



# Trial Defense Service

FORT KNOX FIELD OFFICE

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## **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 Army military personnel records, submit a Standard Form 180 (Request Pertaining to Military Records) to either:

National Personnel Records Center  
(Military Personnel Records)  
1 Archives Drive  
St. Louis, MO 62138-1002  
(if discharged, deceased or retired before 30 Sep 2002)

US Army Human Resources Command's website:  
<https://www.hrc.army.mil/TAGD/Accessing%20or%20Requesting%20Your%20Official%20Military%20Personnel%20File%20Documents>  
or call 1-888-ARMYHRC (1-888-276-9472)  
(if discharged, deceased or retired after 1 Oct 2002)

**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>. Application forms can also be obtained by sending a request to:

Army Review Boards Agency (ARBA)  
251 18<sup>th</sup> Street South  
Suite 385  
Arlington, VA 22202-3531

To check the status of an application email: [army.arbainquiry@mail.mil](mailto:army.arbainquiry@mail.mil)

**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 – requesting change in discharge due to an error in the application of a regulation, statute, constitutional provision or other source of law.

(b) Equity – requesting change in discharge due to: (1) the policies and procedures under which you were discharged differing in material respects from those currently applicable on a service-wide basis, (2) the discharge being inconsistent with the standards of discipline in the military service of which you were a member at the time of issuance, (3) your exemplary service record and other evidence presented to the ADRB, or (4) your capability to serve (age, educational level and aptitude scores; family and personal problems; capricious actions; or discrimination).

**Can I appear personally before the review board?** Yes. There are three 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.

(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).

**Can I submit a brief or 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?** If a former Soldier can provide evidence that the RE code is an error or unjust, they may apply to the ABCMR for a correction of the RE Code. According to AR 601-210 (Regular Army and Army Reserve Enlistment Program) the RE Code can only be changed if an incorrect code was entered. For that type correction, send a letter and a copy of your DD Form 214 to:

Commander  
US Army Human Resources Command  
ATTN: Retention Branch (AHRC-EPF)  
1600 Spearhead Division Drive, Dept 365  
Fort Knox, KY 40121

**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.

**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://armypubs.army.mil/>

DoD Directive 1332.28 - <http://dtic.mil/whs/directives/corres/pdf/133214p.pdf>

10 United States Code 1553 – <http://uscode.house.gov/>