

# Army Review Boards Agency



## 2012 ANNUAL REPORT

As the size and composition of our Army changes in response to different operational demands, the numbers and types of applications reviewed by the Army Review Boards Agency (ARBA) also change. New policies and statutory requirements may not always be timely initiated or understood. When this occurs ARBA is often the only recourse available to Soldiers, Veterans and Army leaders. This past year has seen changes in areas such as entitlements for Soldiers unable to take Post Deployment Mobilization Respite Absence

before separating from active duty, and death benefits for families of Reserve Soldiers who die during certain types of training. In these and other areas, the Army Board for Correction of Military Records, ARBA's largest board, stands ready to review claims to ensure that all Soldiers are fairly treated and receive all benefits legally and equitably due.

Other ARBA boards are also seeing an increase in cases as changes to the size of the force are made to reflect our smaller footprint in the Middle East. We have

seen a two fold increase in officer elimination actions and in grade determination actions for retiring officers and enlisted Soldiers separating for disability.

We have also seen a significant rise in the number of medical issues reviewed by nearly all of our ARBA boards. In light of the increase in medical claims, we remain committed to increasing our awareness and knowledge of the Army Disability Evaluation System and the medical issues facing our Soldiers and Veterans today.

### November 2012

#### Highlights for FY 2012

- Processed over 25,000 cases
- Provided records corrections for former Soldiers who were discharged under the repealed "Don't Ask, Don't Tell" policy.
- Prepared for an increase in cases dealing with medical separations and retirements.

## Congressional and Special Actions Section

ARBA's Congressional and Special Actions Section is losing one of the Agency's longest serving and most professional staff members in January 2013. Mr. Rick Schweigert is retiring after over 40 years of distinguished military and civilian service. As Chief

of the Congressional and Special Actions office, Mr. Schweigert leaves behind a legacy of being the consummate professional while being known as "Mr. Customer Friendly" for his cordial and collegial manner while dealing with Soldiers, Veterans, Congressional Staff members, Senior Army Leaders, and the general public. This is no small task considering his section answered 4,324 letters and answered over 14,000 tele-

phone inquiries in FY 2012! To quote one of his customers, "Mr. Schweigert's personal efforts of ensuring my application was processed appropriately and in a timely manner resulted in correcting an error and me being awarded a long overdue Purple Heart. His personal efforts contributed to bringing to closure a very important chapter of my service to this Nation. I will forever be grateful."

## Medical Issues in Review



As a result of more than a decade of conflict, the Army has seen a significant rise in the health needs of our Soldiers and Veterans; especially in the arena of behavioral health issues. These issues manifest at ARBA in nearly all of our Boards. An ABCMR applicant, like an applicant before the DOD Physical Disability Board of Review (PDBR), may claim that his or her disability separation was incorrect and should be amended to reflect a disability retirement. An applicant before the Discharge Review Board or the Clemency and Parole Board may claim his underlying misconduct was caused by Post Traumatic Stress Disorder and is therefore mitigated by war time service.

These complex issues are given serious consideration at ARBA and our dedicated Medical Officer is fully engaged. This year we also reinforced our strong relationships with the Army Medical Command and the Army Physical Disability Agency to ensure our applicants receive the fairest and most well informed consideration possible.

Finally, the Deputy Assistant Secretary also serves as the Secretary of the Army's designee to review and either accept or reject recommendations made by the PDBR. The insight gained from these cases allows ARBA to ensure that medical claims are reviewed to a consistent standard whether submitted to the ABCMR or the PDBR.

## ABCMR and Military Whistleblower Protection

Many of you may be aware of the protections afforded military members who come forward to report fraud, waste and abuse of resources within the military under the Military Whistleblowers Protection Act enacted by Congress in 1988. The Department of Defense Inspector General (DODIG) has oversight responsibility for this process. However, you may not be aware of the important role the Boards for Correction of Military Records (BCMR) play in making whole those service members determined to have been reprimanded against for making a

protected communication.

This year ARBA participated in an audit conducted by the United States Government Accountability Office (GAO) to examine the DOD whistleblower reprisal process. Among its determinations, the GAO found that "few individuals with substantiated cases apply to the BCMRs for relief." Based on this finding, GAO recommended that Service BCMRs "take action to ensure that military whistleblower cases are correctly identified and processed."

In an effort to raise awareness of the Board's authority and to assist Soldiers who have been reprimanded against, the ABCMR has developed a more detailed and informative document explaining the procedures on how the Board can assist whistleblowers in correcting records that were created in retaliation for making a protected communication. In addition, a specially prepared application (DD Form 149) is also provided to substantiated whistleblowers for their use which allows the ABCMR to quickly and reliably identify them and to prioritize their case ac-

ordingly. Both documents are now provided to whistleblowers by the Department of the Army Inspector General (DAIG) along with their finalized IG investigation.

