



July 2025

MILITARY DISCHARGE

Actions Needed to Help Ensure Consistent and Timely Upgrade Decisions

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Why GAO Did This Study

Service members separated from the military without an honorable discharge have limited access to veterans' benefits, including medical and educational benefits. They may also find it difficult to obtain employment. Some veterans may believe they suffered an error or injustice in the discharge process. These veterans may apply to have DOD—through its post-separation review boards—consider whether their discharge characterization should be upgraded.

Senate Report 118-58 includes a provision for GAO to review DOD's implementation of liberal consideration of veterans' discharge upgrade applications. This report assesses DOD's (1) application of key guidance; (2) timeliness in adjudicating cases; (3) communication of quality information; and (4) tracking and reporting of cases.

GAO analyzed data for cases closed from January 2018 through March 2024—the most recent available data; conducted a generalizable sample of board decisions; reviewed guidance and other documentation; and interviewed DOD officials.

What GAO Recommends

GAO is making nine recommendations, including that DOD assess application of key guidance, require communication of current estimates for adjudication time frames, and ensure the online reading room is user-friendly. DOD concurred with three recommendations, partially concurred with one, and did not concur with five, including those on communicating current estimates to applicants. GAO continues to believe that these recommendations are warranted, as discussed in the report.

For more information, contact Kristy E. Williams at williamsk@gao.gov.

What GAO Found

Service members separated from the military without an honorable discharge can apply to a post-separation review board for a possible discharge upgrade due to a potential error or injustice in the process. In 2014 and 2017, the Department of Defense (DOD) directed these boards to give "liberal consideration" to applications from veterans with a qualifying mental health condition, such as post-traumatic stress disorder or an experience of sexual harassment or sexual assault connected to their service. DODs' post-separation review boards have implemented liberal consideration and, from January 2018 through March 2024, applied it to more than 21,000 discharge upgrade cases. The rates of discharge upgrades granted ranged from 18 to 49 percent among the boards.

Liberal Consideration Cases Closed by Department of Defense Boards, January 2018–March 2024

	Army boards	Navy boards	Air Force boards	Total
Total closed	10,237	9,941	1,639	21,817

Source: GAO analysis of post-separation review board data. | GAO-25-107354

However, in reviewing the boards' adjudication of these cases, GAO identified the following challenges:

- **Use of guidance.** Boards inconsistently applied key liberal consideration guidance related to the use of (1) Department of Veterans Affairs documentation connecting a veteran's mental health condition to their military service; and (2) applicant testimony about an experience of sexual harassment or sexual assault during military service. An evaluation and periodic monitoring of how each board applies liberal consideration guidance could help ensure consistent treatment among veterans.
- **Adjudication time frames.** Some boards are required to adjudicate discharge upgrade cases within a specified time frame, while other boards are not. Required time frames for all boards will help ensure work is organized to efficiently achieve objectives and provide applicants—who may have critical financial and health challenges—a more predictable timeline for an already lengthy adjudication process.
- **Communicating decisions.** Boards inconsistently explained in their decisional documents how they applied key liberal consideration guidance in discharge upgrade cases. Requiring that boards communicate a comparable level of information about how they used this guidance will provide applicants with a more precise understanding of how the board reached its decision of whether to grant an upgrade.
- **Availability of case information.** DOD is generally required to post documentation of discharge upgrade decisions on its online reading room. However, GAO found that about 43 percent of documents on liberal consideration cases closed from January 2018 through March 2024 that should have been posted are missing from the reading room and posted documents are not organized in a user-friendly manner. A process that ensures all documents are posted and effectively organized will enable the reading room to serve its intended purpose.

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Abbreviations

DOD	Department of Defense
OUSD(P&R)	Office of the Under Secretary of Defense for Personnel and Readiness
PTSD	post-traumatic stress disorder
TBI	traumatic brain injury
VA	Department of Veterans Affairs

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U.S. GOVERNMENT ACCOUNTABILITY OFFICE

441 G St. N.W.
Washington, DC 20548

July 24, 2025

The Honorable Roger F. Wicker
Chairman
The Honorable Jack Reed
Ranking Member
Committee on Armed Services
United States Senate

The Honorable Mike Rogers
Chairman
The Honorable Adam Smith
Ranking Member
Committee on Armed Services
House of Representatives

Service members who engage in misconduct may be separated from the military without an honorable discharge, which could limit their access to valuable medical and educational benefits and make it difficult to find employment.¹ Recognizing that some veterans believe they suffered an error or injustice in the discharge process, the military departments' post-separation review boards (boards) provide veterans who are separated without an honorable discharge the opportunity to, among other things, apply to have the boards consider whether their discharge characterization should be upgraded.² If granted, these upgrades may allow veterans to access benefits that had previously been unavailable to them.

When adjudicating a veteran's case for a discharge upgrade, Department of Defense (DOD) guidance requires that the military departments' boards apply "liberal consideration" if the case meets certain criteria.³ According

¹Misconduct that leads to a discharge without an honorable characterization could include drug use and not reporting for duty, as well as more severe misconduct, such as violence, and premeditated acts, such as fraud.

²Our review included the Army Discharge Review Board, Army Board for Correction of Military Records, Naval Discharge Review Board, Board for Correction of Naval Records, Air Force Discharge Review Board, Air Force Board for Correction of Military Records, and the Discharge Appeal Review Board. For this report, we refer to these seven boards as DOD's post-separation review boards, or boards.

³The boards are also statutorily required to apply liberal consideration to cases that meet certain criteria. See 10 U.S.C. §§ 1552(h) and 1553(d)(3).

to DOD guidance, liberal consideration recognizes that service-connected mental health conditions, such as post-traumatic stress disorder (PTSD), as well as symptoms stemming from traumatic brain injury (TBI), and experiences such as sexual harassment or sexual assault, may explain or mitigate misconduct that resulted in a service member's discharge from military service.⁴ In 2014 and 2017, DOD published memorandums to provide guidance to the boards on standards of review for these cases.⁵ This guidance addresses cases in which an applicant's mental health condition was not a recognized diagnosis at the time of their discharge and cases in which there is limited documentary evidence of an applicant's qualifying mental health condition or experience, among other things.

Senate Report 118-58, accompanying a bill for the National Defense Authorization Act for Fiscal Year 2024, includes a provision for us to review the military departments' implementation of the requirement for liberal consideration of veterans' discharge upgrade applications.⁶ Our report assesses the extent to which the military departments have (1) implemented liberal consideration for eligible discharge upgrade applications, (2) adjudicated liberal consideration cases in a timely manner, (3) communicated quality information about liberal consideration cases to current and potential applicants, and (4) tracked and reported on discharge upgrade cases involving liberal consideration.

⁴DOD defines sexual harassment as conduct that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature. DOD defines sexual assault as intentional sexual contact characterized by the use of force, threats, intimidation, or abuse of authority, or intentional sexual contact when the victim does not or cannot consent.

⁵Secretary 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* (Sept. 3, 2014) (referred to in this report as the Hagel memorandum); Office of the Under Secretary of Defense for Personnel and Readiness 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* (Aug. 25, 2017) (referred to in this report as the Kurta memorandum). According to DOD guidance, evidence of a mental health condition in a veteran's discharge application could come from (1) sources other than DOD personnel forms; (2) the veteran's testimony alone; or (3) the conduct that resulted in the veteran's discharge. DOD also published other memorandums to establish and clarify liberal consideration. See figure 3.

⁶S. Rep. No. 118-58, at 135-36 (2023).

For our first objective, we reviewed DOD guidance pertaining to the implementation of liberal consideration. In addition, we obtained and analyzed data from the boards' data management systems for cases closed from January 2018 through March 2024—the most recent available data—to determine the number of liberal consideration cases adjudicated by each board and the outcome of each case since the application of key liberal consideration guidance.⁷ Additionally, we analyzed a generalizable sample within a margin of error +/-7 percent of 501 decisional documents from liberal consideration cases closed from January 2021 through March 2024 to determine the extent to which the boards have uniformly applied key liberal consideration guidance and implemented consistent standards of review in their recent decisions.⁸ Finally, we compared the results of this analysis with DOD guidance and *Standards for Internal Control in the Federal Government*, including the

⁷We examined liberal consideration cases closed beginning in January 2018 since key DOD guidance on liberal consideration (the Kurta memorandum) was issued on August 25, 2017, and required implementation within 45 days. Therefore, boards were likely to have fully implemented the guidance prior to January 2018. We requested and obtained data through quarter one of calendar year 2024 since it was the most recent complete quarter at the time of our data request. The Army Discharge Review Board, Army Board for Correction of Military Records, and Naval Discharge Review Board provided data for cases closed from January 2018 through March 2024. Conversely, the Board for Correction of Naval Records, Air Force Discharge Review Board, and Air Force Board for Correction of Military Records provided data for cases in which the board received the application between January 2018 and March 2024. We did not include the Discharge Appeal Review Board in this analysis because this board did not adjudicate any cases during this time frame.

⁸We sampled cases from this period to describe the most recent decisions about how the boards have adjudicated cases over the past 3 years, allowing 3 full calendar years for the boards to fully implement the Kurta memorandum (issued August 2017). We analyzed 501 cases because that was the minimum number of cases required for a generalizable analysis within a margin of error of +/-7 percent of all closed cases from January 2021 through March 2024. Based on our review, we removed 29 cases that we determined to be out-of-scope for the following reasons: nine cases were not related to discharge upgrade requests; 19 cases did not qualify for liberal consideration; and one case was still open and had not been adjudicated. Removing these cases reduced our final sample to 472 cases, which is generalizable to the population of in-scope cases. We did not assess or draw conclusions about the validity of a military department's initial or subsequent decision on a former service member's discharge characterization.

principles that management should establish structure, responsibility, and authority; and perform monitoring activities.⁹

For our second objective, we reviewed DOD guidance and used information obtained from our analysis of post-separation review boards' data to identify the timeliness of the boards' adjudication of liberal consideration cases. We also compared the military departments' boards' time frames for adjudicating liberal consideration cases with *Standards for Internal Control in the Federal Government*, including the principle that management should define objectives and risk tolerances.¹⁰

For our third objective, we identified how each board communicates with current and potential applicants about time frames for adjudicating cases as well as case outcomes. For example, we assessed decisional documents from our generalizable sample to determine the types and quantity of information that each board included about its decision to grant or deny a discharge upgrade in its communication with applicants. We also compared the boards' communication with applicants with DOD guidance that specifies what boards must include in decisional documents and with *Standards for Internal Control in the Federal Government*, including the principles that management should define time frames for achieving objectives and use quality information.¹¹

For our fourth objective, we identified docket numbers for liberal consideration cases adjudicated by each board from January 2018 through March 2024. Next, we compared docket numbers from these cases with docket numbers posted to DOD's online reading room, where potential applicants can review prior decisional documents issued by the boards, to determine whether the boards posted all of the decisional documents that should have been posted, as required by statute and

⁹DOD Directive 1332.41, *Boards for Correction of Military Records (BCMRs) and Discharge Review Boards (DRBs)* (Mar. 8, 2004) (incorporating Change 1, Feb. 2, 2022); Under Secretary of Defense for Personnel and Readiness 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* (Aug. 25, 2017); and GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

¹⁰DOD Directive 1332.41; [GAO-14-704G](#).

¹¹DOD Instruction 1332.28, *Discharge Review Board (DRB) Procedures and Standards* (Apr. 4, 2004); [GAO-14-704G](#).

DOD guidance. We then compared DOD's reporting of decisional documents with DOD guidance for post-separation review boards.¹²

For each of our objectives, we interviewed officials from the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)) and from each of the boards about their processes for implementing liberal consideration, communicating with applicants, adjudicating liberal consideration cases within time frames, and tracking and reporting on liberal consideration cases. For a detailed description of our scope and methodology, see appendix I.

We conducted this performance audit from January 2024 to July 2025 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Types of Military Discharge Characterizations

Discharge Characterizations

From January 2002 through March 2024, the military services discharged more than 4 million service members. Appendix II provides an overview of the discharge characterizations assigned by each military service.

Source: GAO analysis of Defense Manpower Data Center data. | GAO-25-107354

Service members being separated from the military receive one of six discharge characterizations that reflects the character of their time in service. These characterizations include:

- **Honorable:** An administrative discharge for service members who have generally met the standards of acceptable conduct and performance of duty.
- **General (Under Honorable Conditions):** An administrative discharge in which positive aspects of a service member's conduct or performance outweigh the negative aspects of the service member's record.
- **Under Other Than Honorable Conditions:** An administrative discharge in which the reason for the service member's separation is based on behavior that constitutes a significant departure from the conduct expected of the service member.
- **Bad Conduct:** Punitive discharge less severe than a dishonorable discharge and designed as a punishment for bad conduct rather than

¹²10 U.S.C. § 1552(a)(5); DOD Instruction 1332.28.

a punishment for serious offenses of either a civilian or military nature. A bad conduct discharge applies only to enlisted members.

- **Dishonorable/Dismissal:** Punitive separation reserved for those who should be separated under conditions of dishonor, after having been convicted of offenses usually recognized in civilian jurisdictions as felonies or offenses of a military nature requiring severe punishment. Dismissal is reserved for commissioned officers, while a dishonorable discharge applies to enlisted members and warrant officers who are not commissioned.
- **Uncharacterized:** Another characterization of service is not authorized or warranted. Administrative separations of military enlisted persons may be uncharacterized for either (1) entry-level separation within the first 365 days of service; (2) void enlistment or induction; or (3) dropping from the rolls.¹³

Implications of Discharge Characterizations on Service Member Benefits

A former service member's ability to receive veterans' benefits, such as health or educational benefits, and the ability to reenlist in the military are affected by the discharge characterization that they are given at the conclusion of their military service.¹⁴ For example, service members who receive an honorable characterization of service are eligible for all Department of Veterans Affairs (VA) benefits and services. Service members who receive a general (under honorable conditions) characterization of service are eligible for most VA benefits and services, whereas service members who are discharged with a lesser characterization may not be eligible for any VA benefits and services.¹⁵

¹³Administrative separations of Marine Corps enlisted persons may be uncharacterized for entry-level separation within the first 180 days of service. Dropping from the rolls is a type of release that may be used to separate enlisted service members who are absent without official leave for 30 days or more and reported as a deserter, or who are confined by civilian authorities for at least 6 months. Commissioned officers may be dropped from the rolls if they are (1) absent without leave for 3 months or more; (2) sentenced to confinement by a nonmilitary court; or (3) sentenced to confinement by a court-martial, once the officer has served 6 months or more of the sentence and the sentence is final under the Uniform Code of Military Justice.

¹⁴The Department of Veterans Affairs is responsible for providing benefits to veterans, their families, caregivers, and survivors. According to 38 U.S.C. § 101(2), the term "veteran" means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

¹⁵Lesser characterizations include Under Other Than Honorable Conditions, Bad Conduct, Dishonorable discharges, and Dismissals, which are for commissioned officers convicted and sentenced to a punitive discharge by general court martial.

Figure 1 provides an overview of DOD's discharge characterizations and their associated benefits.

Figure 1: Department of Defense Discharge Characterizations and Associated Department of Veterans Affairs (VA) Benefits

	Discharge characterization				
	Honorable	General (Under Honorable Conditions)	Other Than Honorable	Bad Conduct	Dishonorable
Disability compensation	✓	✓	?	?	✗
Health care	✓	✓	?	?	✗
Dependency and indemnity compensation	✓	✓	?	?	✗
Education assistance	✓	✗	✗	✗	✗
Survivor pension	✓	✓	?	?	✗
Burial benefits	✓	✓	?	?	✗
Special housing	✓	✓	?	?	✗
Vocational rehabilitation	✓	✓	?	?	✗
Disabled automotive	✓	✓	?	?	✗
Reenlistment rights	✓	✓	?	?	✗

✓ Eligible
? Subject to Character of Service Determination^a
✗ Not eligible

Source: GAO analysis of relevant law and policy. | GAO-25-107354

^aSection 3.12 of title 38 of the Code of Federal Regulations provides for a case-by-case VA analysis of whether former service members who received a Bad Conduct or Under Other Than Honorable Conditions discharge characterization warrant eligibility for VA benefits. In these types of cases, the service member's application for benefits would undergo a VA Character of Service Determination. A Character of Service Determination is a VA assessment of the service member's entire period of military service to determine eligibility for benefits. However, only the Department of Defense's post-separation review boards may upgrade a former service member's discharge characterization. 38 C.F.R. § 3.12. Section 3.12 of title 38 of the Code of Federal Regulations also provides that certain uncharacterized discharges (i.e., for entry level separations) are considered by VA to be under conditions other than dishonorable, and are therefore not a bar to benefits, while others (i.e., separations for void enlistment or induction or of members dropped from the rolls) are subject to character of service determinations.

Mission and Oversight of DOD's Post-Separation Review Boards

DOD's post-separation review boards are responsible for reviewing discharge upgrade requests and, depending on the specifics of the case, directing or recommending to their respective military departments that they correct military records. The Secretaries of the military departments oversee the operation of their respective boards, and in some cases have the authority and responsibility to issue final decisions. Table 1 provides an overview of each board's roles and responsibilities and shows how they are organized into three progressive levels of review.

