



## DEPARTMENT OF THE ARMY

ARMY REVIEW BOARDS AGENCY  
251 18<sup>TH</sup> STREET SOUTH, SUITE 385  
ARLINGTON, VA 22202-3531

### PUBLIC NOTICE

28 April 2021

As part of a settlement agreement in a lawsuit filed in the U.S. District Court for the District of Connecticut, the Army Review Boards Agency (ARBA) has agreed to have the Army Discharge Review Board (ADRB) automatically reconsider discharge upgrade applications of a group of former Soldiers who previously applied to the ADRB, and to accept new applications from a separate group of former Soldiers who previously applied to the ADRB for discharge upgrades. Please read carefully the information in Part I below to learn if you, as a former Soldier who previously applied to the ADRB for a discharge upgrade, might qualify for automatic reconsideration. If you do not qualify for automatic reconsideration, please see Part II to learn if you might qualify to re-apply to the ADRB for a discharge upgrade.

#### Part I: Automatic Reconsideration of Previously Submitted Applications to the ADRB.

As mentioned above, ARBA has agreed to have the ADRB automatically reconsider discharge upgrade applications of a particular group of former Soldiers, which we refer to here as Group A Soldiers. This group is limited to those former Soldiers: a) who had their cases decided by the ADRB between April 17, 2011 and April 26, 2021; b) who did not receive the entire discharge upgrade they had requested; and, c) whose records and / or previous application may have raised evidence pertaining to Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), Military Sexual Trauma (MST), and / or other behavioral health issues.

There have been changes in the laws and in Defense Department guidance since the ADRB decided these former Soldiers' cases. The ADRB will automatically reconsider the identified cases in light of these new laws and guidance. In particular, the Board will consider whether PTSD, TBI, MST, and / or other behavioral health issues related to the Soldier's service may have contributed to the reasons they were discharged. Copies of the new guidance memoranda are at <https://arba.army.pentagon.mil/abcmr-overview.html>.

The ADRB will reconsider each Group A Soldier's application and send them its decision. The ADRB will also send a notice letter to all Group A Soldiers at their last known address on file with the agency notifying them that their application will be reconsidered and that they have the opportunity to submit additional evidence. Soldiers will have 60 days to respond to this letter. It is important to understand the following about this process:

a. The Soldier does not need to submit an application to the ADRB. The ADRB will take a fresh look at the Soldier's previous application. The Soldier may receive a discharge upgrade even if the Soldier chooses not to contact the ADRB.

b. There is no guarantee the Soldier will receive a discharge upgrade. The Soldier's application must show that their current discharge characterization is erroneous or unjust. If the ADRB finds there is not enough evidence that their discharge characterization is erroneous or unjust, the Soldier's current discharge status will stay the same. The ADRB cannot make the Soldier's current discharge characterization worse. It cannot take any other negative action on the Soldier's military records.

c. The Soldier may provide written materials as evidence to the ADRB to support their case. The Soldier can include documents that they did not submit previously. This is an opportunity to persuade the Board that it should upgrade the Soldier's discharge.

d. Any additional written materials the Soldier submits must be received by the ADRB no later than 60 days from the date of the letter they receive from the ADRB. The ADRB may decide the Soldier's application at any time after the 60-day period.

e. It will help the Soldier's case if they are able to provide written medical evidence to support their application. ARBA has agreed to have the ADRB follow the guidance memoranda described above. They direct that "liberal consideration" be given to applications that document one or more symptoms of PTSD, TBI, MST, or other behavioral health issues.

f. By submitting relevant evidence, the Soldier will help the ADRB understand whether the Soldier's experiences, conditions, and / or mental health conditions are related to any misconduct in the Soldier's military record. Relevant evidence includes, but is not limited to:

- Diagnoses from a medical professional, either in service or after service, of PTSD, TBI, and / or other behavioral health issues;
- Documentation from a medical professional or licensed social worker recording symptoms that are associated with PTSD, TBI, MST, and / or other behavioral health issues, even if a formal diagnosis was not made; and
- Letters from people who knew the Soldier before, during, or after their service that can describe any behavioral changes or symptoms of PTSD, TBI, and / or other behavioral health issues.

If possible, the Soldier or a medical professional should explain how these symptoms or diagnoses mitigate or outweigh any misconduct contained in the Soldier's military record.

g. This evidence may come from evaluation and treatment the Soldier received from a private medical practitioner. The Soldier may also be eligible for mental health evaluation and treatment at the Department of Veterans Affairs, even if they do not have an Honorable or General discharge status. The Soldier may contact the Department of Veterans Affairs at 1-844-698-2311.

h. The Soldier can get help to submit written materials. A directory of free legal service programs is available through Stateside Legal at [www.statesidelegal.org](http://www.statesidelegal.org). The Department of Veterans Affairs also publishes a Directory of Veterans Service Organizations at <https://www.va.gov/vso/>.

i. The Soldier can send additional materials by mail or email. The Soldier's documents must include their case number. The case number is the number beginning with "AR" referenced at the top of the notice letter sent to Group A Soldiers by the ADRB. Please ensure the entire case number, beginning with the letters "AR" is written clearly near the top of the first page of all documents. Please also include the Soldier's preferred mailing address, phone number, and an email address that is checked frequently. If the ADRB must contact the Soldier, it will first use the email address. If that is unsuccessful, it will use the phone number or mailing address. To send by mail, please send to:

Army Review Boards Agency  
Army Discharge Review Board  
ATTN: Court Reconsideration  
251 18th Street S., Suite 385  
Arlington, VA 22202-3531

To send by email, please send to:

[usarmy.pentagon.hqda-arba.mbx.adrb-grpa@army.mil](mailto:usarmy.pentagon.hqda-arba.mbx.adrb-grpa@army.mil).

