

**BY ORDER OF THE  
SECRETARY OF THE AIR FORCE**

**DEPARTMENT OF THE AIR FORCE  
INSTRUCTION 36-2603**



**4 OCTOBER 2022**

**Personnel**

**AIR FORCE BOARD FOR  
CORRECTION OF MILITARY  
RECORDS (AFBCMR)**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This instruction implements Department of the Air Force Policy Directive (DAFPD) 36-26, *Total Force Development*. This publication applies to the Department of the Air Force (DAF) to include members of the Regular Air Force, the United States Space Force (USSF), the Air National Guard, and the Air Force Reserve. It relates to procedures for correction of military records to remedy error or injustice and not to the Air Force Discharge Review Board (AFDRB). It tells how to apply for correction of military records and how the Air Force Board for Correction of Military Records (AFBCMR) (the Board) considers applications. It implements the Board's statutory authority to act on applications. In collaboration with the Chief of Air Force Reserve; the Director of the Air National Guard; the Air Force Deputy Chief of Staff for Manpower, Personnel, and Services (AF/A1); and the Deputy Chief of Space Operations for Personnel (SF/S1), the Assistant Secretary of the Air Force (Manpower and Reserve Affairs) (SAF/MR) develops Air Force Board For Correction of Military Records guidance. This instruction requires the collection and or maintenance of information protected by the Privacy Act of 1974 authorized by DoDD 5400.11, *DoD Privacy Program*. The applicable SORN F036 SAFCB A, Air Force Correction Board Records System is available at <https://dpcl.d.defense.gov/Privacy/SORNs/>. Ensure all records generated as a result of processes prescribed in this publication adhere to Air Force Instruction (AFI) 33-322, *Records Management and Information Governance Program*, and are disposed in accordance with the Air Force Records Disposition Schedule, which is located in the Air Force Records Information Management System (AFRIMS). The authorities to waive field operating agency (FOA) level requirements in this publication are identified with a Tier ("T-0, T-1, T-2, T-3") number following the compliance statement. See Department of the Air Force Manual

(DAFMAN) 90-161, *Publishing Processing and Procedures*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the requestor's commander for non-tiered compliance items. Refer recommended changes and questions about this publication to the office of primary responsibility (OPR) using the DAF Form 847, *Recommendation for Change of Publication*; route DAF Forms 847 from the field through the appropriate functional chain of command. This instruction may not be supplemented. Compliance with the attachment in this publication is mandatory.

### ***SUMMARY OF CHANGES***

This document has been revised and must be completely reviewed. The changes includes the implementation of an amendment to 10 U.S.C. § 1552, *Correction of military records: claims incident thereto*, which outlines specific mandatory training curricula for all Board members; incorporates the Department of Defense (DoD) Discharge Appeal Review Board pursuant to 10 U.S.C. § 1553a, *Review of a request for upgrade of discharge or dismissal*, as a higher level appeal Board for specific Discharge Upgrade requests; incorporates changes to the grade requirement of Board members to include General Schedule (GS) 14s; further defines exhausting administrative remedies, per the Air Force Audit Agency's 2019 Report; and introduces electronic filing using the AFRBA's Portal.

## Chapter 1

### ROLES AND RESPONSIBILITIES

**1.1. Secretary of the Air Force (SecAF).** In accordance with Title 10 United States Code (U.S.C.) Section 1552, *Correction of military records: claims incident thereto*, the SecAF is authorized to correct any military record of the DAF when the SecAF considers it necessary to correct an error or remove an injustice. Such corrections shall be made by the Secretary acting through boards of civilians in the executive part of the DAF. **(T-0)**.

**1.2. Assistant Secretary of the Air Force for Manpower and Reserve Affairs (SAF/MR).** In accordance with Headquarters Mission Directive (HAFMD) 1-24, *Assistant Secretary of the Air Force (Manpower and Reserve Affairs)*, SAF/MR exercises the authority under 10 U.S.C. § 1552 on behalf of the SAF. In accordance with HAFMD 1-24 Addendum-C, *Re-Delegation of Direction and Authority To Act On Certain Applications and Complaints HAFMD 1-24, Assistant Secretary of the Air Force (Manpower And Reserve Affairs)*, SAF/MR has further delegated this authority to the Director of the Air Force Review Boards Agency (AFRBA) and Executive Director, Air Force Board for Correction of Military Records (AFBCMR).

**1.3. Director, AFRBA:** The Director, AFRBA appoints all members of the Board. Board members must be members of the DAF Senior Executive Service or hold the grade of GS-15 or GS-14 (or equivalent). No one may be appointed a member of the Board within five years after release from active duty as a commissioned officer of a regular component of an armed force, except by individual waiver approved by SAF/MR. This five-year waiting period will also apply to a reserve component commissioned officer, who after twenty years of active service, retired under Title 10 U.S.C. § 7311, *Twenty years or more: regular or reserve commissioned officers-Army*; 10 U.S.C. § 9311, *Twenty years or more: regular or reserve commissioned officers-Air Force and Space Force*; or 10 U.S.C. § 8323, *Officers: 20 years-Navy and Marine Corps*.

**1.4. Executive Director, Air Force Board for Correction of Military Records (AFBCMR).** Administer and oversee the operation of the AFBCMR and develop and publish policy, procedures, and evaluation standards related to the correction of records process. Works with attorneys from the Civil Law Domain, Personnel and Information Law Division, (AF/JACL) to facilitate AF/JACL's defense of legal challenges to AFBCMR cases by providing administrative record and requested documents.

