

Notice of Automatic Reconsideration, Reapplication, and BCNR Review Availability

As part of a settlement agreement in a lawsuit filed in U.S. District Court for the District of Connecticut, the Department of the Navy has agreed to automatically reconsider discharge upgrade applications from certain former Sailors and Marines who previously applied to the Naval Discharge Review Board (NDRB), and to accept applications for reconsideration from a separate group of Sailors and Marines who previously applied for discharge upgrades. Please read the information on Group A below carefully to learn if you might qualify for automatic reconsideration. If you do not qualify for automatic reconsideration, please see Group B to learn if you might qualify to re-apply to the NDRB or Board for Correction of Naval Records (BCNR) for a discharge upgrade.

For the purposes of the settlement, “Special Cases” are defined as Veterans who served during the Iraq and Afghanistan Era, between October 7, 2001, and the present, who were:

- a. discharged from the Navy, Navy Reserves, Marine Corps, or Marine Corps Reserve with General (Under Honorable Conditions) or Other-than-Honorable discharge, but excluding Uncharacterized, Bad Conduct, Dishonorable discharges, or Dismissals, and
- b. have diagnoses of Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), or other related mental health conditions, or records documenting one or more symptoms of PTSD, TBI, or other related mental health conditions at the time of discharge, attributable to their military service under the Hagel Memo standards of liberal or special consideration;

Group A: Automatic Reconsideration of Applications Previously Submitted to the NDRB

The Navy has agreed to have the NDRB automatically reconsider discharge upgrade applications for a group of former Sailors and Marines, which we refer to as **Group A**. This group is limited to “Special Cases” decided by the NDRB on or after March 2, 2012 through the effective date of settlement ([date]), whose NDRB adjudications did not result in an upgrade to an “Honorable” characterization of service.

These cases are being reconsidered to ensure appropriate application of recent Department of Defense and Department of the Navy guidance regarding the effect of post-traumatic stress disorder, traumatic brain injuries, mental health conditions, and military sexual trauma (MST) upon service members, and how such effects may have affected conduct ultimately leading to an individual’s discharge.

The NDRB will reconsider each Group A member’s application and send them its decision. The NDRB will also send a notice letter to all Group A members at their last known address on file with the agency notifying them that their application will be reconsidered and that they can submit additional evidence. The NDRB will begin reconsidering cases 60 days after the date of the automatic reconsideration notices, so Group A members who wish to submit additional

evidence should do so within 60 days of the date of their letter. Any supplemental materials submitted after the Board has heard a case will not be considered

It is important to understand the following about this process:

- Group A members do not have to submit a new application to the NDRB. The NDRB will take a fresh look at their previous application. The Sailor or Marine may receive a discharge upgrade even if they choose not to contact the NDRB.
- Group A members are entitled to supplement their previous application by submitting additional evidence or materials to assist the reconsideration if they choose.
- Submitting additional evidence, including medical evidence, in support of an application may benefit the applicant and the application's reconsideration. More information regarding evidence you may wish to submit regarding PTSD, TBI, MST, or related mental health conditions, rights to counsel, and resources that may be able to assist you, are detailed in the NDRB's "Receipt of Application for Discharge Review," which can be <downloaded by clicking here.>

All additional materials to be considered by the NDRB for automatic reconsideration should be submitted and/or postmarked to the NDRB within 60 calendar days of receipt of the written notice. Materials received after a board has considered an applicant's case will not be considered. Materials may be submitted to the following address:

Department of the Navy
Secretary of the Navy Council of Review Boards
Attn: NDRB Special Cases
720 Kennon Avenue SE, Ste 309
Washington Navy Yard, DC 20374-5023

Group B: New Applications for Previously Adjudicated Discharge Upgrade Requests.

The Department of the Navy has also agreed to permit former Sailors and Marines falling within **Group B** to reapply to the Naval Discharge Review Board (NDRB) for reconsideration, where the applicant was a) discharged between October 7, 2001 through March 1, 2012, b) qualifies as a Special Case, and c) whose NDRB adjudications did not result in an "Honorable" characterization of service.