Table 1: Roles and Responsibilities of Department of Defense's Post-Separation Review Boards

	Discharge Review Boards	Boards for Correction of Military Records	Discharge Appeal Review Board
Purpose	Review discharge upgrade applications.	Correct errors in, or remove injustices from, an applicant's military records to include discharge upgrades.	Conduct final administrative review of an applicant's discharge upgrade request.
Information for review/correction	Discharge characterization, narrative reason, separation code, and reenlistment code.	Personnel records, including discharge characterizations, dates of service, and benefits, among other things.	Discharge characterizations denied by Discharge Review Boards and Boards for Correction of Military Records.
Board member composition^a	No fewer than three members, including a behavioral health provider for liberal consideration cases.	Three civilian members selected from the military department's executive office with a President or Chair assigned.	Three Department of the Air Force General Schedule-14 civilians appointed by the Director of the Air Force Review Boards Agency.
Time frame for applicant eligibility	Within 15 years of applicant's separation.	Applicant was previously denied relief from their respective Discharge Review Board (if they were eligible for review by such board) and must apply within 3 years of discovering the error or injustice (which time limit may be waived by the board in the interests of justice).	Applicants discharged without an honorable discharge characterization must first exhaust all appeals before their respective Discharge Review Board and Board for Correction of Military Records and can only apply if discharged on or after December 20, 2019. ^b

Source: GAO analysis of Department of Defense information. | GAO-25-107354

^aArmy Discharge Review Board members are O-5 or O-6 officers; Naval Discharge Review Board members are active and reserve military officers; and Air Force Discharge Review Board members are career civilians, commissioned officers, or senior noncommissioned officers. Board for Correction of Military Records members are civilian employees for all military departments. Discharge Appeal Review Board officials told us that although all board members are Air Force civilians, they may have retired after careers in other services. Therefore, according to these officials, Discharge Appeal Review Board members bring a diversity of experiences from each service. Finally, behavioral health providers serve as a member for Discharge Review Boards' liberal consideration cases but do not serve as members for Boards for Correction of Military Records cases. However, Boards for Correction of Military Records are required to seek advice and counsel from behavioral health providers when adjudicating liberal consideration cases.

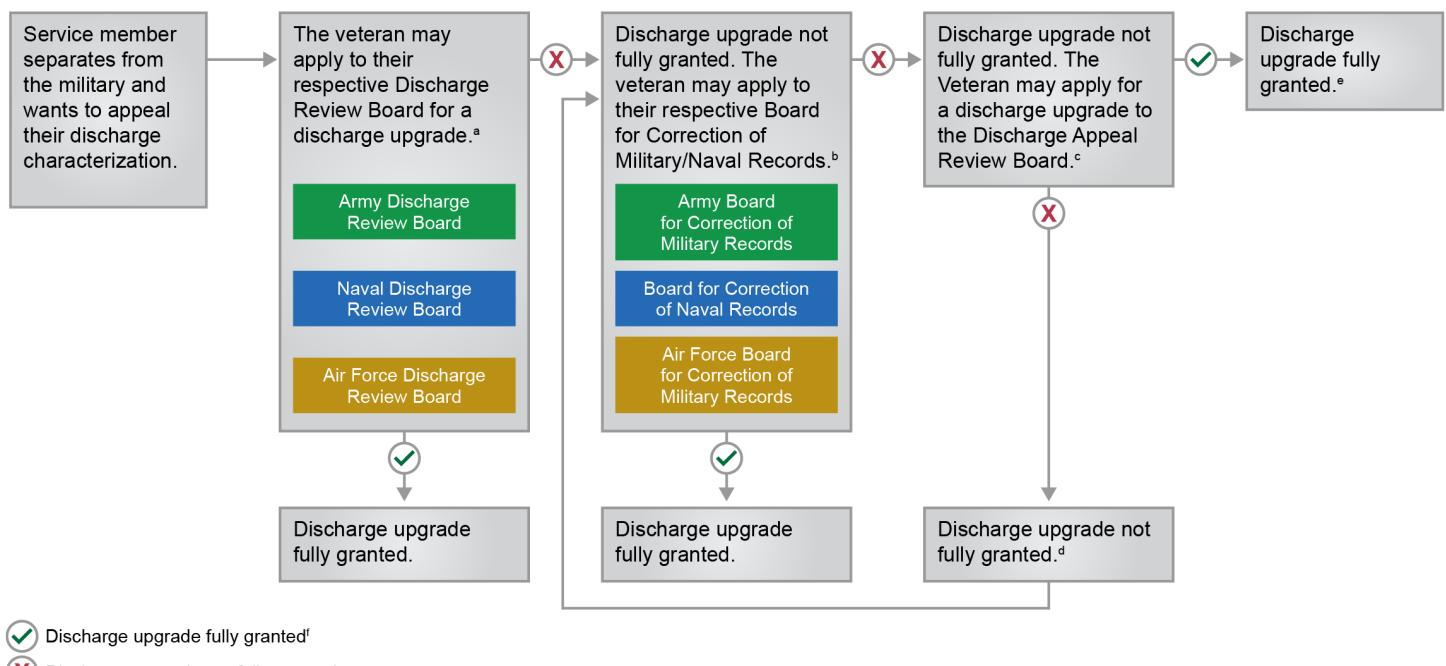
^bAs of March 2025, according to Discharge Appeal Review Board officials, the Discharge Appeal Review Board had adjudicated one discharge upgrade case, which did not involve liberal consideration.

Veterans generally start by applying for a discharge upgrade to their military department's Discharge Review Board.¹⁶ Then, if the Discharge Review Board does not grant the applicant's upgrade, they may subsequently submit a discharge upgrade application to their military department's Board for Correction of Military Records. Finally, when a

¹⁶Discharge Review Boards provide two opportunities for review. An applicant may apply for a discharge upgrade through a document review. If unsuccessful, the applicant has a right to request a personal appearance hearing.

veteran has exhausted all other levels of review, they may submit an application for a discharge upgrade to the Discharge Appeal Review Board.¹⁷ Figure 2 provides an overview of the discharge upgrade request process, based on the order that a veteran might apply to each board.

Figure 2: Overview of Discharge Upgrade Request Process



✓ Discharge upgrade fully granted^f

✗ Discharge upgrade not fully granted

Source: GAO analysis of Department of Defense information. | GAO-25-107354

^aAn applicant to a Discharge Review Board is entitled to a records review and a personal appearance hearing before the board. If the applicant has a records review, and the board does not grant a discharge upgrade, the applicant is then entitled to request a personal appearance hearing.

^bIn addition to veterans appealing the decision of their respective Discharge Review Board, veterans that are more than 15 years removed from separation may apply directly to their respective Board for Correction of Military Records for a discharge upgrade.

^cTo appeal to the Discharge Appeal Review Board, veterans must have (1) received a discharge characterization that was less than Honorable; (2) exhausted all available administrative remedies involving their respective Discharge Review Board and/or Board for Correction of Military Records; and (3) been separated from military service on or after December 20, 2019.

¹⁷The Departments of the Army, Navy, and Air Force each have a Discharge Review Board. The Army and Air Force have Boards for Correction of Military Records and the equivalent Navy board is the Board for Correction of Naval Records. For consistency, we use the term “Boards for Correction of Military Records” throughout. For discharge upgrades, Marine Corps veterans are eligible to apply to Navy boards, and Space Force veterans are eligible to apply to Air Force boards.

^dAn applicant may reapply to their respective Board for Correction of Military Records following a denial if they have additional relevant evidence that was not considered with the previous application.

^eIf the Discharge Appeal Review Board grants relief to the applicant, the decision must go to the applicant's military department Secretary for approval.

^fThe board can grant the applicant's request in part or in full. For example, an applicant with an Under Other Than Honorable Conditions discharge characterization could request an upgrade to Honorable, but based on the evidence provided, the board may choose to grant the applicant only a partial upgrade to General (Under Honorable Conditions). In such a case, the applicant may request reconsideration or apply to the next board in the progression.

OUSD(P&R) also has responsibilities for these boards. According to DOD Directive 1332.41, the Under Secretary of Defense for Personnel and Readiness is responsible for resolving all issues concerning Discharge Review Boards that are not resolved by military departments and ensuring uniformity among the military departments in the rights afforded to applicants in discharge reviews. DOD Directive 1332.41 also states that OUSD(P&R) is responsible for reviewing and approving procedures prescribed by the Secretaries of the military departments for the correction of military records.

Development of Liberal Consideration Guidance

In March 2014, Vietnam veterans and three veterans organizations filed a class action lawsuit against the Army, the Navy, and the Air Force. The lawsuit alleged that the veterans had PTSD before it was a recognized condition, and that it had led to their being discharged without an honorable characterization and to the subsequent loss of their veterans benefits.¹⁸ In September 2014, then-Secretary of Defense Chuck Hagel issued a memorandum acknowledging that PTSD was not a recognized mental health diagnosis at the time of service for Vietnam veterans and that, in many cases, diagnoses for PTSD were not made until decades after the completion of service.¹⁹ Therefore, in-service medical and personnel records for these veterans may not contain substantive information that validates the reported medical conditions.

Per the Hagel memorandum, the absence of a recognized diagnosis at the time of service made it difficult for the Boards for Correction of Military Records—when reviewing these veterans' applications to have their discharge characterization upgraded—to establish a nexus between their reported mental health conditions and the misconduct that led to their separation from military service. Therefore, the Hagel memorandum

¹⁸*Monk v. Mabus*, No. 3:14-cv-260 (D. Conn. Mar. 3, 2014).

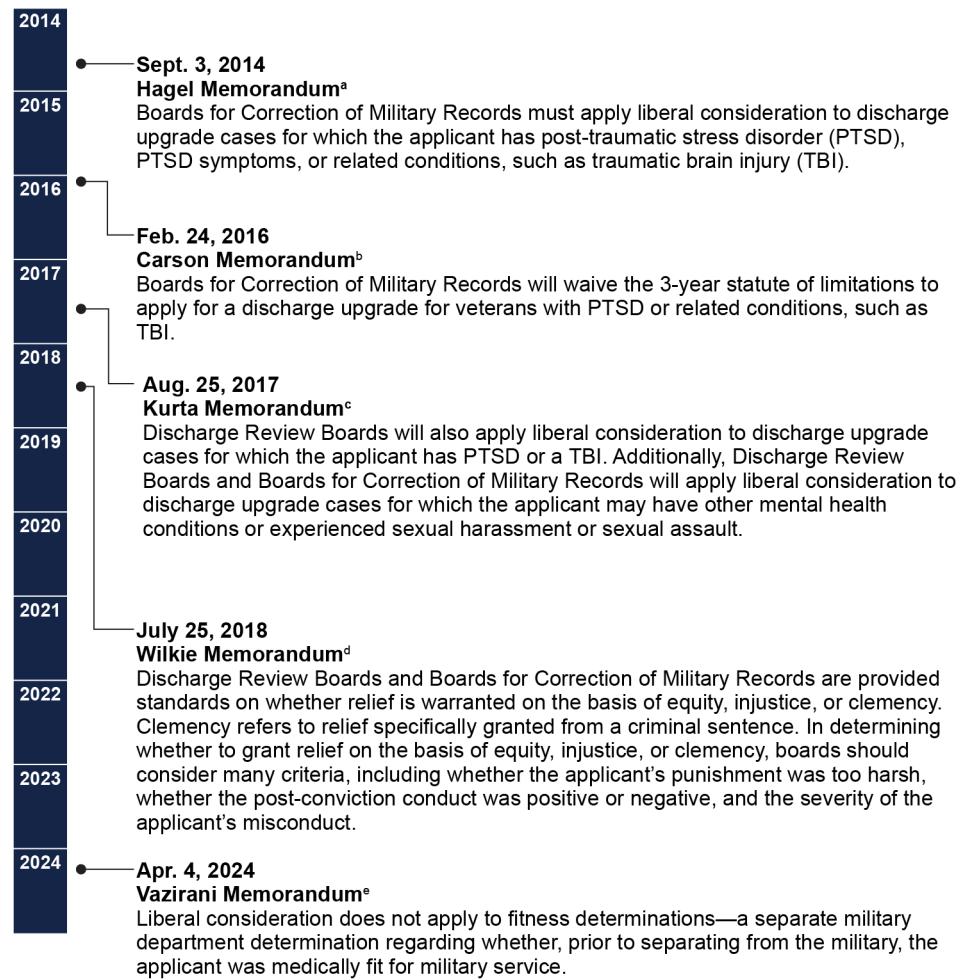
¹⁹Secretary of Defense Memorandum, *Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder* (Sept. 3, 2014).

directed these boards to give liberal consideration to veterans' applications for discharge upgrades that document one or more symptoms of PTSD or a PTSD-related condition. Further, supplemental guidance attached to the Hagel memorandum stated that if an applicant provides any record or document demonstrating symptoms of what is now recognized as PTSD or a PTSD-related condition from their period of service, the Boards for Correction of Military Records should apply liberal consideration to finding that PTSD existed during the applicant's service.²⁰

Following the Hagel memorandum, DOD issued a series of memorandums containing clarifying guidance to the boards regarding the implementation of liberal consideration (see fig. 3).

²⁰The Hagel memorandum also states that Boards for Correction of Military Records should apply liberal consideration if an applicant provides diagnoses of PTSD or PTSD-related conditions from civilian health providers and if service records support symptoms of what is now recognized as PTSD or a PTSD-related condition during service that may have mitigated the applicant's misconduct.

Figure 3: Issuances of Key Department of Defense Memorandums for Implementing Liberal Consideration



Source: GAO analysis of Department of Defense information. | GAO-25-107354

^aSecretary 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* (Sept. 3, 2014).

^bActing Principal Deputy Under Secretary of Defense for Personnel and Readiness 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)* (Feb. 24, 2016).

^cOffice of the Under Secretary of Defense for Personnel and Readiness 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* (Aug. 25, 2017).

^dUnder Secretary of Defense for Personnel and Readiness Memorandum, *Guidance to Military Discharge Review Boards and Board for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations* (July 25, 2018).

^eActing Under Secretary of Defense for Personnel and Readiness Memorandum, *Clarifying Guidance to Boards for Correction of Military/Naval Records Considering Cases Involving Both Liberal Consideration Discharge Relief Requests and Fitness Determinations* (Apr. 4, 2024).

In August 2017, the Acting Under Secretary of Defense for Personnel and Readiness—A.M. Kurta—issued a memorandum that is frequently cited by military department officials when applying liberal consideration.²¹ The Kurta memorandum expanded DOD’s guidance to the Boards for Correction of Military Records on liberal consideration to also include Discharge Review Boards. Further, the memorandum was intended to help ensure fair and consistent standards of review for veterans with mental health conditions, or who experienced sexual assault or sexual harassment regardless of when or in which military department they served.²² To promote greater consistency, the Kurta memorandum provided four key questions for the boards to consider that typically apply when adjudicating liberal consideration cases:

1. Did the veteran have a condition or experience that may excuse or mitigate the discharge?
2. Did that condition/experience occur during military service?
3. Does that condition or experience actually excuse or mitigate the discharge?
4. Does that condition or experience outweigh the discharge?

According to the Kurta memorandum, the boards should apply liberal consideration to discharge upgrade applications that are based fully, or in part, on mental health conditions, including PTSD, as well as symptoms stemming from TBI or experiences with sexual harassment or sexual

²¹Under Secretary of Defense for Personnel and Readiness 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* (Aug. 25, 2017). The memorandum was signed by Kurta as *Performing the Duties of the Under Secretary of Defense for Personnel and Readiness*.

²²The Hagel and Kurta memorandums each contains an attachment with titles identical to their respective memorandums, which include additional clarifying information such as medical guidance in Hagel and four key questions in Kurta, to include supplemental information for each question.

assault.²³ Further, the memorandum also provided guidance for the boards when considering evidence such as changes in behavior; substance abuse; and episodes of depression, panic attacks, or anxiety without an identifiable cause, as these may be evidence of mental health conditions such as PTSD that occurred during, or were exacerbated by, military service.²⁴

Adjudication Outcomes for Discharge Upgrade Cases

In general, the boards evaluate each discharge upgrade application, including those involving liberal consideration, and, based on their assessment of the evidence provided, vote on the outcome. A majority vote of the board decides a case and results in one of three possible outcomes:²⁵

- **Grant relief:** The board determines that there is sufficient evidence to grant the applicant their requested upgrade.
- **Partial grant:** The board determines that there is sufficient evidence to grant the applicant a portion of the requested upgrade. For example, an applicant with an Under Other Than Honorable Conditions discharge characterization could request an upgrade to Honorable, but based on the evidence provided, the board may choose to grant the applicant only a partial upgrade to General (Under Honorable Conditions).
- **Not granted:** The board determines that the evidence is insufficient to grant the applicant their requested upgrade. For example, the board may determine (1) there is no connection between the applicant's reported mental health condition or experience and their misconduct,

²³The Kurta memorandum refers to sexual harassment and sexual assault. However, board officials sometimes use the term "military sexual trauma" in decisional documents to describe one or more experiences of sexual harassment and sexual assault.

²⁴The Kurta memorandum specifies that boards may consider evidence that includes changes in behavior; requests for transfer to another military duty assignment; deterioration in work performance; inability to conform behavior to the expectations of a military environment; substance abuse; episodes of depression, panic attacks, or anxiety without an identifiable cause; unexplained economic or social behavior changes; relationship issues; or sexual dysfunction.

²⁵A board can administratively close an application if an applicant fails to properly complete their discharge upgrade application, an applicant has not exhausted all other administrative remedies, the board lacks jurisdiction to grant requested relief, or if no new evidence was submitted with a request for reconsideration. Additionally, a board can deny request for relief if an applicant is not eligible to apply.

or (2) the applicant's misconduct was too severe to be mitigated or outweighed by their mental health condition or experience.

A veteran's personnel records also contain additional information that is tied to their discharge characterization, such as the following:

- **Separation code:** Code that describes the basis for a former service member's separation from the military.
- **Narrative reason:** Narrative describing the basis for a former service member's separation from the military.
- **Reenlistment code:** Code that characterizes a service member's eligibility to reenlist after discharge or separation from the military.

When a board grants an upgrade to an applicant's discharge characterization, it may also decide to modify the applicant's separation code, narrative reason, and reenlistment code. A board may also decide to modify this information for an applicant even if it decides not to grant the applicant's discharge characterization upgrade. For example, a board may determine that an applicant's mental health condition is insufficient to mitigate or outweigh their misconduct but sufficient to modify their separation code or narrative reason. Conversely, a board may vote to upgrade an applicant's discharge characterization based on their mental health condition mitigating or outweighing their misconduct but, based on that condition, decide not to modify their reenlistment code to allow the applicant to reenlist.