## Chapter 2

### BOARD RESPONSIBILITIES

**2.1. The AFBCMR operates within the Office of the Secretary of the Air Force according to 10 U. S.C. § 1552 and DoDD 1332.41, *Boards for Correction of Military Records and Discharge Review Boards*.** The Board consists of civilians in the executive part of the DAF, who serve at the pleasure of the SecAF. Three members constitute a quorum of the Board.

**2.2. Considering Applications.** The Board considers all applications properly brought before it. In appropriate cases, it recommends correction of military records to remove an error or injustice. Individuals desiring review from the AFBCMR are obligated to apply through the procedures outlined in this instruction.

**2.3. Recommending Action.** When the Board determines an applicant has been the victim of reprisal in violation of 10 U.S.C. § 1034, *Protected communications; prohibition of retaliatory personnel actions*, it may recommend to the SAF that disciplinary or administrative action be taken against those responsible for the reprisal.

**2.4. Deciding Cases.** The Board normally decides cases on the written evidence contained in the record. It is not an investigative body; therefore, the applicant bears the burden of providing evidence of an error or injustice. However, the Board may, in its discretion, hold a hearing or call for additional evidence or opinions in any case. Applicants may request a hearing; however the decision to grant a hearing is at the sole discretion of the Board.

2.4.1. The administrative record in AFBCMR cases shall consist of the following:

2.4.1.1. Any decisional memoranda from the AFBCMR to the applicant.

2.4.1.2. The formal Record of Proceedings that records the decision of the AFBCMR on the applicant's case.

2.4.1.3. Any application, correspondence, and exhibits submitted by the applicant.

2.4.1.4. Any advisory opinions that the AFBCMR obtains in evaluating the case, along with any rebuttals and exhibits submitted by the applicant.

2.4.1.5. Any correspondence from any federal court which intervenes in an AFBCMR application (e.g., remand orders).

2.4.2. The AFBCMR has the sole discretion to determine if any other documents shall become part of the case record. The AFBCMR may, at its discretion, review DAF files to include the applicant's personnel record to determine if any additional files are relevant to its case review. It is otherwise incumbent upon the applicant to submit exhibits believed to be relevant to the AFBCMR's review.

2.4.3. The AFBCMR should promptly (within 30 calendar days) provide AF/JACL with the complete administrative record upon request when necessary to defend Board proceedings in federal litigation.

## Chapter 3

### APPLICATION PROCEDURES

**3.1. Who May Apply.** The following persons/entities are eligible to apply to the Board for corrections of DAF records (“Applicants”):

- 3.1.1. Current or former members of the DAF including Air Force Cadets, the Air National Guard if the error and/or injustice occurred while on Title 10 orders, the Air Force Reserve, or their predecessor organizations;
- 3.1.2. Current or former members of other armed services for whom the DAF maintains a record;
- 3.1.3. The heirs or legal representatives of persons identified in paragraphs **3.1.1** and **3.1.2** above;
- 3.1.4. Dependents, spouses, or former spouses of persons identified in paragraphs **3.1.1** and **3.1.2** above; and
- 3.1.5. Employees or former employees of the DAF, except in regard to civilian employment matters.
- 3.1.6. Apart from applicants qualified under **paragraph 3.1.3**, no applicant is eligible to obtain a correction of another person's record, unless the application pertains to a group of current or former members submitted under the provisions of 10 U.S.C. § 1552(b), as implemented by **paragraph 3.10** below, that authorize the SAF to make such an application. However, this restriction in no way limits the authority of DAF offices to make administrative corrections in cases of manifest error.

**3.2. Obtaining Forms.** Applicants may obtain a DD Form 149, *Application for Correction of Military Record* under the provisions of 10 U.S.C. § 1552 from any of the following sources:

- 3.2.1. From the Department of Defense Publishing website, <https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0149.pdf> (DD Form 149).
- 3.2.2. Any DAF personnel or publications distribution office.
- 3.2.3. Most veterans’ service organizations.

**3.3. Preparation.** Before applying, applicants must:

- 3.3.1. Exhaust all other available administrative remedies (e.g., performance reports, Evaluation Reports Appeals Board; fitness test results, Fitness Assessment Appeals Board; debts incurred while on active duty, Remissions Board; etc.). **(T-1)**. Otherwise, the Executive Director of the AFBCMR or designee will administratively close the case, without prejudice, and return it without action. Exhausting all administrative remedies does not apply to applicants with substantiated finding from investigations done in accordance with the Whistleblower Protection Act (10 U.S.C. § 1035).
- 3.3.2. Discuss their concerns with a Total Force Service Center representative, finance office, or other appropriate officials who can refer applicants to available avenues of administrative relief (e.g., performance reports, Evaluation Reports Appeals Board; fitness test results, Fitness

Assessment Appeals Board; debts incurred while on active duty, Remissions Board; etc.) that do not require referral to the Board. **(T-1)**.

**3.4. Submitting the Application.** Applicants should complete all applicable sections of the DD Form 149, including at least:

3.4.1. The name of the applicant or, when the applicant is an heir or legal representative, the name of the person whose record the applicant wishes the Board to correct. For group applications, see [paragraph 3.10](#).

3.4.2. That person's social security number and military service number.

3.4.3. The applicant's current mailing address, e-mail address, and contact number(s). Secure e-mail, when available, will be the primary means of communication between the AFBCMR staff and the applicant. **(T-1)**.

3.4.4. The error or injustice and specific correction to the military records required to remedy the alleged error or injustice. The applicant has the burden of providing evidence in support of their allegation(s) of an error or injustice.