Further, based on continuing discussions with the IG community regarding best practices and improvements to the military whistleblower process, DODIG provides a copy of its notification letter to their complainants to the ABCMR even if a case is dismissed and IG reports will now include a recommendation regarding the records correction determined to be appropriate to make a substantiated whistleblower whole. Although not bound by this recommendation, it will assist the Board in reaching a fair and just decision in each case it considers. All of these changes are designed to ensure whistleblowers are treated properly as intended by the Whistleblower Protection Act.



## Case Production

BOARD	FY08	FY09	FY10	FY11	FY12
ARMY BOARD FOR CORRECTION OF MILITARY RECORDS (ABCMR)	16,756	13,628	15,913	22,436	17,674
ARMY DISCHARGE REVIEW BOARD (ADRB)	3,421	2,832	3,429	4,489	4,044
CONSCIENTIOUS OBJECTOR REVIEW BOARD (DACORB)	29	34	27	31	23
SUITABILITY EVALUATION BOARD (DASEB)	410	523	538	478	540
ENLISTED SPECIAL REVIEW BOARD (ESRB)	114	126	209	173	201
OFFICER SPECIAL REVIEW BOARD (OSRB)	153	148	141	132	130
PHYSICAL DISABILITY BOARD OF REVIEW (PDBR)	1	1	248	405	634
ARMY DISABILITY RATING REVIEW BOARD (ADRRB)	1	0	1	0	4
DEPARTMENT OF THE ARMY ACTIVE DUTY BOARD (DAADB)	0	0	0	0	0
ARMY BOARD OF REVIEW FOR ELIMINATIONS (Officers)	17	23	33	45	42
AD HOC REVIEW BOARDS (Probationary Officer Elimination)	37	54	44	58	106
(Resignation/Discharge in Lieu of Elimination)	85	65	74	67	111
(Resignation for the Good of the Service)	51	46	49	41	46
ARMY GRADE DETERMINATION REVIEW BOARD (AGDRB)	296	284	282	305	581
ARMY CLEMENCY AND PAROLE BOARD (C&P)	877	930	762	671	1,010
EEOCCR (realigned in FY10)	383	426	433	0	0
<b>TOTAL</b>	<b>22631</b>	<b>19120</b>	<b>22183</b>	<b>29331</b>	<b>25146</b>

The FY 12 ABCMR figure appears to show a decrease of 4,762 cases from the previous year. However, FY 11 workload increase, totaling 22,436 cases, was in part a result of the closing of the St. Louis office. More than the usual number of cases was processed in FY11 because the backlog in St. Louis was transferred to Arlington and eliminated through contractor assistance and a more efficient business process. Other factors that led to increased production in FY11 over FY12 included the completion of special project cases such as the cases resulting from the class action SABO law suit, BAH/MITT, and PDMRA cases in FY11. Operating uninterrupted by these anomalies, we believe ABCMR workload glide-path would have shown a gradual increase from 13,928 in FY 09 to 17,674 in FY 12 (averaging an increase of 1,250 cases per year.)

## ARBA Addresses DADT Claims

Since the legislation that repealed 10 U.S.C. § 654, commonly referred to as “Don’t Ask, Don’t Tell,” went into effect on September 20, 2011, ARBA has closely monitored the number and types of claims submitted by former Soldiers separated under that authority. Contrary to our expectations, the number of claims submitted has been relatively low. To date we have boarded 50 claims; 28 at the ABCMR and 22 at the ADRB. Of these 50 claims, we have granted full relief in 44 cases resulting in an

amendment to the applicant’s discharge certificate showing the narrative reason changed from homosexual admission to Secretarial Authority and the re-entry eligibility code changed from RE-4 to RE-1. Where necessary, we also upgrade the characterization of discharge to honorable. In the six cases where full relief was not granted, the Boards evaluated the cases in a sexual orientation neutral manner and determined that aggravating circum-

stances existed at the time of discharge rendering an upgrade inappropriate.

We will continue to monitor DADT cases over the next several years as the new law becomes better known and former Soldiers decide to seek records amendments.

## Army Review Boards Agency-New Address!

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*We're on the Web:*

*http://*

*www.arba.army.pentagon.mil*

The Army Review Boards Agency, on behalf of the Secretary of the Army, serves as the highest administrative level for review of personnel actions taken by lower levels of the Army and administers 15 boards. The Agency is located in Arlington, Virginia. We are authorized a staff of 151 personnel comprised of civilians (many of whom have served in the military) and Soldiers. We oversee the Army Corrections function and interface frequently with the Bureau of Prisons, US Parole Commission, various state and federal law enforcement agencies and the nation's court system.

It is our privilege and honor to do this important work.

Catherine C. Mitrano

Deputy Assistant Secretary of the Army  
Director, Army Review Boards Agency

***Serving Soldiers, Veterans and their Families with  
Justice, Equity and Compassion***

## ARBA Year in Review