Military Departments Have Implemented Liberal Consideration but Do Not Uniformly Apply Key Guidance

Military Departments Have Implemented Liberal Consideration for Eligible Discharge Upgrade Cases

The boards have implemented and applied liberal consideration to more than 21,000 discharge upgrade cases that were closed from January 2018 through March 2024, which is more than half of all applications received during that time frame, according to officials from each military department.²⁶ As shown in table 2, there was an overall net increase in

²⁶In June 2024, we requested data on closed liberal consideration cases from each board through the most recent quarter for which complete data were available.

the number of liberal consideration cases the boards adjudicated in calendar years 2018 through 2023.²⁷

Table 2: Liberal Consideration Cases Closed by Military Departments' Post-Separation Review Boards, by Calendar Year, January 2018–March 2024

Year	Army Discharge Review Board	Army Board for Correction of Military Records	Naval Discharge Review Board	Board for Correction of Naval Records	Air Force Discharge Review Board	Air Force Board for Correction of Military Records	Total
2018	585	311	357	25	1	12	1,291
2019	815	504	632	273	172	33	2,429
2020	545	267	534	634	279	50	2,309
2021	616	929	475	1,204	203	46	3,473
2022	1,340	926	1,101	1,340	225	115	5,047
2023	1,615	1,229	1,546	1,046	192	121	5,749
2024-Qtr1 ^a	338	217	168	606	116	74	1,519
Total	5,854	4,383	4,813	5,128	1,188	451	21,817

Source: GAO analysis of post-separation review board data. | GAO-25-107354

Note: We did not include data on cases closed by the Discharge Appeal Review Board because this board did not adjudicate any cases during this time frame.

^aJanuary 2024 through March 2024.

The boards determine whether to apply liberal consideration to discharge upgrade cases on a case-by-case basis by assessing each applicant's application form and any supplementary documentation provided for evidence of a qualifying diagnosis or condition.²⁸ On the discharge upgrade application, applicants are asked to

1. check a box to identify whether a selected list of mental health conditions (such as PTSD) or experiences (such as sexual harassment or sexual assault) is relevant to their request for relief, and
2. provide a narrative to explain why their mental health condition or experience may mitigate their current discharge characterization.²⁹

²⁷Applications for some cases that closed from January 2018 through March 2024 were received by boards prior to January 2018.

²⁸Applicants to Discharge Review Boards must complete and submit a [DD Form 293](#). Applicants to Boards for Correction of Military Records must complete and submit a [DD Form 149](#).

²⁹Applicants may check a box to claim the following: PTSD, TBI, other mental health conditions, or sexual assault/harassment.

Applicants may also include additional evidence, such as service records, private medical records, and character references that may help a board to gather a more complete profile of the applicant's in-service and post-service mental health condition and experiences. Finally, officials told us that boards may try to access in-service and VA medical records if not already provided by the applicant.

Once each board initiates the liberal consideration process, a behavioral health provider reviews all the materials submitted by the applicant.³⁰ Board officials from each military department told us that after considering the totality of the applicant's materials, each board's respective behavioral health provider writes an advisory opinion for voting board members to consider when reviewing the case. In the advisory opinion, the provider notes whether the evidence supports that the applicant had a mental health condition or experience. If so, the behavioral health provider also notes whether the condition or experience existed or occurred during the applicant's military service and may mitigate or outweigh the misconduct that led to their discharge.³¹

After the behavioral health provider writes an advisory opinion, board members consider the applicant's materials and behavioral health provider's opinion, then vote on whether to grant the applicant's request for a discharge upgrade.³² See figure 4 for outcomes of military

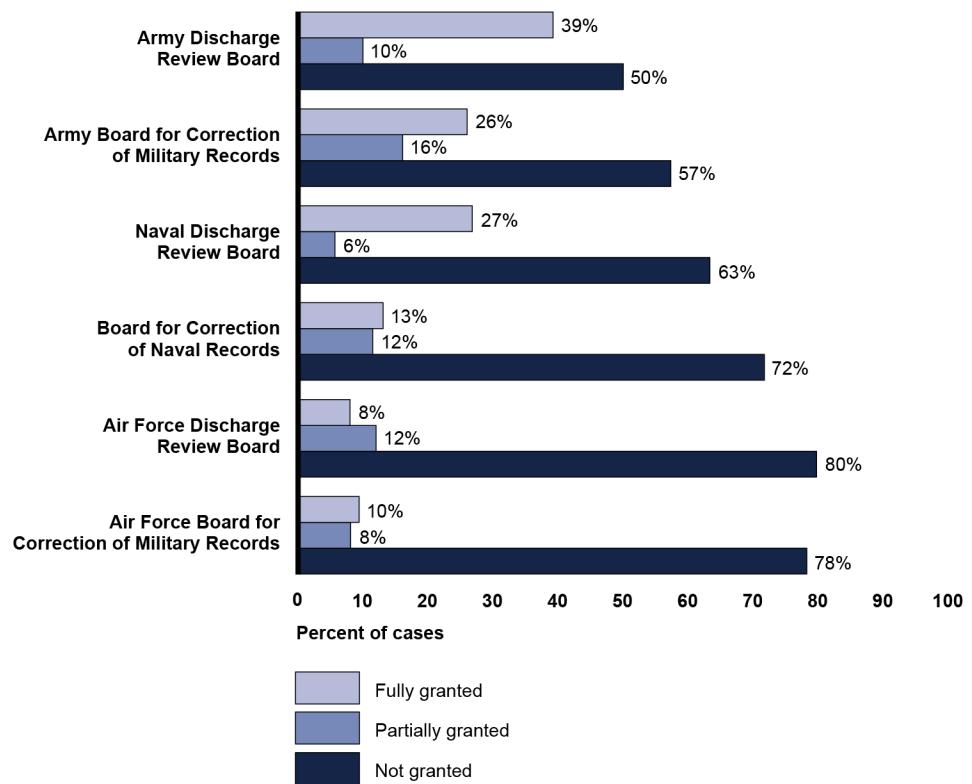
³⁰A behavioral health provider must be a psychiatrist or clinical psychologist, or a physician with training on mental health issues connected with PTSD or TBI, in accordance with 10 U.S.C. §§ 1552(g)(1) and 1553(d)(1)(A). Army Review Boards Agency officials told us that a behavioral health provider reviews every case to determine whether to apply liberal consideration. Army officials told us that they commonly apply liberal consideration to cases in which an applicant may not understand that they have symptoms associated with a qualifying condition and, therefore, do not claim to have a mental health condition or experience on their application form.

³¹Behavioral health providers also serve as a member for Discharge Review Boards' liberal consideration cases but do not serve as members for Boards for Correction of Military Records cases. Officials from the Board for Correction of Naval Records stated that they review applicants' cases, then write an opinion, based on the available documentation, on whether the applicant's condition may explain their discharge characterization. However, the Board for Correction of Naval Records' mental health professionals do not consider their role to be part of the liberal consideration process.

³²Applicants to Discharge Review Boards are entitled to a records review and a personal appearance hearing before the board. If the applicant decides to first have a personal appearance hearing, the applicant is no longer eligible for a records review. However, if the applicant decides to first have a records review, and the board does not grant a discharge upgrade, the applicant is then entitled to request a personal appearance hearing. Officials told us that personal appearance hearings with Boards for Correction of Military Records are rare.

departments' discharge upgrade cases involving liberal consideration from January 2018 through March 2024.

Figure 4: Outcomes of Military Departments' Discharge Upgrade Cases Involving Liberal Consideration, January 2018–March 2024



Source: GAO analysis of post-separation review board data. | GAO-25-107354

Note: We did not include data on cases closed by the Discharge Appeal Review Board because this board did not adjudicate any cases during this time frame. Also, DOD officials stated that the quality and quantity of supporting documentation provided by applicants may contribute to potential variability in outcomes.

While the adjudication process may appear relatively straightforward, officials from each board told us that every case is unique and that case reviews can be lengthy (as discussed below) and complex—in part due to the varying quality and quantity of supporting documentation provided by applicants. For example, officials told us that applicants may claim to have a mental health condition on their application but may not provide any evidence for the condition, such as a diagnosis from VA or a private doctor. Conversely, officials stated that some applicants do not claim to have a mental health condition on their application but supporting

materials, such as in-service and VA medical records, might indicate the presence of a mental health condition. Similarly, according to Naval and Air Force Discharge Review Board officials, they must use their professional judgment to determine how to weigh different documentation in each case and determine if there is a connection between the applicant's mental health condition, or sexual harassment or sexual assault experience, and their misconduct.

Boards Have Not Uniformly Applied Key Liberal Consideration Guidance

In some cases, the military departments' Discharge Review Boards and Boards for Correction of Military Records have not uniformly applied liberal consideration guidance on the types of evidence that may support a discharge upgrade.³³ As previously discussed, the Kurta memorandum was issued to help ensure that the military departments' boards applied liberal consideration in a fair and consistent manner.³⁴ However, the boards inconsistently applied provisions in the Kurta memorandum, such as those related to the treatment of VA documentation on service-connected PTSD diagnoses and applicant testimonies on experiences with sexual harassment or sexual assault, based on our analysis of 501 decisional documents for liberal consideration cases closed from January 2021 through March 2024.³⁵ DOD has not evaluated the boards' application of liberal consideration guidance nor developed a process to periodically monitor how the boards adjudicate the cases.

³³We did not comment on the Discharge Appeal Review Board's application of liberal consideration guidance because it had not adjudicated any cases at the time of our review.

³⁴Under Secretary of Defense for Personnel and Readiness 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* (Aug. 25, 2017).

³⁵Our final sample size was 501 cases. Based on our review, we removed 29 cases that we determined to be out-of-scope for the following reasons: nine cases were not related to discharge upgrade requests, 19 cases did not qualify for liberal consideration, and one case was still open and had not been adjudicated. Removing these cases reduced our final sample to 472 cases, which is generalizable to the population of in-scope cases.

VA Documentation in Cases Involving PTSD

Department of Veterans Affairs (VA) Establishment of Service-Connections

A veteran may receive a “service-connection” from VA if evidence shows that an injury or condition resulting in disability was incurred or aggravated during military service. VA can grant a service-connection at any point post-service.

Source: Section 3.303 of title 38, Code of Federal Regulations. | GAO-25-107354

The Kurta memorandum states that a determination made by the VA that a veteran’s mental health condition is connected to military service, while not binding on DOD, is persuasive evidence that the condition existed or experience occurred during military service. This determination is more commonly known as a VA service-connection.

In our analysis of decisional documents, we identified that the military departments gave substantially different weight to a VA determination that a former service member’s mental health condition was connected to their time in the military. These determinations are significant, given the extent to which they factor into a board’s decision to grant or deny an upgrade. Specifically, we identified Army discharge upgrade cases in which the boards considered an applicant’s VA service-connection to be sufficient evidence to establish that the applicant had a mental health condition that relates to their time in the military. For example, we identified one decisional document in which the board affirmed the VA’s service-connection for the applicant’s PTSD diagnosis and, despite the applicant not having a relevant in-service diagnosis, granted the discharge upgrade. In another decisional document, the board acknowledged the applicant’s VA service-connection for PTSD and military sexual trauma, despite conflicting in-service and VA documentation, and granted the discharge upgrade. See figures 5 and 6 for additional information from the decisional documents on the Army boards’ deliberations in these two cases. These figures are “selected examples” from our analysis to illustrate some of the differences we identified in how DOD’s boards adjudicate certain cases.³⁶

³⁶Figures 5 through 12 are excerpted from original decisional documents produced by boards. The text in each excerpt appears as it does in the original document.

Figure 5: Selected Example to Illustrate Decisional Document Excerpt from Army Discharge Review Board Considering Department of Veterans Affairs (VA) Service-Connection as Sufficient Evidence of In-Service Post-Traumatic Stress Disorder (PTSD)

Excerpt from Board's Decisional Document	
Mitigating condition(s) or experience	PTSD and alcohol dependence
Misconduct	One instance of marijuana use
Result	Discharge upgrade granted
<p>1. Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially mitigating diagnoses/experiences: PTSD and alcohol dependence.</p> <p>2. Did the condition exist or experience occur during military service? Yes. The Board's Medical Advisor found records does not contain any in-service BH [behavioral health diagnoses]. VA records contain post-service diagnoses of PTSD and Alcohol Dependence. The applicant is 80% service connected, 70% for PTSD.</p> <p>3. Does the condition or experience actually excuse or mitigate the discharge? Yes. The Board's Medical Advisor applied liberal consideration and opined that the applicant does have a mitigating BH diagnosis of PTSD. Drug usage to manage symptoms is part of the sequela of symptoms associated with PTSD.</p> <p>4. Does the condition or experience outweigh the discharge? Yes. The Board concurred with the opinion of the Board's Medical Advisor, a voting member. As a result, the ADRB [Army Discharge Review Board] applied liberal consideration and found that the applicant's PTSD and alcohol dependence outweighed the one-time marijuana use basis for separation.</p>	

The Board's Medical Advisor found records does not contain any in-service BH [behavioral health diagnoses]. VA records contain post-service diagnoses of PTSD and Alcohol Dependence. The applicant is 80% service connected, 70% for PTSD.

The Board's Medical Advisor applied liberal consideration and opined that the applicant does have a mitigating BH diagnosis of PTSD. Drug usage to manage symptoms is part of the sequela of symptoms associated with PTSD.

Source: GAO presentation of Department of Defense information. | GAO-25-107354

Figure 6: Selected Example to Illustrate Decisional Document Excerpt from Army Board for Correction of Military Records Considering Department of Veterans Affairs (VA) Service-Connection as Sufficient Evidence of Post-Traumatic Stress Disorder (PTSD) and Military Sexual Trauma Despite Conflicting In-Service Records

Excerpt from Board's Decisional Document	
Mitigating condition(s) or experience	Military sexual trauma
Reason for separation	Did not meet medical fitness standards due to pregnancy
Result	Discharge upgrade granted
<p>Applicant's in-service records, to include medical records and the applicant's endorsement, indicate she became pregnant prior to arriving at Basic Training. However, post-service, the applicant is reporting a MST [military sexual trauma] in Basic Training resulted in pregnancy.</p> <p>While VA documentation is void of information on the MST and the compensation and pension (C&P) evaluations are unavailable, the VA has connected the applicant for post-traumatic stress disorder (PTSD)/MST.</p> <p>Given the disparity in records, it is recommended the Board operate within the liberal consideration guidance and in acknowledgement of the VA service connection; based on these two factors, the applicant would be granted an honorable characterization</p>	

While VA documentation is void of information on the MST and the compensation and pension (C&P) evaluations are unavailable, the VA has connected the applicant for post-traumatic stress disorder (PTSD)/MST.

Given the disparity in records, it is recommended the Board operate within the liberal consideration guidance and in acknowledgement of the VA service connection...

Source: GAO presentation of Department of Defense information. | GAO-25-107354

Army board officials told us that they generally accept a VA determination that a veteran's mental health condition is connected to their time in the military, regardless of how much time has passed since the applicant's discharge or whether the applicant has service records to support the VA's service-connection. Army officials added that their behavioral health providers will still review other available medical records to gather context.³⁷ However, if there are limited available medical records, Army officials stated that they will typically give the benefit of the doubt by deciding in favor of the applicant.

Conversely, our analysis of Air Force decisional documents indicated that its boards were less likely to accept a VA determination that a veteran's mental health condition is connected to their service in the military without additional supporting evidence. For example, we identified one decisional document in which the board determined that an applicant's PTSD developed post-service, despite the applicant's submitting a VA service-connection for PTSD. In another decisional document, the applicant submitted a VA service-connection for PTSD, but the board concluded that there was no evidence the applicant was diagnosed with PTSD during their military service. See figures 7 and 8 for additional information from the decisional documents on the Air Force board's deliberations in these two cases. These figures are "selected examples" from our analysis to illustrate some of the differences we identified in how DOD's boards adjudicate certain cases.

³⁷According to Army officials, an applicant diagnosed with PTSD by VA soon after their discharge would carry more weight than an applicant diagnosed with PTSD many years after their discharge. However, Army officials told us that some individuals experience a delayed onset of symptoms for certain conditions, such as PTSD. If so, they stated that the applicant's testimony could also help establish the existence of a condition.

Figure 7: Selected Example to Illustrate Decisional Document Excerpt from Air Force Discharge Review Board Considering Department of Veterans Affairs (VA) Service-Connection as Insufficient Evidence of In-Service Post-Traumatic Stress Disorder (PTSD) to Mitigate Misconduct

Excerpt from Board's Decisional Document

Mitigating condition(s) or experience	PTSD
Misconduct	False official statements, conspiracy, and damage to military property
Result	Discharge upgrade not granted

The applicant contended he had undiagnosed PTSD after deploying that resulted in his misconduct. Prior to his deployment his conduct was great according to him. He requested an upgrade to his discharge and a change to his narrative reason to disability. He submitted his VA rating letter reflecting he has been diagnosed with service-connected PTSD.

Additionally, the applicant submitted post service treatment records to substantiate his claim of a PTSD diagnosis. The presence of a mental health condition does not, in and of itself, mitigate or excuse misconduct. Based on the available evidence and records, the applicant's mental health condition, as likely as not, developed post-service. The VA, operating under a different set of laws than the military, is empowered to offer compensation for any medical or mental health condition with an established nexus to military service, without regard to its impact on a member's fitness to serve, the narrative reason for release for service, or the length of time that has transpired since the date of discharge. The VA may also conduct periodic reevaluations for the purpose of adjusting the disability rating as the level of impairment from a given condition may improve or worsen over the life of the veteran. At the "snapshot in time" of the applicant's service, there is no evidence the applicant had a mental health condition that caused or mitigated the misconduct that led to his discharge.