3.4.5. Legal proof of the applicant's status as heir or legal representative if requesting correction of another person's records.

3.4.6. The applicant's ink signature accompanying any paper or facsimile submission. A scanned or facsimile copy of the DD Form 149 is considered a legitimate application and may be transmitted via electronic means. The completion of an electronic fillable DD Form 149, found online, will require the use of a legitimate DOD Common Access Card or identity verified electronic or digital signature. If the applicant signs the form electronically without a verified signature, then the applicant must also submit a scan of a notarized letter for the record stating the time and date the application was signed along with the submission. **(T-1)**. The person who is requesting a correction of their record must sign the application. **(T-1)**. If the individual whose record is at issue is deceased or cannot sign due to incompetency, the application may be signed by an heir or legal representative. Proof of death, incompetency, or power of attorney must accompany the application. **(T-1)**.

3.4.7. Applicants should mail the signed DD Form 149 and any supporting documents to the DAF address on the back of the form if submitting in paper. To expedite processing, applicants may elect to file electronically. Electronic filing options include (1) email of submission to include the scanned or fillable DD Form 149 and supporting documents to: [SAF.MRBC.Workflow@us.af.mil](mailto:SAF.MRBC.Workflow@us.af.mil), or (2) upload the scanned or fillable submissions through the AFRBA's secure web-based intake portal: <https://afrba-portal.cce.af.mil/>.

**3.5. Meeting Time Limits.** Applicants must file an application within 3 years after the error or injustice was discovered, or, with due diligence, should have been discovered. **(T-1)**. Timeliness is not measured strictly from the date of the action/event the applicant alleges makes them the victim of an error or injustice, but is measured from the date of when the error or injustice was discovered or should have been discovered by the applicant with reasonable diligence. Time on active duty is not included in the 3-year period. An application filed later is untimely and may be denied by the Board on that basis.

3.5.1. The Board may excuse untimely filing in the interest of justice.

3.5.2. If the application is untimely filed, the applicant should explain why the application was untimely filed and why it would be in the interest of justice for the Board to waive the statute of limitations.

**3.6. Stay of Other Proceedings.** Applying to the AFBCMR does not stay other proceedings.

**3.7. Representation by Counsel.** Applicants may be represented by counsel, at their own expense.

3.7.1. The term “counsel” includes members in good standing of the bar of any state; accredited representatives of veteran or service organizations recognized under 38 U.S.C. § 5902, *Recognition of Representatives of Organization*; and other persons determined by the Executive Director of the Board to be competent to represent the interests of the applicant.

3.7.2. See DoDD 7050.06, *Military Whistleblower Protection* and AFI 90-301, *Inspector General Complaints Resolution*, for special provisions in cases processed under 10 U.S.C. § 1034.

**3.8. Application Format.** Applicants must use the DD Form 149. **(T-2)**. Along with the DD Form 149, applicants or counsel may submit briefs in support of applications.

3.8.1. Briefs may not exceed 25 double-spaced pages; must be typed or computer-printed on one side of each page, with the left margin justified, with not more than 12 characters per inch and no less than one-inch margins on all sides; and must be assembled without staples or bindings to permit easy reproduction and digital scanning. Electronic submissions are encouraged.

3.8.2. The Board staff will return an illegible application or brief and administratively close the case without action. **(T-2)**. Although administrative closure in no way precludes an applicant from re-applying at a later date, it does not suspend the three-year statute of limitations to file an application.

3.8.3. The Board staff will return electronic applications or briefs that cannot be opened on receipt and will close the case without prejudice, as above.

3.8.4. Rebuttals to advisory opinions must not exceed 10 pages and must meet the other requirements for briefs.

3.8.5. Supporting documentary evidence may exceed the 25-page limit, but must meet other requirements for briefs, to include legibility, the requirement to be assembled without staples or bindings to permit easy reproduction and digital scanning, and be printed on one side of each page.

3.8.6. In rare, complex cases, the AFBCMR Executive Director may waive the limitations on the length of briefs.

**3.9. Withdrawing Applications.** Applicants may withdraw an application at any time before the Board’s decision. Withdrawal does not stay the 3-year time limit.

**3.10. Group Applications.** In accordance with 10 U.S.C. § 1552(b), the SecAF may file a request for correction of a military record if the request is made on behalf of a group of members or former members of the Regular Air Force, United States Space Force, Air National Guard (error or injustice occurred while in Title 10 Status), Air Force Reserve (or predecessor organizations) who were similarly harmed by the same error or injustice. Such a request must be staffed to the SecAF

for approval by the applicable major command, field command, field operating agency (FOA), Headquarters Air Force functional 2-letter office prior to submission to the AFBCMR. The staff package must be staffed in accordance with Headquarters Air Force staffing procedures. No specified form is required. At a minimum, coordination with SAF/GC, SAF/MR, and AF/JA is required before staffing the request to the Office of the SecAF (SAF/OS), which must include the following:

3.10.1. A list indicating each individual's name and social security number.

3.10.2. A comprehensive summary of the facts and circumstance surrounding the purported error or injustice perpetrated against the group of named individuals supporting a determination that the group of named individuals are substantially similarly situated and have an identical basis for relief.

3.10.3. A description of the administrative remedies exhausted prior to seeking relief through the AFBCMR. All administrative avenues of relief (e.g., performance reports, Evaluation Reports Appeals Board; fitness test results, Fitness Assessment Appeals Board; debts incurred while on active duty, Remissions Board; etc.) must have been exhausted prior to submitting the group application.

