



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: (b)(6) 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)

- (b)(5)

(b)(5) The guidance does not mandate relief but provides standards to promote greater consistency and improved applications to ensure fundamental fairness.

RECOMMENDATION: Sign the memorandum at TAB A.

COORDINATION: TAB B

Attachments:
As stated

Prepared By: (b)(6) OUSD(P&R) LP, (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 Not Applicable	Concur? Y/N	Comments? Y/N	Date
OGC				
Army				
Air Force	(b)(6) Mr. McIntosh	Y	Y; provided directly to (b)(6)	28 Jun 18
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

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 Not Applicable	Concur? Y/N	Comments? Y/N	Date
OGC	(b)(6)			
Army		Y	N	29 June 2018
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:

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OGC				
Army				
Air Force				
Navy	(b)(6) (b)(6) SECNAV	Y	N	July 13, 2018

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