He submitted his VA rating letter reflecting he has been diagnosed with service-connected PTSD.

Based on the available evidence and records, the applicant's mental health condition, as likely as not, developed post-service.

At the "snapshot in time" of the applicant's service, there is no evidence the applicant had a mental health condition that caused or mitigated the misconduct that led to his discharge.

Source: GAO presentation of Department of Defense information. | GAO-25-107354

Figure 8: Selected Example to Illustrate Decisional Document Excerpt from Air Force Discharge Review Board Considering Department of Veterans Affairs (VA) Service-Connection as Insufficient Evidence of In-Service Post-Traumatic Stress Disorder (PTSD)

Excerpt from Board's Decisional Document

Mitigating condition(s) or experience	PTSD
Misconduct	Two instances of wrongful use of marijuana
Result	Discharge upgrade not granted

He claimed that he had undiagnosed and untreated PTSD at the time of his drug use. Since his discharge he has been rated by the VA for service-connected PTSD. He claimed he was model Airman prior to the events that led to his discharge. A review of the applicant's record revealed he was punished twice under Article 15, UCMJ [Uniform Code of Military Justice] for marijuana use. The applicant did submit documentation from the VA identifying he has been given a disability rating for PTSD with cannabis use disorder.

There is no evidence the applicant was diagnosed with PTSD in service. Based on the available records, the applicant presented to the mental health clinic prior to his discharge and reported he had symptoms, that he did not disclose on his post deployment assessments, that his supervisor suggested he get evaluated for. Based on the available records, the applicant reported his symptoms had resolved and did not meet criteria for a diagnosis. There is no evidence the applicant sought any additional mental health treatment or reported any other mental health conditions. Additionally, there is evidence the applicant reported pre-service marijuana use up to three months prior to his enlistment. Based on the available records, the applicant did not provide any testimony or substantiating evidence that he had any mitigating mental health conditions while in service, and therefore the discharge is not excused or mitigated.

The applicant did submit documentation from the VA identifying he has been given a disability rating for PTSD with cannabis use disorder.

There is no evidence the applicant was diagnosed with PTSD in service.

Source: GAO presentation of Department of Defense information. | GAO-25-107354

Air Force officials told us that its boards consider an applicant's VA service-connection to be a rating, rather than a diagnosis.³⁸ According to these officials, VA can treat a service member at any point in their life, not just during service. Therefore, for applicants who have received a service-connection diagnosis from VA, the Air Force boards seek to confirm that the applicants received treatment from VA for conditions or experiences that occurred during their service. As a result, Air Force officials stated that, without additional evidence, an applicant's VA service-connection may be insufficient to establish a nexus between the reported mental health condition and the misconduct that led to their discharge.

Applicant Testimony in Cases Involving Sexual Harassment or Sexual Assault

Applicant Testimony in Cases Involving Sexual Harassment or Sexual Assault

Veterans who experienced sexual harassment or sexual assault may not have reported their experiences during service for many reasons, which include fear of retaliation, concerns about confidentiality, fear of not being believed, and belief that the offender will not be held accountable. Therefore, applicants' in-service records might be less likely to contain evidence that they experienced sexual harassment or sexual assault.

Source: GAO-22-104673 | GAO-25-107354

The Kurta memorandum includes guidance to boards on the sufficiency of a veteran's testimony as evidence and addresses the limited availability of evidence that is frequently associated with incidents of sexual harassment and sexual assault. Specifically, the memo states that

- the veteran's testimony alone, oral or written, may establish the existence of a condition or experience, that the condition or experience existed during or was aggravated by military service, and that the condition or experience excuses or mitigates the discharge;
- sexual assault and sexual harassment impact veterans in many intimate ways, are often undiagnosed or diagnosed years afterwards, and are frequently unreported; and
- [discharge reviews involving] reported or unreported sexual assault or sexual harassment experiences should not condition relief on the existence of evidence that would be unreasonable or unlikely under the specific circumstances of the case.³⁹

In our analysis of decisional documents, we identified examples that indicate the military departments differ in the extent to which an applicant's testimony is viewed as sufficient evidence of an alleged

³⁸VA may apply a percentage rating, from 0 to 100 percent, to an applicant's VA service-connected condition, based on the severity of the disability. If the disability existed prior to service but was aggravated during service, VA bases its compensation on the extent to which the condition was aggravated during service.

³⁹According to VA, "military sexual trauma" refers to sexual assault or sexual harassment experienced during a period of military service. Sexual harassment is defined as unsolicited verbal or physical contact of a sexual nature that is threatening in character. For example, military sexual trauma could include being pressured or coerced into sexual activities; sexual contact or activities without consent; being overpowered or physically forced to have sex; being touched or grabbed in a sexual way that made the service member uncomfortable; comments about their body or sexual activities that they found threatening; or unwanted sexual advances that they found threatening.

experience with sexual harassment or sexual assault during military service.⁴⁰ For example, we identified a decisional document in which the Army Board for Correction of Military Records determined that the applicant experienced military sexual trauma based on their assertion, despite there being no supporting evidence in the applicant's in-service records. In another decisional document, the Army Discharge Review Board determined that the applicant's testimony of having experienced military sexual trauma was sufficient to establish that the experience occurred and, subsequently, identify a nexus between the applicant's experience and misconduct. Figure 9 provides additional information from the Army's decisional document from this case. This figure is a "selected example" from our analysis to illustrate some of the differences we identified in how DOD's boards adjudicate certain cases.

Figure 9: Selected Example to Illustrate Decisional Document Excerpt from Army Discharge Review Board Considering Applicant's Testimony of Military Sexual Trauma as Sufficient Evidence to Mitigate Misconduct

Excerpt from Board's Decisional Document

Mitigating condition(s) or experience	PTSD and military sexual trauma
Misconduct	Cocaine use, absent without leave, stealing and wrongfully using government property
Result	Discharge upgrade granted

The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board found sufficient evidence of in-service mitigating factors (Length, Quality, Combat) which mitigated the applicant's wrongful use of cocaine, stealing government property and dereliction of duty. In addition, the Board concurred that the applicant's self-asserted BH [behavioral health] experience; MST [military sexual trauma] does mitigate the applicant's AWOL [absent without leave] as the association between MST and avoidant behavior, is a nexus between his experience of MST and multiple AWOLs.

...the Board concurred that the applicant's self-asserted BH [behavioral health] experience; MST [military sexual trauma] does mitigate the applicant's AWOL [absent without leave] as the association between MST and avoidant behavior, is a nexus between his experience of MST and multiple AWOLs.

Source: GAO presentation of Department of Defense information. | GAO-25-107354

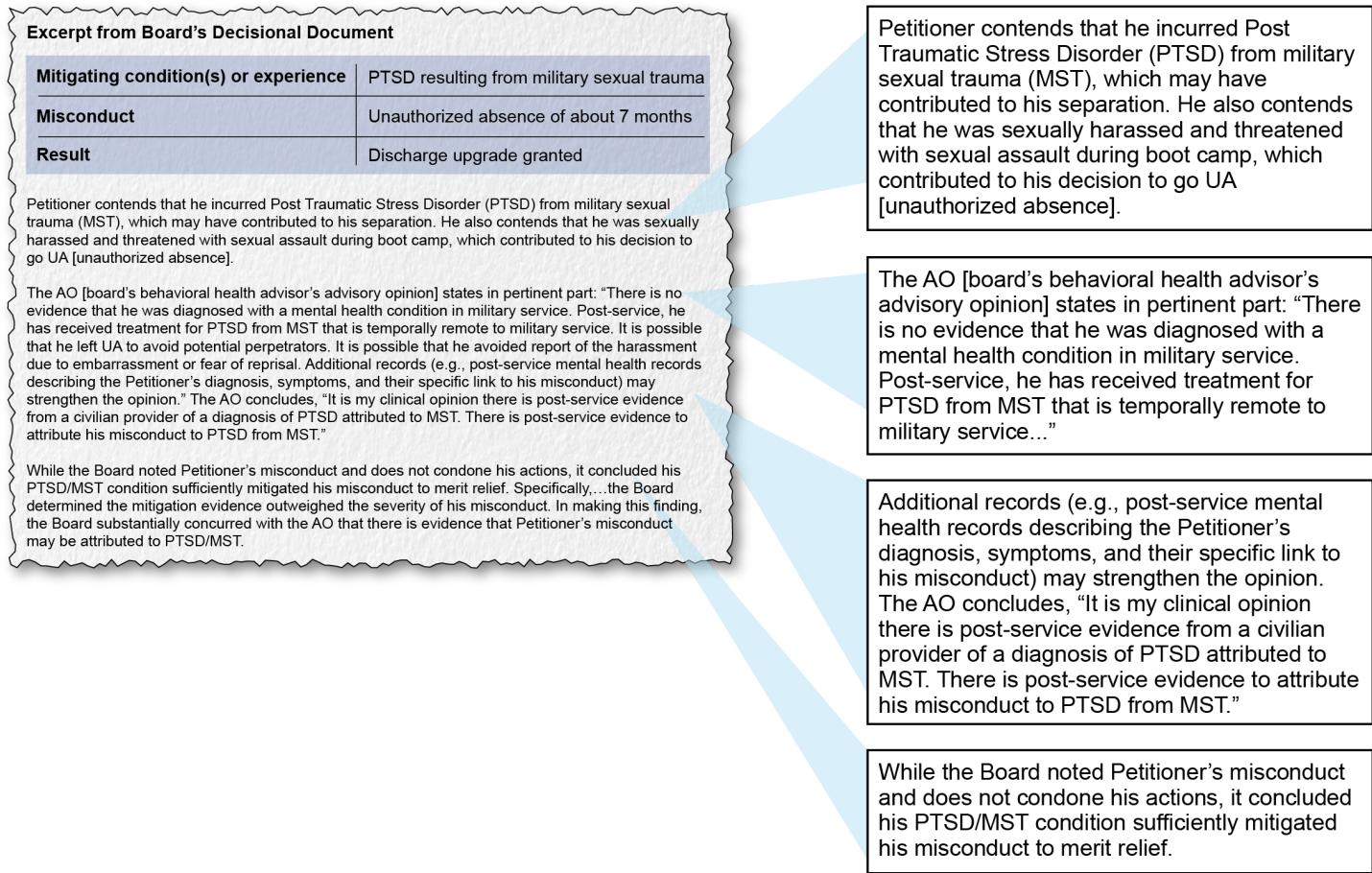
Consistent with the information in decisional documents, Army officials told us that if an applicant claims the VA determined that they were exposed to military sexual trauma while serving in the military, the Army board will give the applicant the benefit of the doubt, even if there is no supporting evidence in their military records.⁴¹

⁴⁰Since 2008, we have conducted a range of work on the issues of sexual harassment and sexual assault in the military, including barriers that may prevent service members from reporting these experiences, such as perceptions of false reporting prevalence and perceptions about being delayed at a current military post or assignment.

⁴¹Army officials stated that individuals do not always disclose cases of military sexual trauma at the time the events occur due to stigma.

Our review of decisional documents suggests that while Navy boards place great significance on an applicant's testimony, they are even more likely to grant a discharge upgrade when it is supplemented with relevant documentary evidence. For example, we identified a case with the Board for Correction of Naval Records in which the applicant stated that they experienced military sexual trauma during their military service. The Board determined that the applicant's stated experience of military sexual trauma, coupled with evidence of post-service treatment for PTSD related to the experience, was sufficient to mitigate the misconduct that led to the initial discharge and therefore granted an upgrade. However, officials from the Board for Correction of Naval Records told us that corroborating evidence supporting the applicant's testimony lends additional credibility to the applicant. Figure 10 provides additional information from the Navy's decisional document for this case. This figure is a "selected example" from our analysis to illustrate some of the differences we identified in how DOD's boards adjudicate certain cases.

Figure 10: Selected Example to Illustrate Decisional Document Excerpt from Board for Correction of Naval Records Considering Applicant's Testimony of Military Sexual Trauma as Sufficient Evidence to Mitigate Misconduct

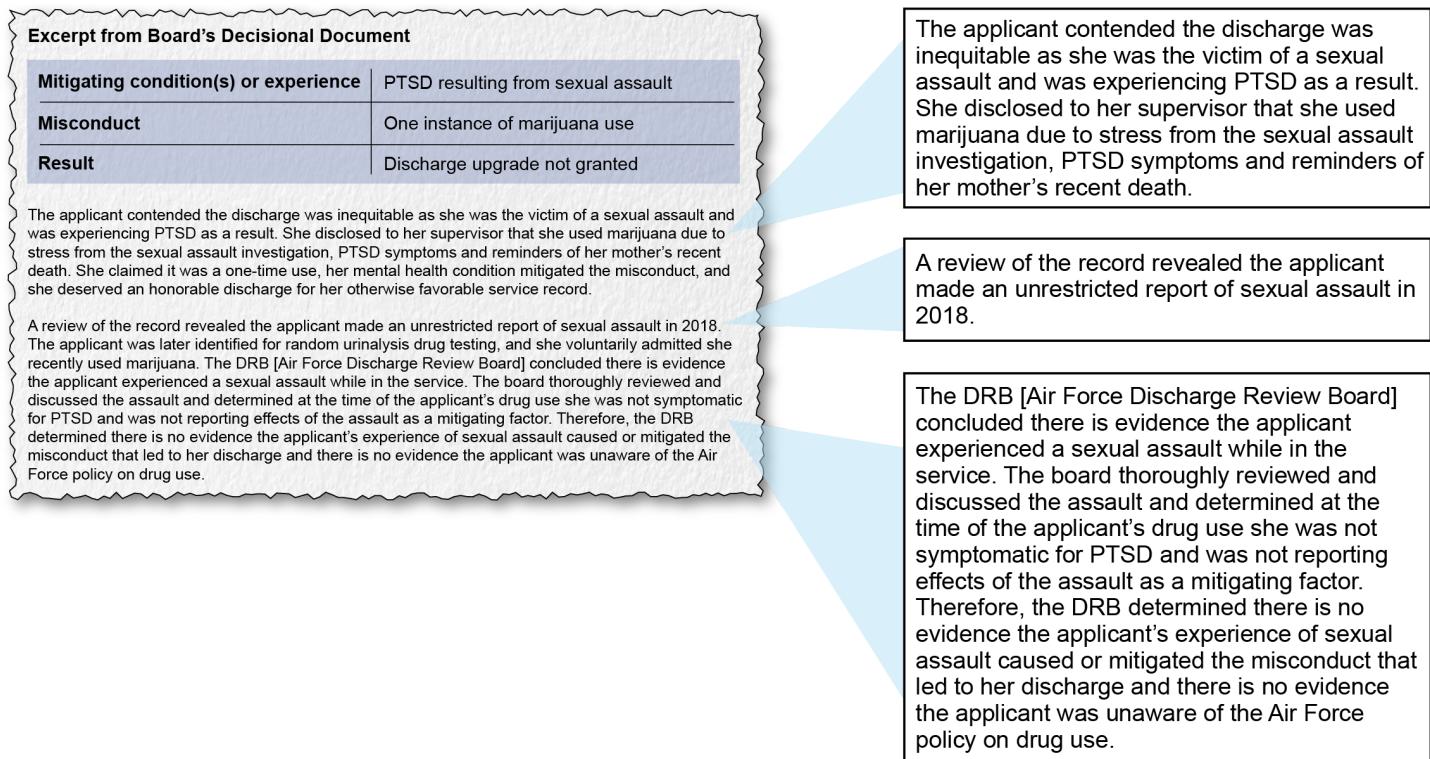


Source: GAO presentation of Department of Defense information. | GAO-25-107354

Conversely, decisional documents and testimonial evidence from Air Force officials suggest that the Air Force is unlikely to grant a discharge upgrade solely based on an applicant's testimony that they are suffering from the effects of an experience with military sexual trauma that occurred while they were serving in the military. For example, the applicant in one decisional document contended they had experienced sexual assault, which resulted in PTSD, and the applicant's in-service records indicated that they reported the assault to their supervisor. However, the Air Force Discharge Review Board determined that there was no evidence of a nexus between the applicant's experience and their misconduct (one-time marijuana use), which occurred after the applicant's

assault. In another decisional document, the Air Force Board for Correction of Military Records concluded that the applicant's emotionally unstable personality traits caused them to have a period of unauthorized absence (absent without leave), rather than the applicant's asserted sexual harassment experience. Figures 11 and 12 provide additional details from the decisional documents for these two cases. These figures are "selected examples" from our analysis to illustrate some of the differences we identified in how DOD's boards adjudicate certain cases.

Figure 11: Selected Example to Illustrate Decisional Document Excerpt from Air Force Discharge Review Board Considering Applicant's Testimony of Sexual Assault as Insufficient Evidence to Mitigate Misconduct



Source: GAO presentation of Department of Defense information. | GAO-25-107354

Figure 12: Selected Example to Illustrate Decisional Document Excerpt from Air Force Board for Correction of Military Records Considering Applicant's Testimony of Military Sexual Trauma as Insufficient Evidence to Mitigate Misconduct

Excerpt from Board's Decisional Document	
Mitigating condition(s) or experience	Military sexual trauma/sexual harassment
Misconduct	Absent without leave
Result	Not granted
<p>The AFRBA [Air Force Review Boards Agency] Psychological Advisor completed a review of all available records and finds insufficient evidence to support the applicant's request for an upgrade to her discharge from a mental health perspective. The psychological advisor reviewed the available records and finds the applicant's contentions were not corroborated by her objective military records. The applicant's report of her MST [military sexual trauma]/sexual harassment experiences are not in question nor disputed and it is very plausible she experienced sexual harassment as contended during service, but the main concern is whether her MST experiences had caused or could mitigate her discharge. The psychological advisor finds no evidence her MST was a mitigating factor to her discharge and noted there are inconsistencies with her reporting.</p> <p>Despite no evidence of any MST/sexual harassment experiences or report, there is evidence she struggled coping with her stressful work environment and adjusting to the military causing her to feel depressed. Her mental health provider assessed she had an emotionally unstable personality that was manifested by her inability to deal with stressful situations and a desire to run at those times. These findings suggested it was her characterological or personality traits and not sexual harassment that caused her to go AWOL [absent without leave] due to her inability to tolerate stress. This opinion was supported by the applicant's own statement as well as statements from her leadership made at the time of service.</p>	

The AFRBA [Air Force Review Boards Agency] Psychological Advisor completed a review of all available records and finds insufficient evidence to support the applicant's request for an upgrade to her discharge from a mental health perspective.