## Part II: New Applications for Previously Adjudicated Discharge Upgrade Requests.

In addition to the automatic reconsideration discussed in Part I, ARBA has also agreed to accept new applications for discharge upgrade requests for a different group of former Soldiers, which we refer to here as Group B and Group C Soldiers. Group B is limited to those former Soldiers: a) who previously applied to the ADRB; b) whose application was denied or not fully granted between October 7, 2001 and April 16, 2011; and, c) whose records and / or previous application may have raised evidence pertaining to Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), Military Sexual Trauma (MST), and / or other behavioral health issues. Group C is limited to those former Soldiers: a) who previously applied to the ADRB; and b) whose application was denied or not fully granted between April 17, 2011 and September 4, 2014.

There have been changes in the laws and in Defense Department guidance since the ADRB decided these former Soldiers' cases. If a Group B or Group C Soldier reapplies, the ADRB will consider their case in light of these new laws and guidance. In particular, the Board will consider whether PTSD, TBI, MST, and / or other behavioral health issues related to their service may have contributed to the reasons they were discharged. Copies of the new guidance memoranda are at <https://arba.army.pentagon.mil/abcmr-overview.html>.

A notice letter will be sent to all Group B and C Soldiers at their last known address on file with the agency notifying them of this opportunity. It is important to understand the following about a Group B or Group C Soldier's opportunity to reapply:

- a. If the Soldier reapplies, they must submit a new application. If the Soldier submits a new application, the ADRB will take a fresh look at their case.
- b. How to reapply depends on how long ago the Soldier was discharged. If the Soldier was discharged less than 15 years before ARBA receives their re-application, they may reapply to the ADRB for relief. Please use DD Form 293, *Application for Review of Discharge from the Armed Forces*. The form is included with this notice and can also be found at <https://arba.army.pentagon.mil/documents/DDForm293.pdf>.
- c. If the Soldier was discharged more than 15 years before ARBA receives their application, they may reapply directly to the Army Board for Correction of Military Records (ABCMR). Or, if the Soldier submits a new application to the ADRB at the address below, it will forward the application to the ABCMR. The Soldier will not need to do anything else to make sure the ABCMR processes their application.
- d. After receiving the Soldier's new application, the ADRB or ABCMR will reconsider their case. As a result, the Soldier might receive a discharge upgrade.
- e. There is no guarantee the Soldier will receive a discharge upgrade. The Soldier's application must show that their current discharge characterization is erroneous or unjust. If the ADRB or the ABCMR finds there is not enough evidence that the Soldier's discharge characterization is erroneous or unjust, their current discharge status will stay the same. The ADRB or the ABCMR cannot make the Soldier's current discharge characterization worse. They cannot take any other negative action on the Soldier's military records.
- f. The Soldier may provide written materials as evidence to the ADRB to support their case. The Soldier can include documents that they did not submit with their previous application(s). This is an opportunity to persuade the Board that it should upgrade the Soldier's discharge.
- g. It will help the Soldier's case if they are able to provide written medical evidence to support the application. ARBA has agreed to have the ADRB follow the guidance memoranda described above. They direct that "liberal consideration" be given to applications that document one or more symptoms of PTSD, TBI, MST, or other behavioral health issues.
- h. By submitting relevant evidence, the Soldier will help the ADRB understand whether the Soldier's experiences, conditions, and / or health conditions are related to any misconduct in their military record. Relevant evidence includes, but is not limited to:
  - Diagnoses from a medical professional, either in service or after service, of PTSD, TBI, and / or other behavioral health issues;

- Documentation from a medical professional or licensed social worker recording symptoms that are associated with PTSD, TBI, MST, and / or other behavioral health issues, even if a formal diagnosis was not made; and
- Letters from people who knew the Soldier before, during, or after their service that can describe any behavioral changes or symptoms of PTSD, TBI, and / or other behavioral health issues.

If possible, the Soldier or a medical professional should explain how these symptoms or diagnoses mitigate or outweigh any misconduct contained in the Soldier's military record.

i. This evidence may come from evaluation and treatment the Soldier received from a private medical practitioner. The Soldier may also be eligible for mental health evaluation and treatment at the Department of Veterans Affairs, even if the Soldier does not have an Honorable or General discharge status. The Soldier may contact the Department of Veterans Affairs at 1-844-698-2311.

j. The Soldier can get help to submit an application. A directory of free legal service programs is available through Stateside Legal at [www.statesidelegal.org](http://www.statesidelegal.org). The Department of Veterans Affairs also publishes a Directory of Veterans Service Organizations at <https://www.va.gov/vso/>.

k. The Soldier can send their application and any supporting documents by mail or email. They should include a copy of their notice letter with their application. To send by mail, please send to:

Army Review Boards Agency  
Army Discharge Review Board  
ATTN: Group B Reapplication OR ATTN: Group C Reapplication  
251 18th Street S., Suite 385  
Arlington, VA 22202-3531

To send by email, please send to: [usarmy.pentagon.hqda-arba.mbx.i@mail.mil](mailto:usarmy.pentagon.hqda-arba.mbx.i@mail.mil).