

WHAT YOU SHOULD KNOW ABOUT HOW TO UPGRADE YOUR MILITARY DISCHARGE

Bottom Line Upfront

1. Obtain a copy of DD Form 293, "Application for the Review of Discharge or Dismissal from the Armed Forces of the United States."
2. Complete personal information in Section 1.
3. If you are making the application on behalf of another individual, complete Section 2.
4. Indicate the action you wish the board to accomplish in Section 3.
5. In section 4, indicate whether you wish to appear before the board in Washington D.C., wait for a traveling board, or have a records only review.
6. If another person is representing you, complete section 5.
7. Complete Section 6 if you elect not to be represented by counsel.
8. List supporting documentation in Section 7.
9. In Section 8, tell the board exactly why they should consider upgrading your discharge.
10. Sign and Date the Form in Section 9.
11. Mail the completed form to the address listed on the reverse side of the DD Form 293.
12. If the discharge is older than 15 years, complete a DD Form 149 and submit that to the board of corrections for military records (this is a separate process).
13. Contact the national Archives and Records Administration at www.archives.gov or call (314) 801-0800 to access both DD Form 293 and 149. (DO NOT submit these forms to the National Archives. Be sure to use the appropriate address for your service branch as listed on the back of the form.)

If you received anything but an "Honorable" or "General" Discharge, this may affect your VA Benefits. The secretary of a military department, acting through a board for correction of military records, has authority to change any military record when necessary to correct an error or remove an injustice. A correction board may consider applications for correction of a military record, including a review of a discharge issued by courts martial. To apply for consideration of discharge upgrade, complete and submit a copy of the DD Form 293, Application for the Review of Discharge or Dismissal from the Armed Forces of the United States, to your military component. It is important to complete this form in its entirety. The form must be signed by you—the Veteran and mailed directly to the specific military component. If the Discharge is over 15 years old, you must complete and submit a DD form 149, Correction of Military Records as well.

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. Proof of death, incompetency, or power of attorney must accompany the application. All supporting information and evidence must also accompany the form. The Board will not hold a request in absence of evidence and will not re-consider any request previously submitted. It will take several months for the board to review your application and make a decision.

Most of these requests are not approved so to maximize your chances, it is a good idea to be represented by an experienced attorney. The military component will not provide nor assist you with acquiring an attorney. 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.

While anyone can apply to the appropriate Discharge Review Board (DRB) for a discharge upgrade, or a change in the discharge reason, the individual must convince the board that their discharge reason or characterization was "inequitable" or "improper." The Board will upgrade your discharge only if you can prove that your discharge is inequitable or improper. You do this by providing evidence, such as signed statements from you and other witnesses or copies of records that support your case. It is not enough to provide the names of witnesses. The Board will not contact your witnesses to obtain statements. You should contact your witnesses to get their signed statements with your request.

"Inequitable" means the reason or characterization of the discharge is not consistent with the policies and traditions of the service. "Improper" means that the reason or characterization of the discharge is in error (i.e., is false, or violates a regulation or a law). For example, an "Inequity" would be: "My discharge was inequitable because it was based on one isolated incident in 28 months of service with no other adverse action." "Improper" would be: "The discharge is improper because the applicant's pre-service civilian conviction, properly listed on his enlistment documents, was used in the discharge proceedings."

Normally, the best evidence is statements from persons who have direct knowledge or involvement. For example, statements from persons in your rating chain, your supervisor, first sergeant or commander. Or a statement from the chaplain, or anyone else with direct knowledge of your military service. The board may not be interested in your behavior or conduct *after* you left the military. Try to contain your statements to periods which were directly related to your military service. This is only a general rule; however, you must decide what evidence will best support your case. The DRB looks

for issues of equity and propriety. The burden of proof is on you to establish the discharge was inequitable or improper.

Summary:

Each of the military services maintains a discharge review board with authority to change, correct or modify discharges or dismissals that are not issued by a sentence of a general courts-martial. The board has no authority to address medical discharges. The veteran or, if the veteran is deceased or incompetent, the surviving spouse, next of kin or legal representative may apply for a review of discharge by writing to the military department concerned, using DD Form 293. This form may be obtained at a VA regional office, from veteran's organizations or from the Internet:

<http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm>. However, if the discharge was more than 15 years ago, a veteran must petition the appropriate service Board for Correction of Military Records using DD Form 149, which is discussed in the "Correction of Military Records" section of this booklet. A discharge review is conducted by a review of an applicant's record and, if requested, by a hearing before the board.