERROR OR UNJUST FOR THE FOLLOWING REASONS: *(Entry required)*

I served OIF from 10/15/2002 to 04/15/2004 with the 82nd Airborne. I have made two jumps into hostile fire.

7. ORGANIZATION AND APPROXIMATE DATE *(YYYYMMDD)* **AT THE TIME THE ALLEGED ERROR OR INJUSTICE IN THE RECORD OCCURRED** *(Entry required)* 82nd Airborne, OIF, 10/15/2002 to 04/15/2004

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.
2009/04/15	

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.)*

Deployment Orders to OIF.

10. I DESIRE TO APPEAR BEFORE THE BOARD IN WASHINGTON, D.C. *(At no expense to the Government) (X one)*	YES. THE BOARD WILL DETERMINE IF WARRANTED.	X	NO. CONSIDER MY APPLICATION BASED ON RECORDS AND EVIDENCE.

11.a. COUNSEL *(If any)* NAME *(Last, First, Middle Initial)* and ADDRESS *(Include ZIP Code)*	b. TELEPHONE *(Include Area Code)*
	c. E-MAIL ADDRESS
	d. FAX NUMBER *(Include Area Code)*

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 the name *(print)* _____ **and relationship by marking one box below.**

☐ SPOUSE ☐ WIDOW ☐ WIDOWER ☐ NEXT OF KIN ☐ LEGAL REPRESENTATIVE ☐ OTHER *(Specify)*

13.a. COMPLETE CURRENT ADDRESS *(Include ZIP Code)* OF APPLICANT OR PERSON IN ITEM 12 ABOVE *(Forward notification of all changes of address.)*	b. TELEPHONE *(Include Area Code)* (919)777-1234
100 Veteran Avenue Raleigh, NC 27999	c. E-MAIL ADDRESS
	d. FAX NUMBER *(Include Area Code)*

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.)*

CASE NUMBER *(Do not write in this space.)*

15. SIGNATURE *(Applicant must sign here.)*	16. DATE SIGNED *(YYYYMMDD)*
	2009/04/15

INSTRUCTIONS

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.

11. For detailed information on application and Board procedures, see: Army Regulation 15-185 and www.arba.army.pentagon.mil; Navy - SECNAVINST.5420.193 and www.hq.navy.mil/bcnr/bcnr.htm; Air Force Instruction 36-2603, Air Force Pamphlet 36-2607, and www.afpc.randolph.af.mil/safmrbr; Coast Guard - Code of Federal Regulations, Title 33, Part 52.

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW

ARMY	NAVY AND MARINE CORPS
(For Active Duty Personnel) Army Board for Correction of Military Records 1901 South Bell Street, 2nd Floor Arlington, VA 22202-4508 **(For Other than Active Duty Personnel)** Army Review Boards Agency Support Division, St. Louis 9700 Page Avenue St. Louis, MO 63132-5200	Board for Correction of Naval Records 2 Navy Annex Washington, DC 20370-5100
AIR FORCE	**COAST GUARD**
Board for Correction of Air Force Records SAF/MRBR 550-C Street West, Suite 40 Randolph AFB, TX 78150-4742	Board for Correction of Military Records 245 Murray Lane Room 5126, Mail Stop #0900 Washington, DC 20528

17. REMARKS