The applicant's report of her MST [military sexual trauma]/sexual harassment experiences are not in question nor disputed and it is very plausible she experienced sexual harassment as contended during service, but the main concern is whether her MST experiences had caused or could mitigate her discharge. The psychological advisor finds no evidence her MST was a mitigating factor to her discharge and noted there are inconsistencies with her reporting.

Her mental health provider assessed she had an emotionally unstable personality that was manifested by her inability to deal with stressful situations and a desire to run at those times. These findings suggested it was her characterological or personality traits and not sexual harassment that caused her to go AWOL [absent without leave] due to her inability to tolerate stress.

Source: GAO presentation of Department of Defense information. | GAO-25-107354

Consistent with the information we found in decisional documents, Air Force officials told us that an applicant's testimony that they experienced military sexual trauma is generally not sufficient evidence and that additional supporting evidence would be needed to grant a discharge upgrade. Officials added that they do not dispute applicants' experiences but might request additional details from the applicant about symptoms and stressors resulting from their experience to determine how it may have impaired their functioning. Specifically, these officials stated that the board requires the applicant to explain the facts of their military sexual trauma, including what, how, when, and where it happened.

DOD Oversight of Application of Key Guidance

DOD Directive 1332.41 states that the Under Secretary of Defense for Personnel and Readiness is responsible for ensuring uniformity among the military departments in the rights afforded to applicants in discharge reviews and for resolving all issues concerning discharge review boards

that are not resolved by the military departments.⁴² Additionally, guidance in the Kurta memorandum is intended to ensure that discharge upgrade applications from veterans with mental health conditions or who experienced sexual harassment or sexual assault should receive fair and consistent standards of review, regardless of when or in which military department they served. Further, *Standards for Internal Control in the Federal Government* states that management should consider the entity's overall responsibilities to external stakeholders and establish reporting lines that allow the entity to both communicate and receive information from external stakeholders.⁴³ Management should also establish and operate monitoring activities to monitor the internal control system and evaluate the results. Specifically, management should perform ongoing monitoring and evaluations of the operating effectiveness of the entity's system.

However, inconsistencies in the boards' application of liberal consideration guidance, such as those identified in our analysis, have not been addressed because, according to OUSD(P&R) officials, OUSD(P&R) has not evaluated the boards' application of liberal consideration guidance to help ensure it is uniformly applied. Further, OUSD(P&R) does not know if there are additional issues that may hinder the fair and consistent adjudication of liberal consideration cases because it has not developed a process to periodically monitor how the boards adjudicate these cases.

OUSD(P&R) officials told us they are aware that there are differences in how the military departments apply liberal consideration guidance and acknowledged that Boards for Correction of Military Records each interpret and apply liberal consideration guidance differently. OUSD(P&R) officials told us that, based on statute, Boards for Correction of Military Records are independent. However, DOD Directive 1332.41 provides the Under Secretary of Defense for Personnel and Readiness with the responsibility to ensure uniformity among the military departments in the rights afforded to applicants in discharge reviews. According to OUSD(P&R) officials, OUSD(P&R) convened a working group in 2022 with members from each of the boards to discuss how liberal consideration was being implemented. However, OUSD(P&R) officials stated that they generally do not see it as their role to mediate these differences because they view it as being within the military departments'

⁴²DOD Directive 1332.41.

⁴³GAO-14-704G.

authority to independently interpret how the guidance should be implemented. Further, these officials stated that there is a limit to the amount of uniformity they are willing to enforce because they consider the variability in case outcomes across the military departments to be a reflection of their unique cultures and practices, which they believe should be preserved.

We recognize OUSD(P&R) officials' interpretation of their responsibilities and the importance of maintaining the military departments' distinctive cultures. However, as the department-level office with responsibility for oversight of the military department's adjudication of discharge upgrade cases, OUSD(P&R) is uniquely positioned to help identify inconsistencies and, if necessary, remedy them. For example, the Kurta memorandum was drafted and signed by A.M. Kurta in his capacity as the official then performing the duties of the Under Secretary of Defense for Personnel and Readiness. A balance can be struck between OUSD(P&R)'s responsibility to ensure uniformity and respecting the independent authority of each military department to adjudicate discharge upgrade cases by working together to evaluate how liberal consideration guidance has been implemented. This evaluation could help ensure consistent treatment among veterans, facilitate a shared understanding of any differences in the military departments' application of liberal consideration, and promote greater consistency in how such cases are adjudicated across the department.

In conducting such an evaluation, DOD may also want to consider whether a board comprising representatives from each military department to jointly adjudicate discharge upgrade cases could promote a more uniform application of liberal consideration guidance.⁴⁴ We recognize that the Discharge Appeal Review Board—the third and final level of administrative review—could potentially include board members who served in different military departments and thus help facilitate greater uniformity in how liberal consideration guidance is applied.

⁴⁴In the National Defense Authorization Act for Fiscal Year 1996, DOD was required to report on ways to improve the process for correcting military records. As part of its report, DOD considered the potential creation of a centralized (joint) board with uniform procedures and standards. In the report, DOD determined that a centralized board would incur considerable start-up costs and make it more difficult for the services to identify trends and problems in personnel data. However, the report predates liberal consideration, which began in 2014, and the boards have since updated their data management systems. Also, as required by the National Defense Authorization Act for Fiscal Year 2020, DOD has already created a joint board, the Discharge Appeal Review Board, to adjudicate discharge upgrade cases, including cases that qualify for liberal consideration. Pub. L. No. 116-92, § 523 (*codified* at 10 U.S.C. §1553a).

However, it would affect an extremely limited number of cases as the only veterans eligible to apply to the Discharge Appeal Review Board are those who were discharged on or after December 20, 2019. Further, it could potentially take years for a case to be eligible for review by the Discharge Appeal Review Board as an applicant must first exhaust all other administrative remedies.

Officials from the military departments' boards were generally skeptical that a joint board earlier in the discharge upgrade review process would yield sufficient benefits to justify its establishment. For example, some officials expressed concern that the standards and culture of their respective departments may not be reflected on a joint board and that it may be inappropriate for one department to adjudicate another department's cases. However, a joint board could help to ensure greater uniformity in the application of DOD-wide guidance, which is inherently not military department-specific. Moreover, the consistent application of liberal consideration guidance is likely to fluctuate as the board members responsible for applying it will change over time. Thus, establishing a process to, at a minimum, periodically monitor the military departments' adjudication of liberal consideration cases will help to promote the fair and consistent application of relevant guidance over the long term.

DOD Does Not Know Whether Cases Are Adjudicated in a Timely Manner

The military departments do not know the extent to which liberal consideration cases are being adjudicated in a timely manner. As noted previously, the departments' post-separation review boards are organized as three progressive levels of review. There are required time frames for the Boards for Correction of Military Records to adjudicate applications, which these boards generally met from January 2018 through March 2024. However, it is unknown if cases adjudicated by the Discharge Review Boards or the Discharge Appeal Review Board are timely because there are no required time frames in which these boards must adjudicate discharge upgrade applications.⁴⁵

Boards for Correction of Military Records Generally Met Required Time Frames

Section 1557 of title 10, United States Code, requires Boards for Correction of Military Records to adjudicate 90 percent of all cases, including non-liberal consideration cases, in 10 months and 100 percent

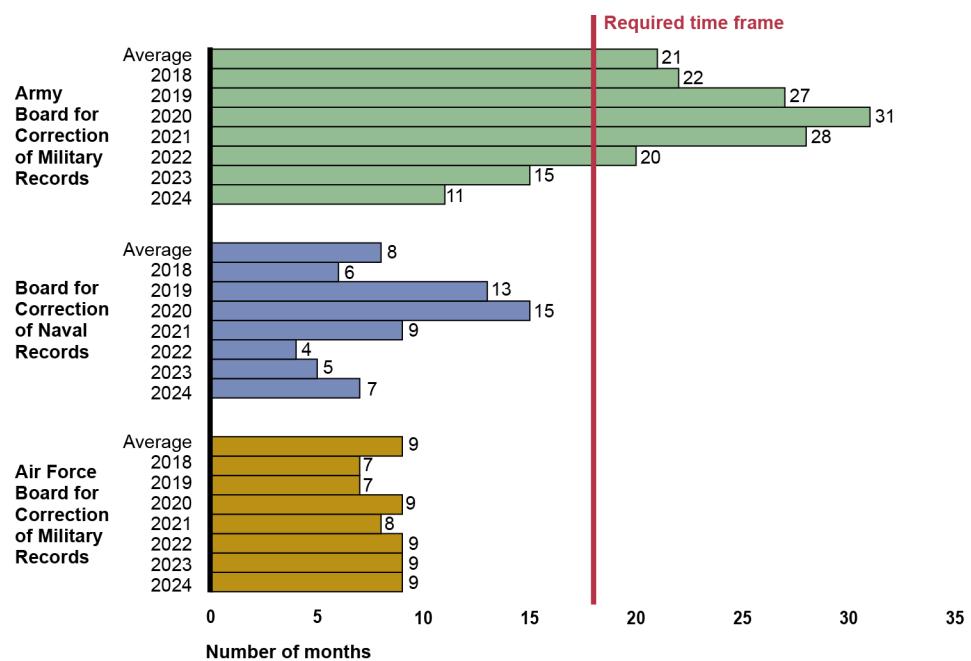
⁴⁵As of March 2025, according to Discharge Appeal Review Board officials, the Discharge Appeal Review Board had adjudicated one discharge upgrade case, which did not involve liberal consideration.

of cases within 18 months.⁴⁶ For liberal consideration cases closed from January 2018 through March 2024, the Navy and Air Force boards adjudicated all of their cases within 18 months. The Army Board for Correction of Military Records, on average, exceeded the 18-month requirement to adjudicate liberal consideration cases from calendar years 2018 through 2022 but met it from January 2023 through March 2024.⁴⁷ Figure 13 shows the average number of months it took each military department's Board for Correction of Military Records to adjudicate liberal consideration cases from January 2018 through March 2024.

⁴⁶10 U.S.C. § 1557. Section 1557 also states that the Secretary of the military department may exclude an individual case from their respective Board for Correction of Military Records from the timeliness standards if it determines that the case warrants a longer period of consideration. Navy and Air Force officials told us that the Secretaries of the Navy and the Air Force did not issue any waivers to exclude an individual case from the timeliness standards. Boards for Correction of Military Records also adjudicate discharge upgrade cases not involving liberal consideration and applications to correct other personnel records that include dates of service, benefits, and medals.

⁴⁷While Boards for Correction of Military Records are required to adjudicate 90 percent of all cases within 10 months, our analysis included only liberal consideration cases closed from January 2018 through March 2024. Therefore, we were not able to determine the extent to which the Boards for Correction of Military Records adjudicated 90 percent of all cases within 10 months.

Figure 13: Average Number of Months to Adjudicate Liberal Consideration Cases, by Board for Correction of Military Records, January 2018–March 2024



Source: GAO analysis of post-separation review board data. | GAO-25-107354

While the Army Board for Correction of Military Records has improved the timeliness of its adjudications of discharge upgrades, Army officials acknowledged that the board has not always met the required 18-month time frame. For example, Army officials told us that there has been a rise in the number of cases they have received since liberal consideration was introduced in 2014—with more than a 50 percent increase in applications since 2022. This increase resulted in a backlog of cases, which made it difficult for the board to meet its required adjudication time frames. However, Army officials told us that they hired additional behavioral health providers, which has helped the board meet its required time frames since 2023.⁴⁸

⁴⁸Army officials told us that the Army Review Boards Agency, which includes the Army Discharge Review Board and Board for Correction of Military Records, had three behavioral health providers in 2018, five in 2021, and nine in 2024.

Discharge Review Boards and the Discharge Appeal Review Board Do Not Have Required Adjudication Time Frames

Unlike the Boards for Correction of Military Records, the Discharge Review Boards and the Discharge Appeal Review Board do not have required time frames for adjudicating cases.⁴⁹ Rather, all three Discharge Review Boards publish estimates of adjudication time frames on their respective websites, and the Air Force Discharge Review Board provides an estimate in a confirmation email to applicants.

According to Discharge Review Board officials, these estimated time frames are based on prior years' work and may fluctuate based on the number and complexity of applications received. Specifically, the Army Discharge Review Board's website states that it may take up to 12 months or more to adjudicate each case, and the Navy's website states that cases involving only document reviews take about 8 months and cases involving a personal appearance hearing by the applicant take about 12 months.⁵⁰ In its confirmation email, the Air Force Discharge Review Board estimates that adjudications will take 4 to 8 months, and the Air Force Discharge Review Board's website states that adjudications will take about 7 months. For applications that are appealed and sent to the Discharge Appeal Review Board, a Discharge Appeal Review Board official told us that their estimated adjudication time frames are about 6 months.

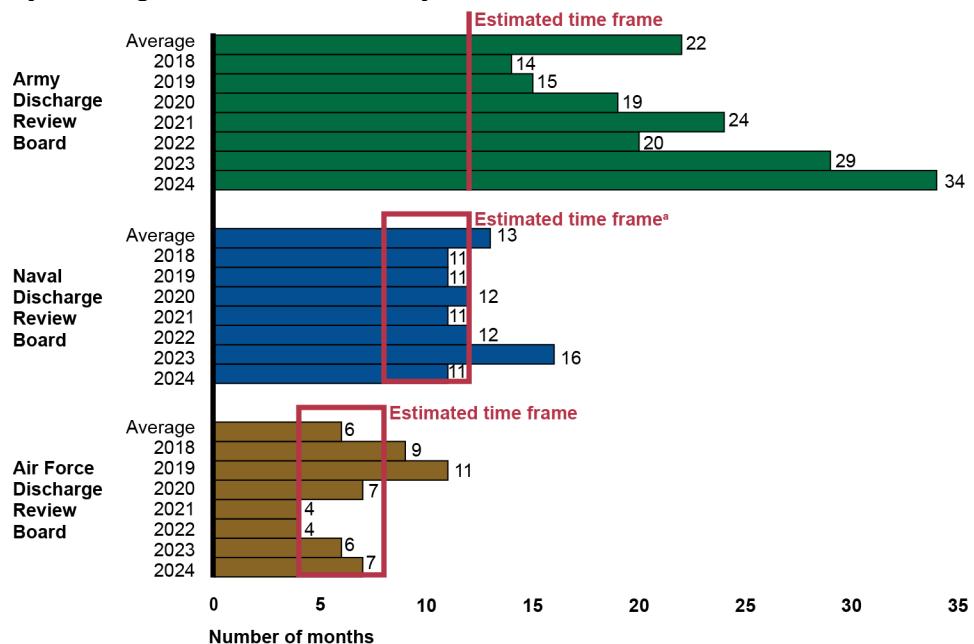
The Navy adjudicated liberal consideration cases within the estimated time frames published on its website in all but one year during the period of our review and the Air Force met its estimated time frames in all but 2 years, according to our analysis of data on liberal consideration cases closed from January 2018 through March 2024. However, over the same period, the Army's adjudication of liberal consideration cases consistently exceeded its estimated time frame. Figure 14 shows each Discharge Review Board's estimated time frame for adjudicating liberal

⁴⁹According to an OUSD(P&R) official, the Boards for Correction of Military Records' required adjudication time frames were instituted by Congress in 1998 following testimony on the board's backlog of cases. According to this official, establishing required time frames for Discharge Review Boards or the Discharge Appeal Review Board has not been considered since an informal discussion in 2022.

⁵⁰An Army official told us that they were unable to confirm the methodology behind the Army Discharge Review Board's 12-month estimate for adjudication time frames. However, this official noted that in fiscal year 2015 the Army Discharge Review Board adjudicated cases in about 12 months. In April 2025, a senior Naval Discharge Review Board official stated that the board, on average, adjudicated cases involving personal appearance hearings in 11 months in fiscal year 2024. However, above, we refer to the estimate on the Naval Discharge Review Board's website because that is the estimate publicly conveyed to current and potential applicants.

consideration cases and how many months, on average, it took each board to complete their adjudication of these cases over this period.

Figure 14: Average Number of Months to Adjudicate Liberal Consideration Cases, by Discharge Review Board, January 2018–March 2024



Source: GAO analysis of post-separation review board data. | GAO-25-107354

Note: We calculated adjudication time frames from the date the application was received by the board to the date it was closed by the board. This calculation aligns with how the boards calculate processing times, except for the Naval Discharge Review Board, which, according to officials, calculates its adjudication timelines beginning when it assigns a docket number to the case following application receipt. Using this method, the Naval Discharge Review Board adjudicated cases over this period in about 11 months, on average.

^aIn April 2025, a senior Naval Discharge Review Board official stated that the board, on average, adjudicated cases involving personal appearance hearings in 11 months in fiscal year 2024. However, above, we refer to the estimate on the Naval Discharge Review Board's website because that is the estimate publicly conveyed to current and potential applicants.

