



Army Board for Correction of Military Records (ABCMR) Overview

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Army Review Boards Agency Mission and Functions

- The Army Review Boards Agency (ARBA) is a Field Operating Agency reporting to the Secretary of the Army.
- ARBA decides over 22,000 administrative cases annually for the Secretary of the Army through its 12 component boards for Soldiers, Veterans, and their Families, with justice, equity, and compassion in order to maintain trust with the American people.
- ARBA is authorized 148 personnel (132 civilians and 16 military) with over 120 Department of the Army (DA) senior civilian volunteer board members for the Army Board for Correction of Military Records.
- ARBA performs Secretary of the Army oversight of the Army corrections system and Army law enforcement.
- ARBA makes decisions based on the individual merits of each case. Applies Army Values and Regulations consistently in board decisions. Every applicant's issues are analyzed and reviewed in a fair, objective manner. Treats all applicants with dignity and respect.



ARBA Boards

➤ **Army Board for Correction of Military Records (ABCMR)**

➤ Army Discharge Review Board (ADRB)

➤ Army Grade Determination Review Board (AGDRB)

➤ Army Board of Review for Eliminations (ABRE)

➤ Army Ad Hoc Board (AAHB)

➤ Army Active Duty Board (OTRA Officers) (AADB)

➤ Army Special Review Board (ASRB) – evaluations

➤ DA Suitability Evaluation Board (DASEB)

➤ DA Conscientious Objector Review Board (DACORB)

➤ Army Physical Disability Appeal Board (APDAB)

➤ Army Physical Disability Review Board (APDRB)

➤ Army Clemency and Parole Board (ACPB)

(Army Decision Authority for DoD Physical Disability Board of Review (PDBR))

**Military Review
Boards (MRB)**



ABCMR Overview

- ABCMR Staff:
 - Authorized 61 employees
 - Seven Specialized Teams
 - Temporary staff for Surge support
- ABCMR Board Members:
 - 120 +/- civilian volunteers; GS 13 to SES
 - Appointed by Assistant Secretary of the Army, Manpower and Reserve Affairs (M&RA)
- ABCMR Boards: 3 member records review panel (most cases); 5 member formal hearing as warranted
- Received more than 34,000 Cases FY18 - FY20



ABCMR Authorities

➤ Authorities

➤ Title 10, U.S. Code

- Sec. 1552 – Boards for Correction of Military Records (BCMR) “The Secretary... acting through boards of civilians... may correct any military record... when necessary to correct an error or injustice...” (10 U.S.C. §1552)
- Sec. 1556 – Ex parte communication prohibited
- Sec. 1557 – Timeliness Standards for disposition of applications before Correction Boards: 90 percent of cases must be processed within 10 months; No case should exceed 18 months
- Department of Defense Policy - DODD 1332.41
- Army Regulation – AR 15-185



ABCMR Considerations

- Limitations:
 - Statute of Limitations: 3 years; may be waived in the interest of justice
 - Reconsideration: By law requires “new and material evidence”; matters not previously considered by the Board; no time limit.
 - ABCMR can only act on a petition from an **individual veteran**, or directive by Service Secretary on behalf of a **group** similarly harmed by the same error or injustice.
 - Cannot overturn court-martial convictions, but can grant clemency.
 - Cannot change records of other agencies, or actions taken by the President.
- The ABCMR is not an investigative body
- Burden: Preponderance of the evidence (greater weight)
- Government Regularity



Applying to the ABCMR

Applicants file DD Form 149 – Application for Correction of Military Record:

- Articulate the (a) error, and/or (b) injustice that is claimed to have occurred; applicant bears the burden of proof
- Provide evidence, or explain why it is not available; BCMRs will request some service records (pre-1996, not available electronically) from the National Archives and Records Administration
- Must exhaust other administrative remedies
- Explain why it is in the interest of justice to waive the statute of limitations, if applicable
- If a personal appearance is requested, articulate why granting it will be helpful to the Board



Procedural Highlights

- Case intake and screening: proper applicant; order records as required; request advisory opinions

- Case analysis and preparation:
 - Staff assembles applicant's request and supporting evidence, facts from military records, advisory opinions, applicable regulations, and laws
 - Some cases are administratively closed if there are no records, case is not appropriate for Board review, or issue can be corrected administratively

- Board review and consideration; Board discussion and votes are documented to complete proceedings

- Promulgation: Final Board decision is provided to the applicant and sent to the appropriate Agency for implementation of corrections



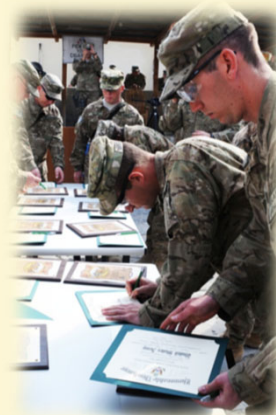
Military Records

- **MILITARY RECORD** pertains to an individual member or former member or at the discretion of the Service Secretary any other military matter affecting a member, former member, employee, dependent, or current or former spouse.
- Does not include civilian employment matters, non-DoD records, or the records of another service.
- Correction of courts-martial and related administrative records extend only to corrections to reflect actions taken by reviewing authorities or actions on the sentence for clemency by the Board.



