



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

JAN 18 2018

The Honorable John McCain
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Section 533 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 amended sections 1552 and 1553 of title 10 to require the Boards for the Correction of Military/Naval Records (BCM/NRs) and Discharge Review Boards (DRBs) to make certain information regarding mental health claims, applications related to war or contingency operation, and relief rates available to the public through an internet website of the Military Department concerned on a quarterly basis. Consistent with the interim letter we sent you in June 2017, enclosed is the requisite data for the third quarter of 2017 (July through September).

Additionally, in consideration of section 521 of the NDAA for FY 2018, which amended sections 1552 and 1553 of title 10 to also require reporting of the number of discharge reviews involving a claim of sexual assault, we have included sexual assault data in our table (see enclosure). The data will be published on the Department's Joint Reading Room webpage this month: <http://boards.law.af.mil/>. We anticipate the data for the next quarter will be available in February 2018. Additionally, we have initiated a plan to update the Joint Reading Room's website design and usability in early 2018.

For this reporting period, 426 Veterans sought review of their discharges and asserted a mental health reason for relief. Of those cases, 153 (36 percent) were granted some form of relief, such as a change in the narrative reason for discharge. Of those receiving relief, 92 percent were granted an upgrade in their discharge characterization. With respect to discharge reviews related to sexual assaults, we adjudicated 33 claims during this quarter, 24 of which (73 percent) received relief, and 92 percent of those included an upgrade in characterization. By comparison, the boards reviewed 1,330 other cases that did not receive liberal consideration. The average rate of relief for those cases was 20 percent with less than 10 percent receiving an upgrade.

It is important to note that not every Veteran requests an upgrade and many already have an honorable characterization. For example, a discharge for personality disorder is typically an honorable characterization. We receive a number of petitions asserting the Veteran had post-traumatic stress disorder or some other condition instead of a personality disorder. In these cases, the Veteran is seeking other relief, such as a change in the narrative reason for separation.

Additionally, there is some overlap in these categories. Veterans asserting sexual assault often assert a mental health condition as a basis for relief, such as post-traumatic stress related to the sexual assault. Consequently, sexual assault claims are almost always a subset of the mental health claims. By comparison, mental health cases include a much larger universe of conditions other than post-traumatic stress related to sexual assault.

The primary reasons relief is denied are: the asserted mental health condition or sexual assault experience does not excuse or mitigate the facts that led to the discharge; there is insufficient evidence, even with liberal consideration, to support the asserted condition; or the asserted condition or experience, even with liberal consideration, is outweighed by the seriousness of misconduct that led to the discharge.

These cases continue to be some of the most difficult and complex cases reviewed by the BCM/NRs and DRBs, but we remain committed to ensuring a fair and consistent process for those who have served their nation recently or even decades ago. We have a number of initiatives underway, will continue to monitor the Review Boards' progress, and will continue to work with the Armed Services Committees to that end. Thank you for your continued support of our men and women in uniform and for our Nation's Veterans.

A similar letter is being provided to the Chairman of the Committee on Armed Services of the House of Representatives.

Sincerely,



Robert L. Wilkie

Enclosure:
As stated

cc:
The Honorable Jack Reed
Ranking Member