3.10.4. A specific recommendation as to the exact manner in which the records of the named individuals should be corrected, as well as identification of the agency responsible to carry out the correction of records, should the Board recommend that relief be granted.

3.10.5. SAF/MR will return any application not meeting the requirements above to the proponent without action. The proponent bears the same burden of proof as any individual applicant and the three-year statute of limitations also applies, although the Board could excuse the failure to timely file if it is in the interest of justice to do so. The applicable major command, field command, FOA, Headquarters Air Force functional 2-letter office of the application will be notified of the outcome of the case before the board and is responsible for notification of each member represented in the application.

**3.11. Authority to Return Applications.** The AFBCMR Executive Director, or person delegated authority to act on their behalf, may return an application without action if it is determined the applicant is not eligible to apply; the application is clearly frivolous; the applicant has not exhausted all available and effective administrative remedies; the requested remedy is unclear or is beyond the authority of the Board.



## Chapter 4

### BOARD ACTIONS

**4.1. Board Information Sources.** The applicant has the burden of providing sufficient evidence of material error or injustice. The Board will recommend relief only when a preponderance (more likely than not) of evidence substantiates that the applicant was a victim of an error or injustice. The Board may request the applicant furnish additional information regarding matters before the Board.

**4.2. Although not an investigative body, the Board may obtain the following from any organization/official within the DAF or DOD:**

4.2.1. Any and/or all available military records (personnel, medical, financial etc.).

4.2.2. Advisory opinions. Advisory opinions represent the one and only opportunity the DAF will have to affirm its position on a case and set forth its rationale. Advisory opinions will be staffed to agencies with a suspense of no more than 30 calendar days and must contain the following:

4.2.2.1. A statement of whether or not the requested relief can be accomplished administratively, whether or not the applicant has exhausted such administrative means before pursuing relief to the Board, and whether or not the application was timely filed. **(T-1)**.

4.2.2.2. A clear and concise summary of the relevant facts of the case, the applicant's contentions, an analysis addressing the crux issues of the case, and a recommendation based on the applicable DAF policy, regulatory requirements, or applicable law in effect at the time of the alleged error or injustice. **(T-1)**.

4.2.2.3. Regardless of the recommendation provided (e.g., grant or deny), the advisory opinion shall include instructions on specific corrective action to be taken if the Board recommends relief be granted. **(T-1)**.

4.2.2.4. If the matter before the Board pertains to a high-level decoration (Silver Star or higher), senior level (O-6 or higher) promotion issues, return to flying status, or contains allegations of reprisal, the opinion must be signed by at least a colonel (O-6) or GS-15 within the organization providing the advisory. **(T-1)**.

4.2.2.5. In the case of an applicant who was diagnosed while serving in the armed forces as experiencing a mental health disorder and the requested correction to the military records relates to a mental health disorder, any medical advisory will contain the opinion of clinical psychologist or psychiatrist in accordance with the provisions of 10 U.S.C. § 1552(g). **(T-0)**.

4.2.2.6. Certain cases may require multiple advisory opinions from a major command, field command or FOA (e.g., Air Force Personnel Center (AFPC), Air Reserve Personnel Command (ARPC), National Guard Bureau (NGB), Air Force Reserve Command (AFRC)). In such cases, the perspectives of multiple offices may be consolidated into a single opinion, or take the form of individual advisory opinions from the various offices. If multiple advisories are rendered, the opinions must represent the position of the

command/FOA, not the individual office, and any differences on a specific issue must be reconciled within the command/FOA prior to submission to the AFBCMR. (T-1).

4.2.2.7. Advisory opinions released to applicants shall have the advisor names redacted in a manner consistent with FOIA rules.

4.2.2.8. Commands/FOAs will appoint a single point of contact who will manage the command/FOA's internal advisory opinion development, staffing, coordination, and accountability processes. (T-1).

4.2.3. Relevant investigative reports (e.g., Inspector General, Office of Special Investigation, Accident Investigation Reports).

**4.3. Applicant Notification.** Applicants shall be given an opportunity to review and comment on all correspondence and communications (including advisory opinions) to or from the AFRBA and with an entity or person outside the AFRBA that pertain directly to the applicant's case or may have a material effect thereon. This rule applies to spoken or telephonic communications, which must be summarized. This rule does not apply to classified information; release of information which is otherwise prohibited or privileged in accordance with the Privacy Act of 1974 authorized by DoDD 5400.11, *DoD Privacy Program*; any record previously provided to the applicant or known to be possessed by the applicant (such as records of adverse administrative actions showing acknowledgement by the applicant); purely administrative correspondence; and any military record that is or may be provided to the applicant by the Secretary of the military department or other source.

4.3.1. The applicant will be given 30 calendar days to review and respond to the material described in **paragraph 4.3**. The application will be processed to the Board for consideration with the available evidence of record, at the end of the 30-day period or upon receipt of the applicant's rebuttal, whichever occurs first. Applicants will not contact offices of primary responsibility (OPR) to respond to advisory opinions. Any response to the advisory opinion(s) will be submitted to the Board in writing before the end of the 30-day period described above.

4.3.2. Requests for an extension of the 30-day period will not be granted. Title 10, U.S.C. § 1557, *Timeliness standards for disposition of applications before Corrections Boards*, requires the Board to adjudicate 90 percent of its cases within ten months, with no single case exceeding 18 months in processing. Therefore, given this strict processing timeline, extensions to the 30-day period cannot be granted without compromising the Board's ability to comply with the provisions of 10 U.S.C. § 1557. (T-0). However, an applicant may request their case be administratively closed, without prejudice, until such time as they are ready to proceed. Once ready to proceed, the applicant must notify the Board staff in writing (e-mail or regular mail) so processing of the case to the Board may resume.