Typical Corrections

- Awards
- Separations / Discharge
- Promotions
- Retirements
- Disability review
- Evaluation Reports
- Pay and Allowances
- Survivor Benefit Plans
- Home of Record
- Clemency Petitions
- Article 15 (UCMJ)
Punishment
- Memoranda of Reprimand





Typical Bases for Correction

- Genuine Error
- Any Circumstance that Creates an Injustice
- Changing Standards
- Failure to Counsel
- Regulatory Violations
- Law and Policy
 - Liberal Consideration
 - Clemency



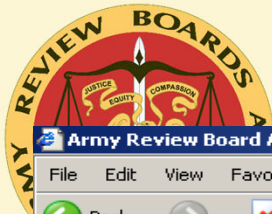
Army Review Boards Agency Online Resources

- **ARBA Website: <http://arba.army.pentagon.mil>**
- Information on ARBA Boards
- Frequently Asked Questions and Answers; ABCMR Applicant's Guide
- Application Procedures and printable DD Form 149 and DD Form 293 (New Forms)

- **Online Application: <http://actsonline.army.mil>**
- Apply electronically to ABCMR and ADRB via DS Logon
- Guides applicants through the process and provides helps
- Signature page is printed at the end of the online application; upload supporting documents; sign
- Applicants can check application status online using the Internet



QUESTIONS ?



Army Review Boards Agency Website

Army Review Board Agency - Microsoft Internet Explorer

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Back Forward Stop Refresh Home Search Favorites

Address <http://arba.army.pentagon.mil/> Go Links



Army Review Boards Agency

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On behalf of the Secretary of the Army

The Army Review Boards Agency serves as the highest administrative level for review of personnel actions taken by lower levels of the Army and administers a number of boards including those listed below. (Click on board names below for more information on that board.)

Boards



★ **The Army Board for Correction of Military Records**

Corrects errors and removes injustices from Army military records after all lower level administrative remedies have been exhausted. It also reviews discharges of former Soldiers granted over 15 years ago and those given as a sentence of a General Court-martial. Soldiers, veterans, or their legal representatives may apply online or by mail on a DD Form 149, Application for Correction of Military Records.



★ **The Army Discharge Review Board**

Reviews discharges of former Soldiers discharged within the last 15 years, except discharges given as a sentence of a General Court-martial, to determine if the discharge was proper and equitable. Soldiers, veterans, or their legal representatives may apply online or by mail on a DD Form 293, Application for Review of a Discharge or Dismissal from the Armed Forces of the United States.



★ **The Army Grade Determination Review Board**

Makes decisions on advancing retired enlisted and warrant officers to the highest grade they held satisfactorily after a total of 30 years time on Active Duty and on

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Who May File ***10 U.S.C. 1552 (b)***

No correction may be made under subsection (a)(1) unless the claimant or his heir or legal representative files a request for the correction within three years after he discovers the error or injustice. However, a board established under subsection (a)(1) may excuse a failure to file within three years after discovery if it finds it to be in the interest of justice.

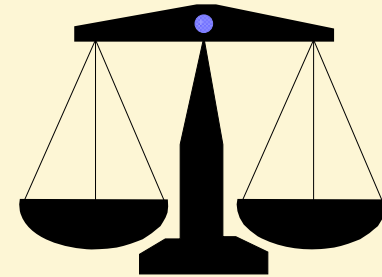


Statute of Limitations ***10 U.S.C. 1552 (b)***

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BOARDS FOR CORRECTION OF MILITARY RECORDS

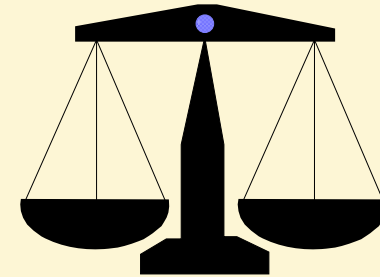


What constitutes error?

- Factual error
- Legal error



BOARDS FOR CORRECTION OF MILITARY RECORDS



What constitutes injustice?

Equity = the quality of being fair and impartial