Army officials said its Discharge Review Board suspended work on some cases between 2019 and 2021 so that its personnel could help the Army Board for Correction of Military Records, which has required adjudication time frames, to process its backlog of cases. Army officials also stated that in April 2021, the Army settled a class action lawsuit, resulting in the automatic reconsideration of over 3,400 previously considered Army Discharge Review Board cases involving liberal consideration. They stated that this settlement, which more than doubled the board's existing

caseload, resulted in increased adjudication time frames for all of the board's cases. Army officials cited these as contributing factors in its Discharge Review Board exceeding estimated time frames. Officials also stated that the Army's behavioral health providers previously only reviewed cases that involved mental health issues, sexual harassment, or sexual assault. However, these officials stated that providers now review every case, which has also increased the board's adjudication time frames.⁵¹

DOD Directive 1332.41 states that the Under Secretary of Defense for Personnel and Readiness is responsible for resolving all issues concerning Discharge Review Boards that are not resolved by the military departments and for ensuring uniformity among the military departments in the rights afforded to applicants in discharge reviews. Further, *Standards for Internal Control in the Federal Government* states that management should define objectives in specific terms so they are understood at all levels of the entity, including the time frame in which they are expected to be achieved.⁵²

The military departments have not established time frames that would help ensure Discharge Review Boards and the Discharge Appeal Review Board adjudicate discharge upgrade applications in a timely manner to include those involving liberal consideration, and OUSD(P&R) has not required that they do so. The Under Secretary of Defense for Personnel and Readiness is responsible for ensuring uniformity among the rights afforded to applicants by the military departments. However, OUSD(P&R) officials stated that they do not believe instituting required adjudication time frames, beyond those assigned by Congress, as discussed below, falls within the responsibilities of the Under Secretary of Defense for Personnel and Readiness in DOD guidance. Furthermore, officials also told us that the departments' boards have experienced large personnel decreases since January 2025, which could complicate their ability to adjudicate cases within a specified time frame.

⁵¹According to Army officials, behavioral health providers review each application to the Army Discharge Review Board and Army Board for Correction of Military Records to ensure all applicants that are eligible for liberal consideration receive it. For example, these same officials told us that it is relatively common for the Army to apply liberal consideration to discharge cases without an applicant claiming to have a mental health condition because some applicants may not understand their condition.

⁵²GAO-14-704G.

Specifically, OUSD(P&R) officials stated that Congress created the Discharge Review Boards, Boards for Correction of Military Records, and Discharge Appeal Review Board yet only instituted required adjudication time frames for Boards for Correction of Military Records. Therefore, OUSD(P&R) officials told us that their office is following Congress' lead on determining required time frames for boards.

According to OUSD(P&R) officials, the responsibility of the Under Secretary of Defense for Personnel and Readiness to ensure uniformity in the rights afforded to applicants in discharge reviews does not require that they establish required adjudication time frames. Rather, these officials reiterated that the responsibility specifically pertains to applicants' statutory rights, which include ensuring (1) behavioral health providers review cases for which an applicant has a mental health condition or may have experienced sexual harassment or sexual assault, (2) boards review VA and civilian medical records provided by the applicant, and (3) boards expedite adjudication of liberal consideration cases. However, there is nothing that prevents the Under Secretary of Defense for Personnel and Readiness from establishing required adjudication time frames for Discharge Review Boards.

Navy and Air Force Discharge Review Board officials told us that they were not opposed to required time frames, but the time frames' effect would depend on the amount of time permitted for adjudicating cases. However, Army Discharge Review Board officials stated that required adjudication time frames for Discharge Review Boards could have a significant impact. Specifically, Army officials told us that although behavioral health providers at its Discharge Review Board are currently able to review 8 to 10 cases per week, cases are growing increasingly more complex as applicants submit more evidence, which takes longer to review. Therefore, Army officials stated that having to adjudicate cases within a certain time frame could have a significant effect if the upward trend in case complexity continues. Navy officials expressed minimal concern about the establishment of required time frames, stating that they expected the overall effect would be relatively small, given that their Discharge Review Board already tries to meet the required time frames that were established for Boards for Correction of Military Records. However, these officials noted that personal appearance hearings are more time-consuming and would therefore necessitate the establishment of longer time frames for Discharge Review Boards.

Three attorneys we interviewed from the National Law School Veterans Clinic Consortium provided a different perspective about the impact of

timelines on the adjudication of cases.⁵³ One attorney told us that the applicants they represent are frequently food or housing insecure or have a mental health condition for which they lack health care. Thus, their clients could substantially benefit from timely access to the services and assistance that may become available to them with a discharge upgrade. They also shared instances in which clients had died while waiting for their discharge upgrade application to be adjudicated, which, according to a senior Navy official, further underscores the importance of adjudicating cases in a timely manner and for access to VA resources. However, an attorney cautioned that boards may become overly focused on meeting required time frames at the cost of conducting less rigorous case reviews and, therefore, emphasized that it is important to balance adjudication speed with quality.

We recognize the challenges posed by a decrease in the boards' staff and an increasingly complex caseload. However, OUSD(P&R) could help to ensure that such issues are mitigated and that cases are adjudicated in a timely manner by coordinating with the military departments to set required time frames. Without a required time frame, there is a wide variance in the Discharge Review Boards' estimated adjudication time frames that, depending on the military department, currently range from 4 to 12 months and could increase, depending on a board's workload. Moreover, an applicant's timeline could be extended by up to an additional 18 months if their initial upgrade request is denied and they seek a second-level review by a Board for Correction of Military Records. The timeline could be further extended if an applicant pursues a third level of review by the Discharge Appeal Review Board. During this time, applicants with potentially critical financial and health challenges may be faced with the prospect of navigating increasingly unpredictable timelines for what can already be a yearslong process. Time frames will help the boards to plan and prioritize their work so that they can achieve objectives in the most efficient manner possible.

⁵³The National Law School Veterans Clinic Consortium is a collaborative effort led by the nation's law school legal clinics dedicated to addressing the unique legal needs of U.S. military veterans.

Military Departments Inconsistently Communicate Estimated Adjudication Time Frames and Decisions

Military Departments and OUSD(P&R) Have Taken Steps to Communicate with Applicants About the Liberal Consideration Process

The military departments and OUSD(P&R) have taken steps to communicate with current and potential applicants about the liberal consideration process. For example, military department board officials described various ways that they communicate with applicants after receiving an application. Specifically, Army Discharge Review Board officials stated that they send a notice to applicants confirming receipt of an application and providing the applicant with a case number. The sample notice also contains contact information for various organizations should the applicant wish to obtain legal assistance. Officials from this board and others stated that they may also contact applicants to obtain additional support materials, such as relevant behavioral health records, and to schedule personal appearance hearings, if applicable. Finally, after adjudicating a case, each board sends the applicant a decisional document to communicate the decision.

The military departments and OUSD(P&R) have also developed websites to communicate information about the liberal consideration process to potential applicants. For example:

- In accordance with statute, DOD has established a public reading room website, administered by the Air Force and discussed in detail later in this report, where potential applicants can review prior decisional documents issued by each of the boards and obtain application forms.⁵⁴ The reading room is not designed for applicants to obtain the decision on their application or obtain the status of their application. Rather, decisions are to be sent directly to the applicants as soon as the relevant board issues the decision.

⁵⁴See 10 U.S.C. §§ 1552 and 1553. DOD Instruction 1332.28 states that DOD's reading room is a public website where potential applicants can view prior decisional documents. The reading room website can be accessed at <https://boards.law.af.mil>.

OUSD(P&R) has developed a public website that officials described as a resource to assist prospective applicants with their discharge upgrade applications.⁵⁵ The website contains links to forms, relevant guidance, and key information for applicants, such as an instructional webinar. The website also provides a link that potential applicants who separated from military service in 1997 or later can follow to request their military personnel records.⁵⁶

- Each board also has a website where applicants can obtain additional information about the discharge review process, such as application instructions, links for locating an attorney or representative, and relevant guidance, including the Kurta memorandum.⁵⁷ Air Force officials modified the Air Force Review Boards Agency's website to improve usability, which, according to officials, led to a 23 percent increase in applications in 2023. Further, in 2022 the Air Force Review Boards Agency developed a communication plan to inform and educate current and former Air Force personnel and veteran advocates about its programs and procedures to facilitate an improved understanding of the agency's mission and processes.

Officials also discussed collaborative efforts to increase outreach to potential applicants. For example, Air Force Discharge Review Board officials stated in May 2024 that they conducted a webinar with OUSD(P&R) to educate potential applicants about the boards and planned to conduct more. Additionally, OUSD(P&R) and Air Force officials stated that they have met with veteran service organizations and other groups to further publicize information about liberal consideration. For example, Army Board for Correction of Military Records officials stated that they conduct outreach three to four times a year about their board and discharge upgrades to Judge Advocate General schools, universities, and various veterans' groups and clinics. Naval Discharge Review Board officials said that they conducted similar types of outreach to veterans groups.

⁵⁵The website can be accessed at <https://www.milreviewbds.mil>.

⁵⁶Personnel records for veterans who served after 1997 should be accessible online through the Defense Personnel Records Information Retrieval System. Those who served prior to 1997 or for whom electronic records are not available from the system can request their records from the National Personnel Records Center.

⁵⁷The Department of Veterans Affairs' website also includes information on how veterans can apply for a discharge upgrade and contact the relevant board.

Boards Do Not Communicate Current Information on Expected Adjudication Time Frames

The military departments' post-separation review boards have generally communicated estimated time frames for adjudicating liberal consideration and non-liberal consideration discharge upgrade cases to applicants. This information provides applicants with an understanding of how long a board might take to adjudicate their case and, if the board grants a discharge upgrade, how long until the applicant can potentially apply for additional benefits. However, the information that is communicated by the boards is not always current, accurate, or specific to cases involving liberal consideration. Specifically:

- The Army Discharge Review Board's website communicates to applicants that discharge upgrade adjudications will take up to 12 months. However, Army officials told us that they are not sure how the estimate was calculated as it likely preceded the implementation of liberal consideration in 2014. The Army Board for Correction of Military Records communicates to applicants that it will adjudicate cases within 18 months. However, the board does not calculate and communicate estimates that are based on actual board output to give applicants a more precise understanding of when, in the significant span of the required time frame, their cases may be adjudicated.
- The Naval Discharge Review Board's website communicates estimated time frames for adjudicating discharge upgrade applications to applicants. Specifically, the board's website communicates that adjudications are estimated to take 8 months for document reviews and 12 months for personal appearance hearings. According to Navy officials, these estimates are based on how many cases are received and closed by the board each year, and how long they took to adjudicate. However, board officials told us that before the most recent update in January 2025, estimated adjudication time frames likely had not been updated on its website since June 2023. As of April 2025, the Board for Correction of Naval Records' website states that the adjudication of discharge upgrades takes about 6 to 8 months but also notes that the range is an estimate and subject to change. Further, the website does not indicate when the board calculated these estimates, but a Board for Correction of Naval Records official stated that the board's estimated time frames are based on averages from prior months.
- As stated above, the Air Force Discharge Review Board communicates its estimated 4-to-8-month adjudication time frames via confirmation email to applicants. In addition, in April 2025, the Air Force provided estimated adjudication time frames as of February 2025 for both of its boards on its website, a process it instituted during

our review. However, the time frames are not specific to cases involving liberal consideration.

For applications that are reviewed by the Discharge Appeal Review Board, a senior official told us that the board communicates the estimated adjudication time frames, which can be up to 6 months, on the board's website. However, the estimate is in a DOD guidance document that is not clearly related and only accessible via a link on the board's website.

Board officials highlighted that liberal consideration cases can take longer to adjudicate than other discharge upgrade applications because they are more complex. Naval Discharge Review Board officials specifically cited reviews by multiple officials as one of the reasons they take longer. However, none of the boards communicate estimated adjudication time frames that distinguish between liberal consideration and non-liberal consideration cases.

Standards for Internal Control in the Federal Government states that management should define time frames for achieving objectives. Further, management should use quality information—that is appropriate, current, accurate, accessible, and provided on a timely basis—to achieve the entity's objectives and internally communicate it.⁵⁸ The military departments have taken steps to communicate estimated time frames for adjudicating discharge upgrade cases through the boards' websites and in correspondence with applicants. However, the information communicated is not accurate or specific to liberal consideration cases, because the military departments do not have processes to regularly calculate and update estimated adjudication time frames for these cases, including the date of the most recent update, on their websites and in correspondence with applicants. Military department officials provided various reasons for not communicating more current and accurate estimates of case adjudication time frames. For example, in December 2024, Army officials stated that Army Headquarters manages the Army Review Boards Agency's website and controls what information is posted. These officials stated that because of the need to coordinate with Army Headquarters, there has been a delay in updating the content on the website.⁵⁹ Naval Discharge Review Board officials told us that they do not

⁵⁸[GAO-14-704G](#).

⁵⁹Army officials stated that the Army Review Boards Agency is transitioning its website to a new platform and will update information when the transition is complete. However, the officials told us that, as of February 2025, there was no timeline for completing the website's transition to its new platform.

provide updated adjudication time frame estimates in correspondence with applicants because it is already difficult for the board to adjudicate more than 1,500 cases each year.

Establishing and implementing a process to regularly calculate and update estimated time frames for adjudicating discharge upgrade cases involving liberal consideration on boards' websites and in correspondence with applicants will help to ensure that applicants have a current and accurate understanding of how long a board may take to adjudicate their case. Further, completing updates at regular intervals will also help to manage applicant expectations as adjudication time frames can fluctuate relative to changes in the complexity and size of each board's workload. Air Force officials told us in February 2025 that they plan to update the Air Force boards' estimated adjudication time frames on its website quarterly.⁶⁰ Therefore, the other military departments may want to consider adopting a similar approach to promote consistency in how boards communicate such information.

⁶⁰Air Force officials stated that they plan to post target time frames for the three phases of the adjudication process: (1) case workup, including assigning a docket number and reviewing documents to determine the applicant's eligibility; (2) adjudication, including preparing for the board hearing and recording the board's decision in decisional documents; and (3) approval/case closure, including reviewing and signing decisional documents and returning supporting documents to other agencies. As of April 2025, the Air Force had posted processing times as of February 2025 for these three phases for both boards.

Boards' Decisional Documents Inconsistently Explain Case Outcomes

Examples of Items Required in Discharge Review Board Decisional Documents per Department of Defense Guidance

- Discharge date, character, and reason
- Date and period of enlistment
- Length of service and any periods of unauthorized absence
- Incidents of punishment pursuant to the Uniform Code of Military Justice and convictions by court-martial
- List of documents submitted with application
- The board's conclusions on whether the character or reason for discharge should be changed and the specific changes to be made
- List of items submitted as issues and the board's response to those items
- Advisory opinions, such as by the board's behavioral health provider
- Record of voting, including the number of votes and names of board members (may state available upon request)

Source: Department of Defense Instruction 1332.28. I GAO-25-107354

All boards communicate case outcomes to applicants in a decisional document, but the level of detail and specificity that each board provides to explain the outcome is inconsistent and can vary within and across the military departments. DOD guidance outlines a number of items that Discharge Review Board decisional documents must contain, such as information about the discharge (date, character, and reason); a list of the types of documents submitted with the application; the board's decision; a response to each issue raised by the applicant; and the record of voting (see sidebar).⁶¹ The DOD guidance also states that advisory opinions, such as those submitted by a behavioral health provider, should be included when the opinions have been relied upon by the board for the final decision or have been accepted as a basis for rejecting any of the applicant's issues.

We found that, at a minimum, the decisional documents generally provided the information required per DOD guidance, based on our analysis of a generalizable sample of decisional documents for liberal consideration cases adjudicated from January 2021 through March 2024. However, the documents did not always explicitly answer the four questions from the Kurta memorandum that boards are expected to consider when applying liberal consideration. As noted previously, the Kurta memorandum specifies four key questions that liberal consideration cases typically involve—the answers to which may form the basis for each board's decision to grant or deny a requested upgrade.⁶² We found that some decisional documents explicitly answered the Kurta memorandum's four questions, while other documents did not specifically reference the questions or the extent to which they were considered. As shown in table 3, our analysis found that none of the boards explicitly answered all four of the Kurta memorandum's questions in every decisional document for cases involving liberal consideration.

⁶¹DOD Instruction 1332.28. The Boards for Correction of Military Records do not have required information to include in decisional documents.

⁶²The Kurta memorandum's four questions are the following: (1) Did the veteran have a condition or experience that may excuse or mitigate the discharge? (2) Did that condition exist/experience occur during military service? (3) Does that condition or experience actually excuse or mitigate the discharge? (4) Does that condition or experience outweigh the discharge? Under Secretary of Defense for Personnel and Readiness 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* (Aug. 25, 2017).

Table 3: Estimated Percent of Decisional Documents from Military Departments' Post-Separation Review Boards for Liberal Consideration Cases That Answered Kurta Memorandum's Four Questions, January 2021–March 2024

Number of questions answered	Army Discharge Review Board	Army Board for Correction of Military Records	Naval Discharge Review Board	Board for Correction of Naval Records	Air Force Discharge Review Board	Air Force Board for Correction of Military Records
All ^a	93.1	*	86	*	64.5	87.3
Some	*	26.3 ^b	*	*	*	*
None ^c	*	64.8	14	100	34.5	*

Source: GAO analysis of post-separation review board decisional documents. | GAO-25-107354

Note: An asterisk (*) denotes that a generalizable estimate was not available due to lack of precision.

^aThe 95 percent confidence intervals for these estimates are (85.3, 96.9), (76.3, 92.1), (55.7, 72.5), and (75.1, 94).

^bThe 95 percent confidence interval for this estimate is (17, 38.4).

^cThe 95 percent confidence intervals for these estimates are (52.3, 75.5), (7.9, 23.7), (100, 100), and (26.6, 43.4).

In the decisional documents where the boards answered the Kurta memorandum's four questions, the boards described how they reached the case outcome. Specifically, the boards' responses to Kurta's questions explained whether the boards

- determined the applicant had a relevant mental health condition or experience during military service, and why;
- established a connection between the applicant's condition or experience and their misconduct; and
- determined that the applicant's mental health condition or experience mitigated their misconduct and ultimately outweighed their discharge.