4.3.3. If, in response to the advisory opinion, or at any other time, the applicant amends an active application for correction of records, the application may be closed at the discretion of the Executive Director or designee and the applicant will be instructed to file a new DD Form 149 so the requests can be aggregated and adjudicated simultaneously.

4.3.4. Any requests for the status of an application before the Board (applicant initiated or otherwise) will be referred to the AFRBA. Applicants may not contact the OPRs to ascertain the status of their application before the Board, nor will OPRs divulge information to an applicant on the adjudication of their case before the Board, but will refer the inquiry to the

Board staff for a response to the applicant. OPR access to the AFBCMR system of record is controlled unclassified information based on a strict need-to-know.

**4.4. Consideration by the Board.** A panel consisting of at least three board members considers each application. One panel member serves as chair. The panel's actions constitute the actions of the Board.

**4.5. Training Curricula for Board Members.** In accordance with 10 U.S.C. § 1552, within 90 calendar days of appointment, members of the Board shall receive a comprehensive training curriculum in the duties of the Board. **(T-0)**. The curriculum shall address all areas of administrative law applicable to the Board, the proper handling of claims in which a sex-related offense is alleged to have contributed to the original characterization of the discharge or release of the applicant, including guidelines for the consideration of evidence substantiating such allegations in accordance with the requirements of 10 U.S.C. § 1554(b) *Review of retirement or separation without pay for physical disability*, as added by an amendment to 10 U.S.C. § 1552. **(T-0)**. Training shall include information on the requirements for claims involving spousal abuse, sexual trauma, intimate partner violence, and the various responses of individuals to trauma. Each member of the Board shall undergo retraining (consistent with the curriculum implemented pursuant to this paragraph) at least once every five years during the member's tenure on the Board. **(T-0)**. (Reference: Dec. 23, 2016, P. L. 114-328, Div A, Title V, Subtitle D, § 534(c), 130 Stat. 2122; Dec. 12, 2017, P. L. 115-91, Div A, Title V, Subtitle C, Part I, § 523(a)).

**4.6. Board Deliberations.** Normally, only members of the Board and Board staff will be present during deliberations. The panel chair may permit observers for training purposes or otherwise in furtherance of the functions of the Board.

**4.7. Board Hearings.** Applicants may request a Personal Appearance Formal Hearing via Videoteleconference (VTC) before the Board. Whether or not the Board authorizes a VTC formal hearing is predicated on its finding that the applicant's presence, with or without counsel, would materially add to its understanding of the issues involved. The Board has the sole discretion to determine whether to grant a VTC hearing. See DoDD 7050.06 and AFI 90-301 for special provisions in cases processed under 10 U.S.C. § 1034.

4.7.1. The AFBCMR Executive Director or designee will notify the applicant and counsel, if any, of the time of the hearing. Written notice will be mailed or electronically transmitted not less than 30 calendar days in advance of the hearing unless the notice period is waived by the applicant. Any response by the applicant must be received not later than 15 calendar days before the hearing date, accepting or declining the offer of a hearing and, if accepting, provide information pertaining to counsel and witnesses. The Board will decide the case based on the evidence of record if the applicant declines the hearing, fails to respond, or fails to appear.

4.7.2. When granted a VTC Formal Hearing, the applicant may appear before the Board, with or without counsel, and may present witnesses. It is the applicant's responsibility to notify witnesses, arrange for their attendance at the hearing, and pay any associated costs.

4.7.3. The panel chair conducts the hearing, maintains order, and ensures the applicant receives a full and fair opportunity to be heard. Formal rules of evidence do not apply, but the panel will generally consider relevancy and materiality when weighing evidence. Witnesses other than the applicant will not be present except when testifying. Witnesses will testify under

oath or affirmation. A recorder will record the proceedings verbatim. The chair will normally limit hearings to two hours but may allow more time if necessary.

**4.8. The Board will not recommend denial of an application on the sole ground the issue already has been decided by the SAF, Secretary of Defense (SECDEF), or the President of the United States in another proceeding.**

**4.9. Liberal Consideration for Mental Health Conditions, Sexual Assault and/or Sexual Harassment.** Liberal consideration will be given to veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including Post Traumatic Stress Disorder; Traumatic Brain Injury; or a sexual assault or sexual harassment experience. All cases involving mental health disorders will include an advisory opinion from a clinical psychologist or psychiatrist. If applicable, for such cases, the three-year statute of limitations prescribed in **paragraph 3.5** will be waived by the Board.

**4.10. Sexual Assault Case Confidentiality.** The Board will utilize a confidential process by which an individual who was the victim of a sex-related offense during service in the Armed Forces may challenge the terms or characterization of the discharge or separation of the individual from the Armed Forces on the grounds the terms or characterization were adversely affected by the individual being the victim of such an offense. To ensure confidentiality, the Board staff will ensure the application pertaining to such a person is processed in such a way as to preclude the access of the application, advisory opinions, and the Board's ultimate decision, to those without a need to know. Final Records of Proceeding (ROP) in such cases will not be posted to the reading room without the applicant's consent.

**4.11. Board Recommendations.** The panel's majority vote constitutes the action of the Board. The Board shall make a final written recommendation to the SecAF, or SexcAF's delegee, based on determination on the following issues:

4.11.1. Whether the application was filed within 3 years after the error or injustice was reasonably discoverable and, if not, whether the applicant has demonstrated that it would be in the interest of justice to excuse the untimely filing. **(T-0)**. When the Board determines that an application is not timely, and does not excuse its untimeliness, the application will be denied on that basis.

