

**TRAINING MODULE 18**  
**Study Plan**  
**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, 21.7042

VA Pamphlet: Federal Benefits for Veterans & Dependents

**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, and 38CFR § 21.7042(a)(4)(ii) for Chapter 30 (Montgomery GI Bill) education 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.

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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 recharacterized 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 recharacterization 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 recharacterization 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.

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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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#### Study Questions: Discharge Reviews and Correction of Military Records

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

1. Name the VA benefit that may not be authorized if the veteran's discharge from service was general, under honorable conditions.
  - a. Dependency and Indemnity Compensation (DIC)
  - b. Civilian Health and Medical Program, VA (CHAMPVA)
  - c. Veteran's Education Assistance under 38 U.S. Code, Chapter 30
  - d. Veteran's Group Life Insurance (VGLI)
  
2. Under certain circumstances, VA may still authorize monetary benefits even if a claimant's discharge from service was issued under other than honorable conditions.
  - a. True
  - b. False
  
3. 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?
  - a. Vocational Rehabilitation
  - b. Health care for a service-related disability
  - c. Burial allowance, including plot/interment allowance
  - d. None
  
4. The absolute time limit for application to a Discharge Review Board for upgrading the character of a discharge is:
  - 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.
  
5. 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.
  - a. True
  - b. False

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6. A Discharge Review Board can order that an applicant be allowed to re-enter service.
  - a. True
  - b. False
  
7. VA is required to review any upgraded discharge that was based on periods of absence without leave (AWOL) of 180 days or more, even if the recharacterization was by the Board for Correction of Military Records.
  - a. True
  - b. False
  
8. 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?
  - a. True
  - b. False
  
9. On application, a Board for Correction of Military Records will schedule a personal hearing for the applicant to personally plead his or her case.
  - a. True
  - b. False
  
10. 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.
  - 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