



**TRIAL DEFENSE SERVICE
FORT KNOX FIELD OFFICE
FORT KNOX, KENTUCKY 40121**

**APPLYING FOR AN UPGRADE OF YOUR DISCHARGE
FROM THE ARMY DISCHARGE REVIEW BOARD**

Who may apply? Former members of the Regular Army, the Army Reserve, and the Army National Guard may submit an application (DD Form 293) to the Army Discharge Review Board (ADRB). If the former member is deceased or incompetent, the surviving spouse, next of kin, or legal representative may apply (application must include supporting documentation, i.e. certified copy of marriage license, death certificate, or power of attorney).

What do I do first? If you need any of your personnel records for inclusion in your application, obtain them before you submit your request for review. After your application for discharge review is submitted your records are sent to the ADRB where they cannot be reproduced. To obtain copies of your military personnel records, submit a Standard Form 180 (Request Pertaining to Military Records) to:

National Personnel Records Center (NPRC)
9700 Page Boulevard
St. Louis, MO 62132-5200

How do I apply? After you have all your documents ready, submit an original, completed and signed Application for Review of Discharge or Dismissal (DD Form 293). Blank forms and instructions are available on the ADRB web site: <http://arba.army.pentagon.mil/adrb-app.cfm>. Application forms can also be obtained by sending a request to:

Army Review Boards Agency (ARBA)
1901 South Bell Street 2nd Floor
Arlington, VA 22202-4508
Telephonic assistance is available at 1-703-607-1600

How long do I have to apply? Requests for review must be made within 15 years of discharge/dismissal. It is suggested that you wait a little while (6 months – 2 years) before applying the first time to allow time to build up some references in the civilian community where you live.

What characterization of discharge can I request? You can apply to have your discharge upgraded to honorable the first time you apply, regardless of the characterization of discharge you were awarded (but be realistic in your request). Soldiers discharged under Other Than Honorable conditions after 1 October 1982 while in entry level status (less than 6 months service) may request upgrade to an uncharacterized discharge. To do this, write in block 3c "Change to Entry Level Separation".

What reasons justify an upgrade of my discharge? There are two grounds for upgrading a discharge:

- (a) Propriety – Did the Army follow its own rules and regulations in processing your discharge?
- (b) Equity – Equal treatment; applying the rules and regulations equally to the same set of circumstances.

Can I appear personally before the review board? Yes. There are four types of reviews, two involve personal appearances.

(1) Resident Panel Hearing – a review involving an appearance before the ADRB in Arlington, VA, by you and/or your counsel or representative (all expenses for travel and/or appearance are incurred by you).

(2) Traveling Panel Hearing – a review involving an appearance before the ADRB at the regional location you request by you and/or your counsel or representative (all expenses for travel and/or appearance are incurred by you). The traveling panel holds reviews at each regional location approximately 1 time yearly.

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(3) Record – a review of the application, available service record, and documents submitted by you or on your behalf (no personal appearance by you and/or your counsel or representative).

(4) Online application – which can be completed through the website listed above.

Can I submit a brief of supporting cases, regulations, previous decisions, etc. with my application? Yes. However, when a brief is submitted, it is strongly recommended that the specific issues discussed in the brief be listed separately at the beginning of the brief and identified in the issues block of the DD Form 293 separately (with reference to the page, paragraph and sentence where they are discussed in the brief). Attach copies of cited cases, excerpts from regulations, and previous decisions to save time for the review process.

What if I want to apply for a change in my “Reason for Discharge”? You must specifically note that as a reason for your application in Block 3c of the application and provide documents to support your issue(s). Otherwise, the board will assume you are applying for an upgrade of the characterization of your discharge only.

Can I apply to the ADRB for a change in my RE Code? No. The RE (Reenlistment Eligibility) Code is determined by the reason for separation and the Separation Program Designator (SPD) code entered on the separation document according to definition given in Army Regulation 601-280. The RE Code will only be changed if it is administratively incorrect and the wrong code was entered on the discharge document. Application for correction of an RE Code should be sent to:

Commander
Human Resources Command (TAPC-ERP-P)
Alexandria, VA 22331-0450

Can I apply to the ADRB for a discharge I received at court-martial? You can apply to the ADRB for the upgrade of a Bad Conduct Discharge received at a Special Court-Martial ONLY. Any discharge (BCD, DD or Dismissal) received at a General Court-Martial must be upgraded through the Army Board for the Correction of Military Records (DD Form 149). **The ADRB cannot affect any other punishment received through court-martial.** All applications for upgrade after 15 years from the date of discharge must also be submitted to the Army Board for the Correction of Military Records using DD Form 149.

If my discharge is upgraded, will I receive my Montgomery GI Bill or get the money I paid into it back? The ADRB does not make decisions on policies and procedures related to the Montgomery GI Bill. Your local Department of Veterans Affairs can assist you with such matters.

How long does it take to process an application? It can take up to seven months to provide a decision on your application based on a review of your records and the evidence you provide. If you request a personal appearance before the Board in Arlington, VA, at your own expense, that appearance can normally be scheduled within three months. If you request a personal appearance before a travel panel of the Board in your regional location at your own expense, you will be scheduled for such within 12 months, since the Board will not appear at a regional location more than once a year.

Can I ask for a reconsideration of my application? You may apply for reconsideration as often as you wish. The primary reason for reconsideration is due to newly discovered evidence. When applying for this reason, you must show new, substantial and relevant evidence which was not available at the time of any previous review. A record of all board reviews and findings are maintained. Therefore, if a comparison shows that the evidence you submit would have had a probable effect, the request for reconsideration should be granted. Other reasons for reconsideration include, but are not limited to, representation by a counsel or representative on your behalf when your previous application did not involve such representation or retroactive changes in discharge policies which are announced after your earlier review. AR 15-180 outlines the complete eligibility criteria for reconsideration of a discharge review.

Sources of Information: AR 15-180 – http://docs.usapa.belvoir.army.mil/jw2/xmldemo/r15_180/head.asp
DoD Directive 1332.28 – <http://www.dtic.mil/whs/directives/corres/html/133228.htm>
10 United States Code 1553 – <http://uscode.house.gov/search/criteria.shtml>