Due to statutory limitations on authority, the NDRB is unable to take action on discharges 15 years or older. To accommodate this limitation, the Department of the Navy has also agreed to permit reapplication to the Board for Correction of Naval Records (BCNR) for Group B members,

whose discharge: a) occurred on or after October 7, 2001, b) is older than 15 years of age at the time of reapplication, and c) who did not receive an upgrade to an “Honorable” characterization of service with their prior NDRB application.

These cases are being reconsidered to ensure appropriate application of recent Department of Defense and Department of the Navy guidance regarding the effect of post-traumatic stress disorder, traumatic brain injuries, mental health conditions, and military sexual trauma (MST) upon service members, and how such effects may have affected conduct ultimately leading to an individual’s discharge.

A notice letter will be sent to all Group B Sailors and Marines 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’s opportunity to reapply:

- Individuals who reapply for reconsideration are not required to submit any additional evidence to the board beyond the application form. However, applicants are entitled to supplement the previous application by submitting additional evidence or materials to assist the reconsideration if you choose.
- Submitting additional evidence, including medical evidence, in support of an application may benefit the applicant and the application’s reconsideration. More information regarding evidence you may wish to submit regarding PTSD, TBI, MST, or related mental health conditions, rights to counsel, and resources that may be able to assist you, are detailed in the NDRB’s “Receipt of Application for Discharge Review,” which can be <downloaded by clicking here.>
- There are many free time and date calculators online, locatable through popular internet search engines, which can assist you in determining if your discharge is 15 years old or older. Applications for relief for discharges older than 15 years at the time of reapplication must be submitted to the BCNR, not the NDRB.

Upon receipt of confirmation that you wish your application to be reconsidered, the NDRB will obtain your prior application records from archive for reconsideration. **Applicants must submit a written request for reconsideration, and a new application to their respective board.**

Your request for reconsideration, with your new DD Form 293 application form, must be submitted and/or postmarked to the NDRB within one year of this notice. If your new DD Form 293 is not postmarked within one year of this notice, it will not be considered. You may also submit additional information with your new DD Form 293, and you may continue to supplement your application with additional information up to and until the time your case is presented to the Board. Any supplemental materials submitted after the Board has heard your case will not be considered. It is imperative that you timely submit a new Form DD 293, and any additional information you wish to be considered.

To apply to the **NDRB** for a new review and determination regarding your case, please submit a written request with a new application to the following address:

Department of the Navy
Secretary of the Navy Council of Review Boards
Attn: NDRB Special Cases
720 Kennon Avenue SE, Ste 309
Washington Navy Yard, DC 20374-5023

More information about the NDRB, application process, resources, and frequently asked questions can be located on the NDRB's website, follow the link labeled NDRB Special Reconsiderations available online at the link below or by downloading our mobile APP.

- Web Link: <https://www.secnav.navy.mil/mra/CORB/pages/ndrb/default.aspx>.
- Mobile APP Search: Naval Discharge Review Board

To apply to the BCNR for a new review and determination regarding your case, you must submit your written request and application, and any supporting materials, to the BCNR by email at BCNR_Application@navy.mil, by fax at (703) 604-3437, or by mail to:

Board for Correction of Naval Records
701 S. Courthouse Rd
Suite 1001
Arlington, VA 22204-2490

Application submissions may include whatever supporting unclassified documentary evidence the applicant wishes to submit, however, **all applications submitted to the BCNR must include a completed DD 149 Form application**, available online at <https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0149.pdf>.

More information about the BCNR, application and review process, resources, and frequently asked questions can be located on the BCNR's website, available online at the following location: <https://www.secnav.navy.mil/mra/bcnr/Pages/default.aspx>

You may additionally review Department of Defense and Department of the Navy guidance documents, on the NDRB's website. The guidance documents most applicable to the reapplication reconsiderations include the September 3, 2014 Department of Defense memorandum signed by Secretary Chuck Hagel (often referred to as the "Hagel Memo"), and the August 25, 2017 Department of Defense memorandum signed by Under Secretary A.M. Kurta (often referred to as the "Kurta Memo").

If you have any questions regarding this notice, please feel free to reach out to NDRB Administrative Staff, available via email at ndrb@navy.mil, or by telephone at 202-685-6600, for additional information.