

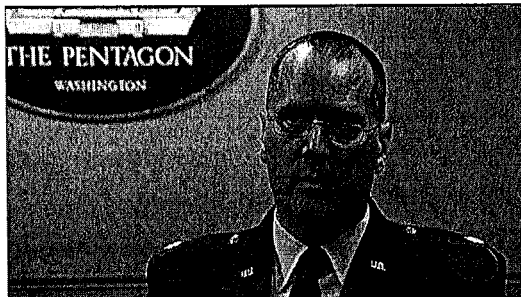
# DoD Clarifies Liberal Consideration for Veterans' Discharge Upgrade Requests

By Lisa Ferdinando, DoD News, Defense Media Activity / Published Aug. 28, 2017

The Defense Department released guidance today to clarify the liberal consideration given to veterans who request upgrades of their discharge saying they had mental health conditions or were victims of sexual assault or sexual harassment.

The new guidance clarifies that the liberal consideration policy includes conditions resulting from post-traumatic stress disorder, traumatic brain injury, sexual assault or sexual harassment, said Air Force Lt. Col. Reggie Yager, the acting director of legal policy in the Office of the Undersecretary of Defense for Personnel and Readiness.

The policy is meant to ease the burden on veterans and give them a reasonable opportunity to establish the extenuating circumstances of their discharge, Yager said.



VIDEO | 00:45 | DoD Clarifies Discharge Upgrade Requests

Cases involving invisible wounds such as PTSD or other mental health conditions, whether from combat or sexual assault, are some of the most complex and difficult cases to review, he said.

## Liberal Consideration for Invisible-Wound Impacts

Mental health conditions, including those from PTSD, sexual assault and sexual harassment, affect veterans in many different ways, Yager said. "Liberal

consideration, in our view, is the right balance to ensure we are making fact-based decisions while also giving appropriate leeway to the challenges posed by these invisible wounds," he added.

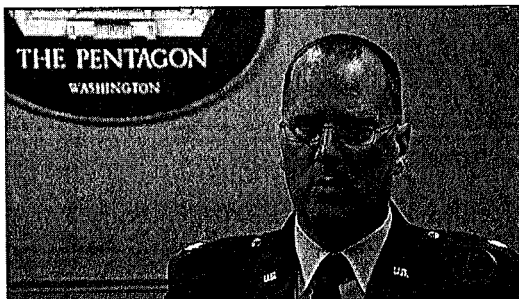
It is unknown how many veterans could be affected, he explained, because the veterans most likely affected are those who did not disclose a sexual assault or sexual harassment during service, or their PTSD or other mental health condition was not diagnosed during their time in the military.

The Defense Department issued the liberal consideration policy in 2014. Today's clarification is available on the Defense Department's website.

### **Committed to Helping Veterans**

Veterans from any era can seek an upgrade to their discharge or ask for reconsideration under the clarification, Yager said. "The department is committed to helping veterans and taking care of our veterans regardless of whether they currently serve or if they've served decades ago," he added.

Requests for upgrades are reviewed by military department discharge review boards or boards for correction of military records.



VIDEO | 00:40 | Clarified Personnel Guidance Aids Veterans

To find the forms to request an upgrade, veterans discharged less than 15 years ago can go to the website for the board for their specific service. Veterans who were discharged more than 15 years ago need to go to the board for correction of military records for their service, he said.

Veteran service organizations and military service organizations can provide assistance, Yager said, pointing out that legal counsel is not needed to request the upgrade.

### **Link Between Condition and Discharge**

Veterans seeking a discharge upgrade need to give the board evidence of a diagnosis, or establish examples of evidence to establish the mental health condition, or show evidence that they experienced an event such as sexual assault or sexual harassment that affected their behavior in a significant way, Yager said. They also need to explain how the condition caused the basis for their discharge, he added.

The boards consider the severity of the behavior that led to the discharge, Yager said, noting that not every discharge warrants an upgrade.

The review boards will consider four points, Yager said:

- Whether the veteran had a condition or experience that may excuse or mitigate the discharge;
- If the condition existed or experience occurred during military service;
- If the condition or experience excuses or mitigates the discharge; and
- If the condition or experience outweighs the discharge.

The review takes up to a year on average, and a veteran who is denied an upgrade can appeal to the board for correction of military records, he said. A surviving spouse, next of kin or other legal representative can file an appeal on behalf of a veteran who has died or is incompetent.

(Follow Lisa Ferdinando on Twitter: @FerdinandoDoD)

## **Related Links**

[Memorandum for Secretaries of the Military Departments](#)

[Special Report: Warrior Care](#)

[Special Report: Sexual Assault Awareness and Prevention](#)