4.11.2. Whether the applicant has demonstrated the existence of a material error or injustice that can be remedied effectively through correction of the applicant's military record and, if so, what corrections are needed to provide full and effective relief. **(T-1)**.

4.11.3. Whether the provisions of the 10 U.S.C. § 1034 apply to the application. **(T-0)**. This determination is needed only when the applicant invokes this protection, or when the question of its applicability is otherwise raised by the evidence.

4.11.4. In cases identified under **paragraph 4.10**, the Board may recommend to the SecAF that disciplinary or administrative action be taken against any DAF official whom the Board finds to have committed an act of reprisal against the applicant. **(T-1)**. Any determination on this issue will not be made a part of the Board's ROP in the case at hand and will not be given to the applicant, but will be provided directly to the SecAF under separate cover (**paragraph 2.3**).

**4.12. Record of Proceedings.** The Board staff will prepare a ROP following deliberations which will include:

- 4.12.1. The vote of each Board member.
- 4.12.2. The application.
- 4.12.3. Briefs and written arguments.
- 4.12.4. Documentary evidence.
- 4.12.5. A copy of the VTC hearing if a Personal Appearance VTC hearing was held. A hearing transcript if an in-person hearing was held.
- 4.12.6. Advisory opinions (if obtained) with authorized signatory's name redacted and the applicant's related comments.
- 4.12.7. The findings, conclusions, and recommendations of the Board.
  - 4.12.7.1. Whether all the evidence in the case was considered, to specifically include the applicant's submissions and any advisory opinions and responses thereto.
  - 4.12.7.2. The written decision should respond with specificity to any non-frivolous arguments by the applicant. No specific amount of detail or counter-argument is required; however, the written decision should at least give a brief explanation as to why any arguments of an applicant were rejected.
- 4.12.8. Minority reports, if any.
- 4.12.9. Other information necessary to show a true and complete history of the proceedings.

**4.13. Minority Reports.** There will be situations where, after deliberations, a voting panel member will disagree with the recommendation of the majority. In those instances, the dissenting panel member(s) may prepare a minority report, which may address any aspect of the case, explaining the rationale for their position.

**4.14. Separate Communications.** The Board may send comments or recommendations to the SAF as to administrative or disciplinary action against individuals found to have committed acts of reprisal prohibited by the Military Whistleblowers Protection Act and on other matters arising from an application not directly related to the requested correction of military records. Such comments and recommendations will be separately communicated and will not be included in the record of proceedings or given to the applicant or counsel.

**4.15. Final Action by the Board.** The Board sends the record of proceedings describing its recommendations on each application to the SAF or to the SAF's delegee for final decision. For Military Whistleblower cases (10 U.S.C. § 1034), if the applicant is not satisfied with the final decision, it may be appealed to the SECDEF.

**4.16. Unsound Practices Identified by the Board.** The Board may identify DoD or DAF policies, instructions, guidance or practices that are leading to, or likely to lead to unsound organizational decisions, unfair results, waste of government funds or public criticism. The Board will forward such observations directly to the appropriate offices of the Secretariat, the Air Staff, or Office of the Chief of Space Operations (Space Staff), for review and evaluation. Such observations will not be included in the ROP.

## Chapter 5

### DECISION OF THE SAF

**5.1. In accordance with Secretarial delegations of authority, the SAF, or the SAF's delegee, will direct such action as the SAF or delegee deems appropriate on each case, including returning the case to the Board for further consideration.** Cases returned to the Board for further consideration will be accompanied by a brief statement of the reasons for such action. If the SAF or delegee does not accept the Board's recommendation, the decision will be in writing and will include a brief statement of the grounds for their final decision.

**5.2. Decisions in Cases Under the Military Whistleblowers Protection Act (10 U.S.C. § 1034).** In resolving an application for the correction of records made by a member or former member of the armed forces who has alleged a personnel action prohibited by the Military Whistleblowers Protection Act, the Board may review the matter. The SAF will issue decisions on such cases within 180 calendar days after the application is filed. **(T-0)**. If the SAF fails to issue a final decision within that time, the applicant shall be deemed to have exhausted administrative remedies and may appeal to the SECDEF or federal court as applicable. **(T-0)**. Additionally, unless the full relief requested is granted, the Board will inform the applicant of their right to request review of the decision by the SECDEF. **(T-0)**. Applicants will also be informed of the following:

5.2.1. The name and address of the official to whom the request for review must be submitted;

5.2.2. The request for review must be submitted within 90 calendar days after receipt of the decision by the SAF. **(T-0)**;

5.2.3. The request for review must be in writing and include the applicant's name, address, email address, and telephone number; a copy of the application to the AFBCMR, the final decision of the SAF, and a statement of the specific reasons the applicant is not satisfied with the decision;

5.2.4. The request must be based on the Board record; requests for review based on factual allegations or evidence not previously presented to the Board will not be considered under this paragraph, but may be the basis for reconsideration by the Board under **Chapter 6**.

**5.3. In cases under paragraph 5.2,** which involve additional issues not cognizable under that paragraph, the additional issues may be considered separately by the Board under Chapters **3** and **4**. The special time limit in **paragraph 5.2** does not apply to the decision concerning these additional issues.

