



# NVLSP

NATIONAL VETERANS LEGAL SERVICES PROGRAM

**Lawyers Serving Warriors®**

**Pro Bono Program of the National Veterans Legal Services Program**

## **Upgrade or Change Your Discharge Status**

If you did not receive an honorable discharge or you had a negative reason for separation on your DD Form 214 certificate of release or discharge from active duty, you may apply to have your discharge characterization upgraded or have the narrative reason for your discharge changed.

Recently, DOD issued guidance calling for the careful consideration of petitions seeking to upgrade discharges based on certain conditions that may have resulted in a veteran receiving a less than honorable discharge, including post-traumatic stress disorder (“PTSD”), traumatic brain injury (“TBI”), sexual orientation, sexual assault or sexual harassment.

Veterans with minor misconduct or who believe their discharge was unjust or erroneous may also be able to have their discharge status upgraded or the reason for their discharge changed.

Securing a discharge upgrade or change in the reason for a discharge may impact a veteran’s eligibility for veterans benefits and employment opportunities.

### **Discharge Review Board (DRB)**

- Applications to the DRB must be made within fifteen (15) years from date of discharge.
- The DRB will conduct a records review and/or a personal hearing.
- The DRB can change the characterization of service or change the narrative reason for separation.
- Apply directly to the branch-specific DRB using DD Form 293.

### **Board for Correction of Military Records (BCMR) or Naval Records (BCNR)**

- Applications to the BCMR/BCNR must be made within three (3) years of the date of discharge, a negative DRB decision, or discovery of the error or injustice in the service member’s records; **however**, the Boards often excuse a failure to file a timely application “in the interest of justice.”
- Apply directly to the branch-specific BCMR/BCNR using DD Form 149
- BCMRs/BCNRs can also:
  - Do everything the DRBs can do.
  - Upgrade characterization of service resulting from a General Court-Martial conviction.
  - Medically retire a veteran.
  - Change re-enlistment code.
  - Reinstate someone into the military.

Information and self-help resources can be found on the VA’s discharge upgrade website: <https://www.va.gov/discharge-upgrade-instructions/>

## Examples of Evidence to Submit In Support of Your Application

- Character References/Buddy Statements
- Personal Statement—A letter written by you, which sincerely details what went wrong in service, your positive history and your rationale for wanting a discharge upgrade
- Evidence of the unfair nature of your discharge and how has it impacted your life
- Awards, certificates, and letters noting the your work, and philanthropic achievements, both during and after military service
- Results of educational pursuits including diplomas, certifications, and awards
- Employment history
- Documentation of community service
- Financial information, such as tax forms, mortgage papers, charitable contributions, and credit reports
- Character letters / letters of recommendation from clergy, teachers, professors, etc.
- Marriage license
- Birth certificates of your children
- A list of the organizations of which you are a member
- A police report showing good citizenship (citation-free if possible)
- Medical records
- Mental health treatment records

### Department of Veterans Affairs (VA) Character of Service or Discharge Determination

- The Department of Veterans Affairs Character of Service or Discharge Determination does not change the veteran's discharge status; however, it makes the veteran's discharge honorable for VA purposes.
- Through the VA's process, veterans with "Other Than Honorable," and "Bad Conduct Discharge" characterizations of service may become eligible for federal VA benefits such as disability compensation and health care, if the VA determines the veteran's separation from the military was "under conditions other than dishonorable."
- Applications to the VA for a Character of Service or Discharge determination may be made at any time after discharge. Applications for VA disability compensation or pension should trigger the process of evaluating the veteran's Character of Discharge determination. There is no separate form or application process to apply for a Character of Discharge determination.

### Need Assistance?

You may contact the National Veterans Legal Services Program to see if you qualify for our free assistance with applications for a military discharge upgrade.



[www.nvlsp.org/what-we-do/Lawyers-serving-warriors/](http://www.nvlsp.org/what-we-do/Lawyers-serving-warriors/)

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