Board officials told us that liberal consideration cases are complex and often require the boards to weigh multiple pieces of evidence to decide a case. By answering these questions, the boards provide applicants with valuable insight into the factors that contributed to their decision. In addition, explicit responses to these questions can help an applicant to understand where they may have provided insufficient evidence in their application or why their discharge was not upgraded even with evidence of a qualifying condition or experience. See table 4 for examples of board answers to the Kurta memorandum's four questions from decisional documents with varying dispositions that were included in our sample and posted to the DOD reading room.

Table 4: Selected Examples to Illustrate Answers to Kurta Memorandum's Four Questions in Decisional Documents from Liberal Consideration Cases Adjudicated by Military Departments' Post-Separation Review Boards and the Resulting Disposition, January 2021–March 2024

	Example 1 (Upgrade granted)	Example 2 (Upgrade not granted, condition does not mitigate discharge)	Example 3 (Upgrade not granted, no evidence of mental health condition)
(1) Did the veteran have a condition or experience that may excuse or mitigate the discharge?	Yes. The Board's Medical Advisor, a voting member, reviewed DOD and Department of Veterans Affairs (VA) medical records and found the applicant has several potentially mitigating behavioral health conditions.	The applicant contends he had depression, inability to focus, lack of sleep, and other mental health concerns that had an effect on his job performance and ability to properly manage his finances. He believes his commander did not consider his mental health condition at the time of his discharge.	The applicant checked the box for "other mental health" on her application. The applicant did not make any other mental health contentions or provide any evidence or testimony to substantiate her claim of "other mental health" in service.
(2) Did that condition exist/experience occur during military service?	Yes. Applicant was diagnosed with anxiety disorder, adjustment disorder, traumatic brain injury (TBI) while on active duty. He is service connected by the VA for post-traumatic stress disorder (PTSD).	There is evidence the applicant received mental health treatment for depression, concentration issues, and sleep problems during service. He was initially given a diagnosis of Dysthymia that was changed to Adjustment Disorder with Depressed Mood due to having mild symptoms according to his psychiatrist. His psychological testing evaluator and psychotherapy provider also assigned to him the same latter diagnosis indicating his symptoms were mild.	Based on a review of the applicant's records, there is no evidence the applicant received any mental health services during her time in service. There is evidence the applicant was command referred to Family Advocacy Program due to allegations of intimate partner maltreatment.
(3) Does that condition or experience actually excuse or mitigate the discharge?	Applicant has two mitigating behavioral health conditions-TBI and PTSD. As both of these conditions are associated with avoidant behaviors, there is a nexus between these conditions and the applicant's misconduct of being absent without leave.	The applicant's mental health condition and symptoms were considered to be mild. His mild depressive symptoms would typically not produce or cause the types, severity, and frequency of his behaviors and misconduct that were documented in his records. Thus, his mental health condition does not excuse or mitigate his discharge.	Based on a review of the applicant's records, the applicant was discharged due to misconduct, minor disciplinary infractions, including misappropriation of a vehicle, making false claims with intent to defraud, and violence against another person. There is no evidence the applicant sought or received any mental health treatment during her time in service. There is also no evidence the applicant exhibited any clinically significant features of a mental health condition during her time in service or any evidence a mental health condition caused or mitigated the misconduct that led to the applicant's discharge.

	Example 1 (Upgrade granted)	Example 2 (Upgrade not granted, condition does not mitigate discharge)	Example 3 (Upgrade not granted, no evidence of mental health condition)
(4) Does that condition or experience outweigh the discharge?	Yes. The Board concurred with the opinion of the Board's Medical Advisor, a voting member, that TBI/PTSD are often associated with absent without leave offenses. As a result, the board applied liberal consideration and found that the behavioral health conditions outweighed the cause for separation.	Since there is no evidence his mental health condition may excuse or mitigate his discharge, his condition also does not outweigh his original discharge. There is no error or injustice identified with his discharge.	There is no evidence to substantiate the applicant's contention that she had a mental health condition in service. Because the applicant's discharge is not mitigated or excused, it is also not outweighed.

Source: Department of Defense post-separation review board decisional documents. | GAO-25-107354

DOD Directive 1332.41 states that the Under Secretary of Defense for Personnel and Readiness is responsible for resolving all issues concerning Discharge Review Boards that are not resolved by the military departments and for ensuring uniformity among the military departments in the rights afforded applicants in discharge reviews.⁶³ In addition, *Standards for Internal Control in the Federal Government* states that management should use quality information to communicate with external parties, such as the general public.⁶⁴

Despite the expectation that the boards' adjudication of liberal consideration cases will typically involve the Kurta memorandum questions to guide their decision-making, the military departments' boards do not consistently address these questions, including explicit answers to each, in their decisional documents because OUSD(P&R) has not required them to do so.

Absent department-level guidance, board officials provided various reasons to explain their individual approaches for addressing the Kurta memorandum questions in their decisional documents. For example, officials from the Army Discharge Review Board and the Naval Discharge Review Board stated that they include answers to the questions in

⁶³DOD Directive 1332.41.

⁶⁴GAO-14-704G.

decisional documents as part of a response to prior lawsuits.⁶⁵ Army officials stated that the Army Board for Correction of Military Records, based on the Army Discharge Review Board's actions, incorporated the four questions into the medical advisory opinion but noted that the board may not explicitly answer them in decisional documents. In April 2025, these officials stated that they plan to revise the board's decisional documents to incorporate and explicitly answer the questions. Officials from the Board for Correction of Naval Records stated that while they follow the Kurta guidance in adjudicating cases, they do not explicitly answer the questions in the board's decisional documents. Air Force officials stated that its boards have consistently answered the four questions in their decisional documents since 2021. However, according to our analysis discussed above, these boards did not explicitly answer the questions in all their documents.

OUSD(P&R) officials acknowledged that the varying level of detail in decisional documents has been an issue and indicated that they are exploring ways to promote greater consistency in the content of decisional documents, such as by requiring the inclusion of answers to the Kurta memorandum's four questions. For example, OUSD(P&R) officials told us that they are currently considering a number of different policy options to further refine liberal consideration policy. These officials also acknowledged that liberal consideration cases are complex and nuanced but emphasized that additional information could help to improve transparency, given that decisional documents are the primary method that post-separation review boards relay information to applicants.

Updating liberal consideration guidance to include, as a required element in the boards' decisional documents for such cases, explicit answers to the Kurta memorandum's four questions would provide current applicants with a more precise understanding of how the board reached its decision of whether to grant an upgrade. Updating guidance would also improve the consistency and transparency of information communicated by the boards, which could help potential applicants to better understand how

⁶⁵In 2020 and 2021, as part of separate legal settlements, the Army (*Kennedy v. McCarthy*, No. 3:16-cv-2010-CSH (D. Conn. Nov. 17, 2020), Stipulation and Agreement of Settlement, at 13) and Navy (*Manker v. Del Toro*, No. 3:18-cv-372-CSH (D. Conn. Sept. 17, 2021), Stipulation and Agreement of Settlement, at 13), agreed to, among other things, describe the evidence on which its Army Discharge Review Board and Naval Discharge Review Board, respectively, relied and explain why it decided against the veteran for each applicable question from the Kurta memorandum.

the boards consider various types of evidence in reaching their determinations.

Boards Track and Report on Most Liberal Consideration Cases, but Availability and Usability of Case Decisions Are Limited

Boards Track and Report on Cases and Decisions, with Exceptions

The military departments' boards track key information for each liberal consideration case in their respective data management systems, such as when the applicant was discharged; whether the applicant claimed to have a mental health condition or experience, such as PTSD; and other key dates, such as when the board received the application and closed the case. Table 5 shows the number of liberal consideration cases closed by the boards from January 2018 through March 2024 that involved either one, or multiple, mental health conditions or experiences with sexual harassment or sexual assault.

Table 5: Number of Liberal Consideration Cases Involving One or Multiple Mental Health Conditions or Experiences, January 2018–March 2024

Board	One	Multiple	Not stated	Total
Army Discharge Review Board	3,470	2,384	0	5,854
Army Board for Correction of Military Records	3,934	449	0	4,383
Naval Discharge Review Board	3,156	1,657	0	4,813
Board for Correction of Naval Records	4,028	1,097	3	5,128
Air Force Discharge Review Board	688	358	142	1,188
Air Force Board for Correction of Military Records	178	273	0	451
Total cases	15,454	6,218	145	21,817

Source: GAO analysis of post-separation review board data. | GAO-25-107354

Additionally, in accordance with statutory requirements, the boards report summary statistics on closed discharge upgrade cases, including quarterly statistics on liberal consideration cases, on DOD's public

reading room website.⁶⁶ Specifically, the boards report how many adjudicated cases involved a mental health condition, experience with sexual assault, and other matters, along with the number of those cases that were granted relief.⁶⁷ The statistics also include the number of cases that relate to service during specific wars and contingency operations.

Further, the reading room contains decisional documents explaining case outcomes from October 1998 through the present for public research.⁶⁸ Each board has its own page in the reading room where it posts decisional documents, which are redacted for personally identifiable information and labeled by docket number. As previously discussed, these documents include basic case information such as the applicant's service history, type of relief requested, and the applicant's reason for requesting relief. The documents also generally summarize the facts of the case and the board's decision of whether to grant relief. If relief is granted, the documents specify the type of relief granted, such as an upgrade to the applicant's discharge characterization, a change to the narrative reason for the discharge, or a change to the reenlistment code.

Board officials told us that they generally do not post decisional documents for cases involving sexual harassment or sexual assault pursuant to a statutory requirement. Specifically, section 1554b of title 10, United States Code, states that decisions rendered pursuant to the confidential review process for victims of sex-related offenses shall not be made available to the public without the consent of the individual

⁶⁶10 U.S.C. §§ 1552(i) and 1553(f). DOD's reading room can be accessed at <https://boards.law.af.mil>.

⁶⁷Other matters are cases that did not involve a mental health condition or an experience of sexual assault.

⁶⁸The reading room is not designed for applicants to obtain the decision on or the status of their case. Decisions are sent directly to the applicants as soon as the relevant board issues the decision.

concerned.⁶⁹ However, according to a senior Naval Discharge Review Board official, the Naval Discharge Review Board stopped publishing in April 2025 decisional documents from applicants who claim they experienced a sex-related offense. According to our analysis, there were 3,103 liberal consideration cases adjudicated by the boards involving sexual harassment or sexual assault from January 2018 through March 2024 (see table 6). The Naval Discharge Review Board accounted for 636 of those cases.

Table 6: Number of Liberal Consideration Cases Involving Sexual Harassment or Sexual Assault, January 2018–March 2024

Board	Number of cases
Army Discharge Review Board	665
Army Board for Correction of Military Records	584
Naval Discharge Review Board	636
Board for Correction of Naval Records	932
Air Force Discharge Review Board	158
Air Force Board for Correction of Military Records	128
Total cases	3,103

Source: GAO analysis of post-separation review board data. | GAO-25-107354

Army officials stated that even though personally identifiable information is removed from the decisional documents, they believe not posting decisional documents for cases involving sexual harassment, sexual

⁶⁹According to our analysis, these boards posted some decisional documents mentioning sexual harassment, sexual assault, or military sexual trauma on the reading room. Specifically, our analysis identified 286 Army Discharge Review Board documents, 52 Army Board for Correction of Military Records documents, 106 Board for Correction of Naval Records documents, 88 Air Force Discharge Review Board documents, and 6 Air Force Board for Correction of Military Records documents posted to the reading room that mentioned sexual harassment, sexual assault, or military sexual trauma. Army officials stated that they were aware that some cases involving these issues were inadvertently transmitted and posted to the reading room and that they were taking immediate actions to identify the cases and submit a request for their removal. Board for Correction of Naval Records officials told us that the law is inconsistent on whether boards should post these types of cases. For example, 10 U.S.C. § 1552(a)(5) requires Boards for Correction of Military Records to publish all decisional documents, with personally identifiable information redacted. Conversely, 10 U.S.C. § 1554b(c) requires boards to not publish decisional documents from cases in which the applicant experienced a “sex-related offense,” such as rape, sexual assault, forcible sodomy, or any attempt to commit these offenses, except with the consent of the individual concerned. Therefore, according to Board for Correction of Naval Records officials, the board is required to publish decisional documents from cases involving sexual harassment, which is considered military sexual trauma but not a “sex-related offense.”

assault, or military sexual trauma encourages victims of sexual harassment and sexual assault to apply for relief, by knowing their information will remain confidential.

DOD's Reading Room Is Missing Thousands of Decisional Documents, and Those Posted Have Limited Usability

In addition to the previously discussed sexual harassment and sexual assault cases that are specifically excluded, DOD's online reading room is missing thousands of decisional documents for closed liberal consideration cases. Additionally, the reading room is not organized to help applicants or other interested parties identify specific types of cases, thus limiting its usefulness as a resource.

Decisional documents are missing. Per statute and DOD guidance, each final board decision is to be made available to the public in electronic form on a centralized internet website with personally identifiable information deleted.⁷⁰ However, we compared docket numbers for liberal consideration cases from the boards' databases with decisional documents posted on the reading room and found that about 43 percent of the more than 19,000 liberal consideration cases closed from January 2018 through March 2024 were missing.⁷¹ Table 7 shows the number of liberal consideration decisional documents from each board that we identified as missing from the reading room during this period.

⁷⁰10 U.S.C. § 1552(a)(5); DOD Instruction 1332.28.

⁷¹We developed a tool to programmatically download the decisional documents posted to the reading room. After extracting the text from the decisional documents and reformatting docket numbers, we merged them with cases by docket number. For a complete description of our scope and methodology, see appendix I. As previously discussed, except for the Naval Discharge Review Board, the military departments' boards stated that they did not post decisional documents for cases involving sexual assault over this period, and only the Board for Correction of Naval Records and the Naval Discharge Review Board posted decisional documents for cases involving sexual harassment. Therefore, to calculate the percentage of cases missing from the reading room we subtracted cases involving sexual harassment or sexual assault from approximately 22,000 cases in total. We asked the boards to provide missing decisional documents for 181 specific docket numbers selected as part of our previously discussed generalizable sample and the boards were able to provide them, though they were not available for public inspection per DOD Instruction 1332.28.

Table 7: Decisional Documents for Liberal Consideration Cases Missing from Department of Defense's Reading Room, by Board, January 2018–March 2024

Board	Number of liberal consideration decisional documents ^a	Number of missing decisional documents	Percent of decisional documents missing from the reading room
Army Discharge Review Board	5,189	1,080	21
Army Board for Correction of Military Records	3,799	3,200	84
Naval Discharge Review Board	4,813	2,325	48
Board for Correction of Naval Records	4,196	935	22
Air Force Discharge Review Board	1,030	535	52
Air Force Board for Correction of Military Records	323	260	81
Total cases	19,350	8,335	43

Source: GAO analysis of post-separation review board data. | GAO-25-107354

^aThe number of liberal consideration cases reflects the total number of cases that should appear on the reading room, by board, after deducting the number of liberal consideration cases involving sexual harassment or sexual assault. Section 1554b of title 10, United States Code, states that decisions rendered pursuant to the confidential review process for victims of sex-related offenses shall not be made available to the public without the consent of the individual concerned. However, according to officials, until April 2025, the Naval Discharge Review Board posted these cases with identifying information removed.

According to Air Force officials who manage the reading room, the boards are responsible for redacting personally identifiable information from decisional documents and forwarding them to a designated reading room point of contact for posting. These officials stated that there is no set schedule for posting decisional documents but that the boards typically send batches of documents on a quarterly basis. They noted that it is the responsibility of the military departments to review the reading room and ensure that all required documents are posted.

Army and Navy board officials were generally unaware of the large number of decisional documents missing from the reading room but, upon review, Army officials concurred that documents were missing and officials from both departments suggested various reasons for why some may not have been posted. For example, Army and Navy officials noted potential technical issues with the process for posting decisional documents. Specifically, one board official noted that if there is any personally identifiable information found in one document, reading room administrators will reject the entire batch of documents in which it was submitted. This official suggested that some documents may go missing during this process but could not confirm if it was the cause of the issue. Two other board officials discussed a personally identifiable information data breach in April 2019 that resulted in a need to re-upload some

decisional documents, and they suggested that this incident may have resulted in some missing cases. Specifically, Army officials stated that the breach resulted in the temporary shutdown of the reading room and a review and modification of all files to ensure personally identifiable information was removed before uploading the documents again.

Air Force officials stated that they were aware some decisional documents were missing from the reading room and told us they conducted an audit in 2024 that determined some decisional documents were missing, including those not related to liberal consideration cases. These officials stated that there are a number of reasons why decisional documents may be missing and that they are focused on identifying ways to prevent this issue moving forward.⁷² For example, these officials highlighted the need for better communication between the boards and the reading room to ensure that if a certain number of cases are closed over a period, the same number of decisional documents are posted.

OUSD(P&R) officials were generally unaware that such a large number of decisional documents for liberal consideration cases were missing from the reading room. According to these officials, OUSD(P&R) conducts random checks to identify decisional documents that are missing from the reading room but has not taken formal steps to determine the extent or root cause of those that are missing. OUSD(P&R) officials recognize their method for identifying missing decisional documents is not effective. However, these officials noted that posting decisional documents to the reading room is a military department responsibility and, therefore, the military departments are in a better position to identify missing documents.

According to DOD guidance, the Secretary of the Army is responsible for providing overall guidance and supervision to DOD's reading room to ensure decisional documents and application forms are available for applicants.⁷³ However, Air Force officials stated that around 2004 the Army informally transferred responsibility for the reading room to the Air Force Judge Advocate General's Corps, which has since been hosting

⁷²Air Force officials told us that, at times, they have to submit documents for inclusion on the reading room to Air Force reading room officials more than once to ensure they get posted. According to these same officials, the Air Force submits documents for inclusion on the reading room in batches, and if reading room officials identify personally identifiable information on one document, they reject the entire batch, which could have caused some cases to be missing.