**5.4. In resolving an application for the correction of records made by a member or former member of the armed forces in which the request is based on an alleged incorrect Inspector General finding of reprisal claimed by the applicant, if the Board considers the applicant to have raised potentially new matters, it will refer the applicant's new matters to the DAF Inspector General (SAF/IG).**

5.4.1. SAF/IG will determine if the applicant's matters are, in fact, new, relevant, and material; and if so, whether the new matters warrant that SAF/IG reopen their investigation.

5.4.2. If SAF/IG finds no new matters in the application, or determines that the new matters are not relevant or material to the original reprisal determination, it shall return the case to the

Board within 30 calendar days, informing the Board of their determination. SAF/IG may also submit their analysis of the applicant's new matters to DoD IG for oversight and approval.

5.4.3. If SAF/IG revises in any way their original findings of reprisal claimed by the applicant, SAF/IG will refer the case to DoD IG for required oversight and approval. **(T-0)**. Upon receipt of DoD IG's final approval, the case will be returned to the Board within 15 calendar days.

5.4.4. Regardless of SAF/IG's determinations in paragraphs **5.4.1**, **5.4.2**, and **5.4.3**, DAF/IG shall provide an advisory to the Board regarding its determination(s). At a minimum, the advisory shall address the applicant's contentions and provide a recommendation for granting or denying the requested relief.

**5.5. In all cases, all relevant Inspector General records will be made available to the Board for their use in cases under paragraph 5.4**, which involve additional issues not cognizable under that paragraph, the additional issues may be considered separately by the Board under Chapters **3** and **4**. The special time limit in **paragraph 5.2** does not apply to the decision concerning these additional issues.

**5.6. Remands resulting from federal litigation.** AFBCMR decisions challenged in federal court are occasionally subject to remands for further consideration, typically of a perceived deficiency in the original Record of Proceedings. The AFBCMR shall strictly comply with the terms of the remand order and shall respond to the issues raised on remand with specificity. **(T-0)**. Federal courts frequently set deadlines for concluding the remand proceedings. The AFBCMR shall comply with all court remand deadlines, to include a finalized record of proceedings and Secretarial action. **(T-0)**. If completion is not feasible, the AFBCMR shall promptly notify AF/JACL of the delay and reasons therefore, who shall in turn notify the servicing Department of Justice attorney. **(T-0)**.

## Chapter 6

### RECONSIDERATION OF APPLICANTS

**6.1. The Board shall reconsider an application if supported by materials not previously presented or considered.** The request for reconsideration must be submitted on a new DD Form 149 in agreement with the requirements of paragraphs **3.4, 3.8**, and their sub-paragraphs. The request must describe the specific correction requested and the reasons the applicant believes he or she is the victim of an error or injustice. Each request for reconsideration will be screened to determine whether or not it contains new materials. New arguments about, or analysis of evidence already considered and additional statements that are cumulative to those already in the record of proceedings will not be considered new materials. The Board may also reconsider an application upon its own motion.

**6.2. If the request does not contain new materials, the Executive Director or the Executive Director's designee will return it to the applicant without referral to the Board.**

**6.3. If the request contains new materials, the Executive Director or their designee will refer it to a panel of the Board for a decision.** The Board will decide the relevance and weight of any new materials. The Board may deny reconsideration if the new materials are not relevant to the original matter. Otherwise, if the Board deems the materials new and relevant, it will reconsider the application on the merits. In any case, an ROP will be prepared by the AFBCMR staff in accordance with **paragraph 4.11**.



## Chapter 7

### ACTION AFTER FINAL DECISION

**7.1. Action by the Executive Director.** The Executive Director or designee will inform the applicant or counsel, if any, of the final decision on the application. If any requested relief was denied, the Executive Director or designee will advise the applicant of reconsideration procedures, and for cases processed under 10 U.S.C. § 1034, procedures for review by SECDEF. If the applicant's request for an upgrade to the characterization of a discharge or dismissal was denied in full or in part and the applicant is otherwise eligible for consideration by the DOD Discharge Appeal Review Board, the Executive Director or designee will advise the applicant of the option of appealing the denial of the upgrade to the Discharge Appeal Review Board.

7.1.1. The Executive Director will send decisions requiring corrective action (directives) to the Chief of Staff of the Air Force (or appropriate designee) or Chief of Space Operations (or appropriate designee) for necessary action. Except for appeals filed under [paragraph 7.1](#) or when procured by fraud, these directives are final and conclusive on all officers of the United States.

7.1.2. Directives will be staffed to major commands/field commands/FOA/DAF/DoD agency responsible for promulgating the corrective action. Corrective action should be taken within 30 calendar days of the date of the instrument and corrected documents should be added to the applicant's Military Personnel Records and copies provided to the AFBCMR through their Case Management System. **(T-1)**. major commands/field commands/FOAs (e.g., AFPC, AFRC, NGB, ARPC, etc.) will appoint a single point of contact to manage the directive promulgation process. **(T-1)**.

**7.2. Settlement of Claims.** The DAF is authorized, under 10 U.S.C. § 1552, to pay claims for amounts due to applicants as a result of correction of military records.

7.2.1. The Executive Director will furnish the Defense Finance and Accounting Service (DFAS) with AFBCMR decisions potentially affecting monetary entitlement or benefits. DFAS will treat such decisions as claims for payment by or on behalf of the applicant.

7.2.2. DFAS settles claims on the basis of the corrected military record. Computation of the amount due, if any, is a function of DFAS. Applicants may be required to furnish additional information to DFAS to establish their status as proper parties to the claim and to aid in deciding amounts due.

