



PERSONNEL AND  
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-4000

**ACTION MEMO**

FOR: UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

THROUGH: Pam Powers, Chief of Staff

FROM: Monica Trucco, Director, Office of Legal Policy

SUBJECT: Guidance to Military Discharge Review Boards and Boards for Correction of Military / Naval Records Regarding Equity, Injustice, or Clemency Determinations

- Request your signature on the attached memo (TAB A) providing guidance to the Boards for Correction of Military / Naval Records (BCM/NRs) and Discharge Review Boards (DRBs) for granting relief on equity, injustice, or clemency grounds.
- Both BCM/NRs and DRBs are authorized to grant relief on equity or injustice grounds. Clemency is a subset of these grounds, applicable only to courts-martial. BCM/NRs and DRBs are not authorized to change a conviction but otherwise generally are authorized to grant whatever relief is appropriate. Until now, there have not been any standards for the boards, veterans, or active duty members to know what evidence and factors will be considered.

(b)(5)

RECOMMENDATION: Sign the memorandum at TAB A.

COORDINATION: TAB B

Attachments:  
As stated

Prepared By: (b)(6)

**OUSD (P&R) COORDINATION SHEET**

**Subject:** Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations

**CATMS ACTION ID #:** UPR003515-18 / **OGC CONTROL #:** 201806220008

**REQUIRED FOR CONSIDERATION:**

Office	Coordinator/ Reason Why	Concur? Y/N	Comments? Y/N	Date
OGC	(b)(6)	Y	Y - <i>As</i>	7/6/18
Army				
Air Force				
Navy				

**OTHER REVIEWS OBTAINED:**

Office	Coordinator/ Reason Why Not Applicable	Concur? Y/N	Comments? Y/N	Date

**Summary of any Issues During Coordination:**

**PREPARED BY:** (b)(6)  
**TELEPHONE NUMBER:** (b)(6)  
**DATE OF PREPARATION:** June 25, 2018



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JUL 25 2018

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Guidance to Military Discharge Review Boards and Boards for Correction of Military / Naval Records Regarding Equity, Injustice, or Clemency Determinations

The Department has evaluated numerous aspects of the Service Discharge Review Boards (DRBs) and Boards for Correction of Military / Naval Records (BCM/NRs) over the last two years. We have redoubled our efforts to ensure veterans are aware of their opportunities to request review of their discharges and other military records. We have initiated several outreach efforts to spread the word and invite feedback from veterans and organizations that assist veterans and active duty members, and issued substantive clarifying guidance on Board consideration of mental health conditions and sexual assault or sexual harassment experiences. And, we have partnered with the Department of Veterans Affairs to develop a web-based tool that provides customized guidance for veterans who want to upgrade their discharges. But our work is not yet done.

Increasing attention is being paid to pardons for criminal convictions and the circumstances under which citizens should be considered for second chances and the restoration of rights forfeited as a result of such convictions. Many states have developed processes for restoring basic civil rights to felons, such as the right to vote, hold office, or sit on a jury, and many states have developed veterans' courts to consider special circumstances associated with military service. States do not have authority, however, to correct military records or discharges.

The Military Departments, operating through DRBs and BCM/NRs, have the authority to upgrade discharges or correct military records to ensure fundamental fairness. DRBs and BCM/NRs have tremendous responsibility and perform their tasks with remarkable professionalism, but further guidance to inform Board decisions on applications based on pardons for criminal convictions is required.

The attached guidance closes this gap and sets clear standards. While not everyone should be pardoned, forgiven, or upgraded, in some cases, fairness dictates that relief should be granted. We trust our Boards to apply this guidance and give appropriate consideration to every application for relief.

Military Department Secretaries will ensure that Board members are familiar with and appropriately trained on this guidance within 90 days. My point of contact is Monica Trucco, Director, Office of Legal Policy, who may be reached at (703) 697-3387 or [monica.a.trucco.civ@mail.mil](mailto:monica.a.trucco.civ@mail.mil).

Robert L. Wilkie

Attachment:  
As stated

cc:  
Chairman of the Joint Chiefs of Staff  
General Counsel of the Department of Defense  
Assistant Secretary of Defense for Legislative Affairs  
Assistant Secretary to the Defense for Public Affairs