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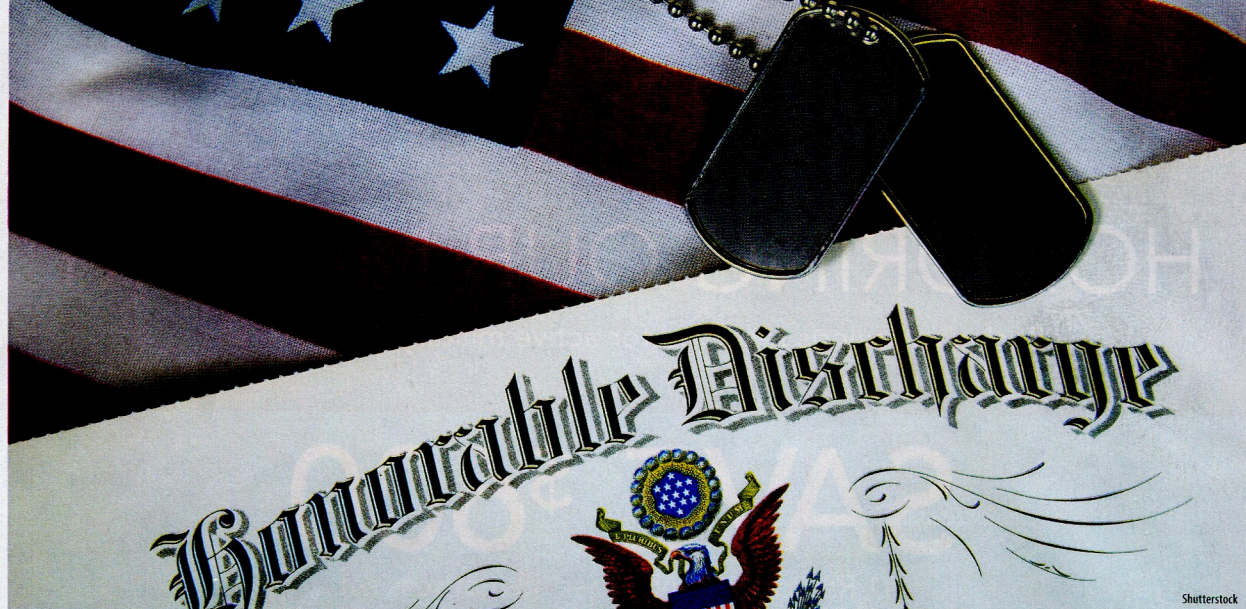
***If Veterans don't help Veterans, who will?***

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## Five minutes or less

Want to correct an unfair discharge or remove an erroneous mental health diagnosis from your service record? The Army or Navy board of last resort will spend five minutes on your case. Maybe less.

"The deck is really stacked against servicemembers at these boards," says Thomas Moore, manager of the Lawyers Serving Warriors project and a former Army JAG officer.

"They go to great lengths to deny meritorious claims," adds Raymond Toney, a former Army reservist and private attorney who specializes in these cases. "They see their role as defending the government."

In other words, if a combat veteran with PTSD is wrongly discharged for a personality disorder, he or she has almost no chance of setting the record straight – a record that makes all the difference as to whether they receive medical care and retirement benefits or are able to make a career outside the military.

A personality disorder discharge is often also a significant blow to a servicemember's personal pride. "They feel like they have served honorably, gone to war, and then have been improperly booted without acknowledging the wounds they received as a result of combat," Moore says. "They feel like it's an indelible stain on their military record."

A Board for Correction of Military Records was established for each service branch following World War II. Board members are civilian volunteers who also often work full-time jobs. They consider a wide range of issues, from promotion and pay to whether a servicemember should have received a particular commendation such as a Purple Heart. The boards also decide whether a servicemember should have been medically retired for combat injuries such as PTSD and TBI, rather than simply declared unfit for duty due to developmental issues such as personality disorders and adjustment disorders and cut from the ranks. They are the board of last resort for discharge upgrades.

However, the correction boards are overwhelmed with cases and do not have the resources to do the job Congress charged them to do. Toney analyzed the work of three boards after noticing that the Army and Navy boards often avoided addressing potentially meritorious claims, or simply

dismissed such claims on the grounds that "the applicant has presented no evidence" when it was clear the applicant had, he says. He discovered that the Army board spent fewer than five minutes reviewing each case. The Navy board, which also considers Marine Corps issues, spent an average of two minutes. Only members of the Air Force board take cases home a week in advance so they have ample time to review the record.

In other words, "these cases are predetermined by staff," and board members are simply signing off on those decisions, Moore says.

Mistakes are common. If key documents are missing from the applicant's military personnel file, the boards assume that the service branches properly followed procedures and did the right thing. In situations where a servicemember was discharged for a personality disorder, for example, the National Veterans Legal Services Program often discovers that the mental status evaluation was not done properly, or the document that shows the doctor actually diagnosed PTSD instead of a personality disorder is missing from the file.

Veterans can appeal corrections board decisions to the Court of Federal Claims or a U.S. district court. Yet only a small percentage of cases reach the federal courts – most former servicemembers don't have the means to appeal, Toney says. And while the court has severely chastised the boards, little has changed.

What's the solution? A 1996 DoD report to Congress outlined recommended that all service branches follow the example set by the Air Force corrections board, Toney says. "Twenty years later, none of the recommendations have been implemented."

The boards also need more resources in order to be able to take the time to make thoughtful decisions, as well as more oversight.

"There's no consequences to the board or the board staff for these decisions," Toney says. "You have a system of impunity for bad decision-making. It's going to take (action by) Congress and the secretary of defense. It's going to take people getting pissed off about it."

– Ken Olsen