7.2.3. Earnings received from civilian employment during any period for which active duty pay and allowances are payable will be deducted from the settlement. Amounts found due will be offset by the amount of any existing indebtedness to the government.

7.2.4. Payment of Expenses. The Air Force has no authority to pay expenses of any kind incurred by or on behalf of an applicant in connection with a correction of military records under 10 U.S.C. § 1034 or § 1552. This includes attorney's fees or other costs related to an AFBCMR application.

**7.3. Public Access to Decisions.** After deletion of personal information, AFBCMR decisions will be made available for review and copying via an electronic public reading room at: [http://boards.law.af.mil/AF\\_BCMR.htm](http://boards.law.af.mil/AF_BCMR.htm). Refer to **paragraph 4.9** for cases dealing with sexual assault.

## Chapter 8

### MISCELLANEOUS PROVISIONS

**8.1. Access to Records.** Applicants will have access to all records considered by the Board, except those exempted by law. The AFBCMR is not the custodian for master personnel records, any applicant requesting these records will be referred to the National Personnel Records Center, 1 Archive Drive, St. Louis, MO 63138, (314) 801-0800, <https://www.archives.gov/veterans/military-service-records/locations#air-force> or, if still serving, the appropriate servicing personnel agency.

**8.2. Senior Leader Communications with Air Force Review Boards Agency.** In accordance with SAF/MR Memorandum, any inquiry about a specific pending case before the AFBCMR by a senior official (general officer or a member of the Senior Executive Service) should be routed through the Director, AFRBA or the Principal Deputy Assistant Secretary of the Air Force (Manpower and Reserve Affairs).

JOHN A. FEDRIGO  
Principal Deputy Assistant Secretary (Manpower  
and Reserve Affairs)

**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

- 10 U.S.C. § 1552, *Correction of military records: claims incident thereto*
- 10 U.S.C. § 1553a, *Review of a request for upgrade of discharge or dismissal*
- 10 U.S.C. § 1557, *Timeliness standards for disposition of applications before Corrections Boards*
- 10, U.S.C. § 1034, *Protected communications; prohibition of retaliatory personnel actions*
- 10, U.S.C. § 7311, *Twenty years or more: regular or reserve commissioned officers-Army*
- 10 U.S.C. § 8323, *Officers: 20 years-Navy and Marine Corps*
- 10 U.S.C. § 9311, *Twenty years or more: regular or reserve commissioned officers-Air Force and Space Force*
- 38 U.S.C. § 5902, *Recognition of representatives of organization*
- Pub. L. 116-92, *National Defense Authorization Act for Fiscal Year 2020*
- Pub. L. 115-91 *National Defense Authorization Act for Fiscal Year 2018*
- Pub. L 114-328, *National Defense Authorization Act for Fiscal Year 2017*
- DoDD 1332.41, *Boards for Correction of Military Records and Discharge Review Boards*, 8 March 2004
- DoDD 5400.11, *DoD Privacy and Civil Liberties Programs*, 29 January 2019
- DoDD 7050.06, *Military Whistleblower Protection*, 17 April 2015
- DAFPD, *Total Force Development and Management*, 15 April 2022
- DAFMAN 90-161, *Publications Processing and Procedures*, 14 April 2022
- AFI 90-301, *Inspector General Complaints Resolution*, 28 December 2018
- AFI 33-322, *Records Management and information Governance Program Management of Records*, 23 March 2020
- AF Audit Agency 2019 Report
- Secretary of Defense Memorandum, *Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder*, 3 September 2014
- Acting Principal Deputy Secretary of Defense for Personnel and Readiness (OUSD-P&R) memorandum, *Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military Boards for Correction of Military/Naval Records (BCMRs/BCNR) by Veterans Claiming Post Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI)*, 24 February 2016

Under Secretary of Defense for Personnel and Readiness (OUSD-P&R) memorandum, Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment, 25 August 2017

Under Secretary of Defense Memorandum, Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations, 25 July 2018.

### ***Adopted Forms***

DD Form 149, *Application for Correction of Military Records*, December 2014

AF Form 847, *Recommendation for Change of Publication*, 22 September 2009

### ***Abbreviations and Acronyms***

**AFBCMR**—Air Force Board for Correction of Military Records

**AFDRB**—Air Force Discharge Review Board

**AFI**—Air Force Instruction

**AFPC**—Air Force Personnel Center

**AFRBA**—Air Force Review Boards Agency

**AFRC**—Air Force Reserve Command

**AFRIMS**—Air Force Information Management System

**ARPC**—Air Reserve Personnel Center

**BCNR**—Board for Correction of Naval Records

**DAF**—Department of the Air Force

**DAFI**—Department of the Air Force Instruction

**DFAS**—Defense Finance and Accounting Service

**DoD**—Department of Defense

**DoDD**—Department of Defense Directive

**FOA**—Field Operating Agency

**IG**—Inspector General

**NGB**—National Guard Bureau

**OPR**—Office of Primary Responsibility

**ROP**—Record of Proceedings

**SAF**—Secretary of the Air Force

**SECDEF**—Secretary of Defense

**USAF**—United State Air Force

**U.S.C.**—United States Code

**USSF**—United States Space Force

**VTC**—Video Teleconference

*Terms*

**Advisory Opinion**—a formal opinion requested from a governing subject matter expert that is given on the point of contention

**Quorum**—the minimum number of members of a deliberative assembly necessary to conduct the business of that group

**Record of Proceedings**—the organized, official material constituting the record of any application, petition, hearing, or other proceeding before the Board

**The board**—the deliberative assembly of panel members