⁷³DOD Instruction 1332.28.

and operating the reading room.⁷⁴ In July 2024, the military departments signed a Memorandum of Agreement initiating a formal transfer of responsibility to the Air Force Review Boards Agency as the lead agent for establishing a new reading room website.⁷⁵ This transfer of responsibility was underway as of July 2025 and includes developing a standard operating procedure that addresses the daily continuity of operations and maintenance of the new reading room and controlling its technical operations.

As of April 2025, the Air Force Review Boards Agency was working to implement its responsibilities for the new reading room. However, it has not developed a process to ensure that all decisional documents will be posted. Air Force officials were unable to provide an anticipated date for the website's implementation and had not yet begun to create a process to ensure comprehensive and consistent posting of all required documents.⁷⁶ As the lead agent for the reading room, the Air Force Review Boards Agency is best positioned to ensure that the reading room is current and accurate. By developing and implementing a process that ensures all decisional documents are posted to the reading room, the Air Force Review Boards Agency will ensure that the reading room is serving its intended purpose of making all decisional documents available for public access.

Decisional documents are not effectively organized. DOD Instruction 1332.28 states that decisional documents should be retrievable in a usable and concise form so that the public and those who represent applicants before the boards can isolate cases that may be similar to an applicant's case and that indicate the reasons for the board's decision.⁷⁷ For example, it may be helpful for an applicant to review cases with similar reasons for discharge (such as marijuana use) that were granted

⁷⁴According to Air Force officials, the reading room used to be a physical location. These officials stated that when it was moved online, the Army asked the Air Force Judge Advocate General's Corps to host and operate the reading room because the Air Force was already hosting other DOD websites.

⁷⁵DOD officials told us that the Air Force Review Boards Agency will not assume responsibility for the current reading room website.

⁷⁶In April 2025, Air Force officials told us that a civilian hiring freeze may affect the Air Force's implementation of the new reading room website.

⁷⁷The reading room includes decisional documents for all cases adjudicated by Discharge Review Boards and Boards for Correction of Military Records, not just liberal consideration cases. Therefore, it includes numerous decisional documents that are not related to discharge upgrades and that do not qualify for liberal consideration.

upgrades. This capability would help promote a greater awareness of the types of evidence each board is looking for and enable the applicant to build the most compelling case for their requested upgrade.

However, the more than 267,000 decisional documents included on the reading room can only be sorted according to the board adjudicating the case and the calendar year in which it was adjudicated. The reading room has a search feature that applicants can use to search key terms, such as liberal consideration, a particular mental health condition, or an experience of sexual harassment or sexual assault. However, to identify such cases that were granted a discharge upgrade, involved a particular board, and had similar discharge characteristics, an applicant would need a specific docket number or to conduct a review of numerous decisional documents to specifically identify those that meet the desired criteria.⁷⁸ Therefore, potential applicants may face difficulty identifying relevant decisional documents to assist them in building their own cases, a stated purpose of the reading room.

As mentioned above, the Air Force Review Boards Agency's responsibility for the new reading room website includes developing a standard operating procedure that addresses the daily continuity of operations and maintenance of the reading room and controlling its technical operations. According to its Implementation and Execution Plan for the new reading room website, the Air Force plans to make the reading room more user-friendly by establishing a keyword search function and organizing decisional documents in a methodical structure. The plan also focuses on removing any duplicate documents and ensuring all documents are properly scanned to protect personally identifiable information. While these actions are headed in the right direction, the Air Force Review Boards Agency has not yet completed the new reading room website as of July 2025. Therefore, it has not developed and implemented a process to ensure that all decisional documents are organized in a usable and concise format—such as by case type, qualifying condition, or board decision—that is easily searchable by potential users.

⁷⁸The Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 amends 10 U.S.C. § 1552(a)(5), effective October 1, 2026, to add a requirement that the reading room shall provide, for each case, a summary of the decision to be indexed by subject matter. It is unclear exactly how this requirement will be implemented. Pub. L. No. 118-159, § 523(a) (2024).

By developing and implementing a process that ensures decisional documents on the reading room are organized to enable applicants to identify relevant cases, the Air Force Review Boards Agency will ensure that the reading room is serving its intended purpose of ensuring that decisional documents are available for public access in a usable and concise format. Moreover, implementing an enhanced keyword search function will help applicants and those assisting them to better understand the circumstances under which relief may be granted and the types of evidence that the boards deem to be sufficient.

Conclusions

Without an honorable discharge, a former service member's access to valuable medical and educational benefits is limited and can make it difficult to find employment. The post-separation review boards help to ensure that the discharge characterization is fair and accurate, especially in cases in which the former service member had a mental health condition or experienced sexual harassment or sexual assault while in military service. While the boards have implemented and applied liberal consideration to more than 21,000 discharge upgrade cases over the past 6 years, they have not uniformly applied key guidance on acceptable evidence to ensure their reviews are fair and consistent. Specifically, the boards have not uniformly considered documentation from VA that an applicant is service-connected for PTSD or applicant testimony in cases involving sexual harassment or sexual assault. A collaborative evaluation of the boards' application of liberal consideration guidance, as well as periodic monitoring, may help to ensure that applications are treated consistently, regardless of the applicant's military service.

Additionally, the military departments do not know the extent to which liberal consideration cases are being adjudicated in a timely manner. While the Boards for Correction of Military Records have statutory time frames for adjudicating cases, the Discharge Review Boards do not and each estimates its own time frames. Without required adjudication time frames for the Discharge Review Boards, applicants must navigate unpredictable time frames, and the boards may be hindered in planning and prioritizing their work.

In addition, the military departments have taken steps to communicate with current and potential applicants about the liberal consideration process, but the boards do not communicate current information on expected adjudication time frames and the boards' decisional documents inconsistently explain case outcomes. The boards have generally communicated estimated time frames for adjudicating discharge upgrades to applicants, but the information is not always current,

accurate, or specific to cases involving liberal consideration. Establishing and implementing a process to regularly calculate and update estimated time frames for adjudicating discharge upgrade cases involving liberal consideration on the boards' websites and in correspondence with applicants would better ensure that applicants have a current and accurate understanding of how long a board may take to adjudicate their case. Additionally, board officials highlighted that liberal consideration cases are complex and often require the boards to weigh multiple pieces of evidence. DOD's Kurta memorandum helps guide the adjudication of the complex cases by having boards answer four questions, but the boards do not consistently answer them in their decisional documents. Updating liberal consideration guidance to include, as a required element in the boards' decisional documents, explicit answers to the Kurta memorandum's four questions would improve the consistency and transparency of decisions and help applicants better understand how the boards reach their decisions.

Finally, while the boards track and report key information for most liberal consideration cases on DOD's public online reading room, the availability and usability of decisional documents are limited. Specifically, the reading room is missing thousands of decisional documents for closed liberal consideration cases, in conflict with DOD reporting requirements, and it is not organized to help applicants identify specific types of cases, which limits its usefulness as a resource. Developing processes to ensure that all decisional documents are posted in the reading room and that they are organized to enable applicants to identify relevant cases, would help to ensure that the boards are meeting DOD reporting requirements, the reading room is serving its intended purpose, and applicants understand how the boards reach their decisions.

Recommendations for Executive Action

We are making a total of nine recommendations, including six to the Secretary of Defense, one to the Secretary of the Army, one to the Secretary of the Navy, and one to the Secretary of the Air Force.

The Secretary of Defense should ensure that the Under Secretary of Defense for Personnel and Readiness, in coordination with the military departments, collaboratively evaluates the post-separation review boards' application of liberal consideration guidance to identify whether any changes are needed to ensure fair and consistent adjudication of discharge upgrade cases. The evaluation should consider whether a board comprising representatives from each military department to jointly adjudicate discharge upgrade cases could promote a more uniform application of liberal consideration guidance. (Recommendation 1)

The Secretary of Defense should ensure that the Under Secretary of Defense for Personnel and Readiness develops a process to periodically monitor the military departments' post-separation review boards' review of discharge upgrade cases involving liberal consideration to help ensure that they are adjudicated in a fair and consistent manner regardless of the military department in which the applicant served. (Recommendation 2)

The Secretary of Defense should ensure that the Under Secretary of Defense for Personnel and Readiness, in coordination with the military departments, develops required time frames for Discharge Review Boards and the Discharge Appeal Review Board to adjudicate discharge upgrade cases involving liberal consideration. (Recommendation 3)

The Secretary of the Army should ensure that the Army Discharge Review Board and Army Board for Correction of Military Records establish and implement a process to regularly calculate and update estimated adjudication time frames for discharge upgrade cases involving liberal consideration, including the date of the most recent update, on their websites and in correspondence with applicants. (Recommendation 4)

The Secretary of the Navy should ensure that the Naval Discharge Review Board and Board for Correction of Naval Records establish and implement a process to regularly calculate and update estimated adjudication time frames for discharge upgrade cases involving liberal consideration, including the date of the most recent update, on their websites and in correspondence with applicants. (Recommendation 5)

The Secretary of the Air Force should ensure that the Air Force Discharge Review Board and Air Force Board for Correction of Military Records establish and implement a process to regularly calculate and update estimated adjudication time frame for discharge upgrade cases involving liberal consideration, including the date of the most recent update, on their website and in correspondence with applicants. (Recommendation 6)

The Secretary of Defense should ensure that the Under Secretary of Defense for Personnel and Readiness updates liberal consideration guidance to include explicit answers to the Kurta memorandum's four questions as a required element in the military departments' post-separation review boards' decisional documents. (Recommendation 7)

The Secretary of the Air Force should ensure that the Air Force Review Boards Agency, in coordination with the military departments' post-separation review boards, develops and implements a process that ensures all decisional documents are posted in the reading room. (Recommendation 8)

The Secretary of the Air Force should ensure that the Air Force Review Boards Agency, in coordination with the military departments' post-separation review boards, develops and implements a process that ensures decisional documents on the reading room are organized so that users of the information can identify specific types of cases and that enhances the reading room's keyword search function. (Recommendation 9)

Agency Comments and Our Evaluation

We provided a draft of this report to DOD for review and comment. In its written comments, reproduced in appendix III and summarized below, DOD concurred with three recommendations, partially concurred with one recommendation, and did not concur with five recommendations. DOD also provided technical comments, and raised other concerns with our report, which we addressed as appropriate.

Specifically, DOD concurred with recommendations 2, 8, and 9, and cited actions it will take to address them. We believe that if DOD implements them effectively, these actions should address these recommendations.

DOD partially concurred with recommendation 1, which is that the Under Secretary of Defense for Personnel and Readiness, in coordination with the military departments, evaluate the post-separation review boards' application of liberal consideration guidance and consider the value of a joint board in the adjudication of cases. In its comments, DOD stated that it will implement a collaborative evaluation of the boards' application of liberal consideration guidance to identify whether changes are needed to ensure fair and consistent adjudication of discharge upgrade cases. However, DOD said that it is premature to consider a joint service review board because they believe that doing so contravenes the Secretaries of the Military Departments' statutory authority to correct military records. In lieu of considering the establishment of a joint board, DOD noted that it also plans to evaluate the impact of joint service review of discharge upgrade cases by monitoring any trends observed by the Discharge Appeal Review Board.

We are encouraged by the steps DOD plans to take in response to our recommendation to collaboratively evaluate the post-separation review

boards' application of liberal consideration to ensure fairness and consistency in the adjudication of discharge upgrade cases. However, we continue to believe that consideration of a joint board to adjudicate discharge upgrade cases has merit and that the department's proposed alternatives will produce limited benefits. First, as noted in our report, a joint board would include representatives from each military service. This cross-service representation would allow the board to incorporate perspectives from each service when adjudicating discharge upgrade cases, which could better ensure fairness and consistency in their adjudication—a stated DOD goal. Second, we recognize that the Discharge Appeal Review Board—the third and final level of administrative review for discharge upgrade cases—may also have members with experience from different military departments, potentially enhancing uniformity in the application of liberal consideration guidance. However, there is no guarantee that all military departments will be consistently represented, thus leaving the impact on uniformity uncertain. Moreover, a veteran must first exhaust all other administrative remedies before becoming eligible for review by the Discharge Appeal Review Board, which could result in years of waiting for, depending on the prior experience of the board members, what may or may not be a more uniform review of their case.

Finally, this board is expected to address a limited number of cases as the scope of its review is restricted to cases from veterans discharged on or after December 20, 2019. Therefore, DOD is unlikely to identify meaningful trends about the uniform application of liberal consideration guidance by monitoring Discharge Appeal Review Board decisions and we continue to believe that consideration of a board comprising representatives from each military department to jointly adjudicate discharge upgrade cases could, if established, promote greater uniformity in the application of liberal consideration guidance.⁷⁹

DOD did not concur with recommendation 3, for developing required time frames for adjudicating discharge upgrade cases involving liberal consideration. DOD stated that litigation requirements, congressionally mandated reviews, and associated processes have significantly tasked the boards, and that the Secretaries of the military departments require flexibility to allocate resources appropriately. Further, DOD asserted that

⁷⁹We recognize that sections 1552 and 1553 assign responsibility and authority to the Secretaries of the Military Departments. However, if DOD were to determine through its evaluation that a joint board would be beneficial, it might assess whether one could be established under existing law or, if appropriate, it would need to seek legislative changes.

Congress has not established required adjudication time frames for Discharge Review Boards or the Discharge Appeal Review Board while doing so for Boards for Correction of Military Records and stated that addressing it was outside the scope of our review.

We understand that various factors, such as litigation requirements, and congressionally mandated reviews may impact boards' adjudication timelines. Additionally, we acknowledge in the report that challenges posed by recent decreases in staff and an increasingly complex caseload may complicate boards' ability to adjudicate cases within a specific time frame. However, having the Under Secretary of Defense for Personnel and Readiness coordinate with the military departments to develop required time frames, as we recommended, would allow for flexibility in accommodating any complicating factors, while also providing a framework for planning, prioritizing work, and creating more predictable time frames for applicants. Further, Senate Report 118-58 includes a provision for GAO to make "[a]ny recommendations for reforms that could enable discharge review boards to better implement liberal consideration," thereby placing these issues within the scope of our review.

DOD did not concur with recommendations 4 through 6, which is that the Secretaries of the Army, Navy, and Air Force, respectively, establish and implement a process to regularly calculate and update estimated adjudication time frames for discharge upgrade cases involving liberal consideration, to include the date of the most recent update, on their websites and in correspondence with applicants. DOD stated that the Army, Navy, and Air Force boards publish estimated adjudication time frames based on historic averages on their websites. DOD also stated that some cases are more complex than others and will take longer to review and, therefore, that regularly re-calculating and updating time frames solely for liberal consideration cases would not provide real value to applicants commensurate to the benefit of keeping Review Board staff focused on adjudicating cases.

DOD's comments suggesting that the military department's estimated time frames are based on historical averages differs substantially from the evidence obtained during our review. For example, as noted in our report, Army officials said they were unsure how the Army Discharge Review Board's estimated time frame was determined, stating that it was likely calculated prior to the implementation of liberal consideration in 2014. Moreover, the Army Board for Correction of Military Records does not provide an estimate that is based on historical averages and instead tells

applicants that cases will be adjudicated within 18 months, as required by law. Additionally, while Navy officials said that their Discharge Review Board's estimated adjudication time frames are calculated based on the number of cases received and closed each year, along with the time to adjudicate them, the estimate posted on their website in January 2025 was reportedly the first update since June 2023.

We also disagree with DOD's assertion that the effort required to calculate and communicate these estimates is disproportionate to the benefit it would provide applicants. As we noted in our report, the Air Force is already taking steps to recalculate and update estimated adjudication time frames on a quarterly basis on their website. This initiative will help manage applicant expectations, especially as adjudication time frames can vary due to changes in the complexity and size of each board's workload. Furthermore, we outline the methods we used to calculate adjudication time frames in our objectives, scope, and methodology (appendix I), which the military departments could easily replicate, thereby reducing the time required for this task. For these reasons, we continue to believe that implementing these recommendations will help to ensure that applicants have a timely and accurate understanding of how long it may take for their cases to be adjudicated.

DOD did not concur with recommendation 7, which is that the Under Secretary of Defense for Personnel and Readiness update liberal consideration guidance to include explicit answers to the Kurta memorandum's four questions as a required element in the military departments' post-separation review boards' decisional documents. DOD noted the Kurta memorandum states that "requests for discharge relief typically involve four questions," and that these questions are not, and were never intended to be, a required element of liberal consideration. Finally, DOD stated that the Kurta memorandum's four questions do not logically apply in every liberal consideration case.

We acknowledge that DOD guidance does not explicitly require boards to address the Kurta memorandum's questions in their decisional documents, and there may be instances where these questions do not apply. However, these questions are key as they serve as the analytical framework for how the military departments apply liberal consideration. According to the governing memorandum, these questions are designed to produce "...greater uniformity amongst the review boards..." and to "...ensure fair and consistent standards of review...". The emphasis on uniformity, coupled with the memorandum's statement that requests for

discharge relief “typically” involve these four questions, suggests an expectation for their widespread application rather than treating them as exceptions. As noted in our report, OUSD(P&R) officials acknowledged that inconsistencies in the level of detail in decisional documents has been an issue and indicated they are exploring ways to enhance consistency in these documents, such as requiring responses to the Kurta memorandum’s four questions. Further, the Army and the Air Force have begun taking steps to address these questions in their decisional documents. For these reasons, we continue to believe that implementing this recommendation will help to improve transparency and consistency in board decisions and provide applicants with a more precise understanding of how the board reached its decision of whether to grant an upgrade.

In technical comments on our report, DOD raised three additional points for consideration. First, DOD stated that our report references “review boards” interchangeably without discussing whether or how we considered these statutory boards separately given their unique authorities. While our report includes collective references to DOD’s post-separation review boards, there are various other instances in which we distinguish between the rules specific to each board, as appropriate. Further, as noted previously, we draw multiple other distinctions between the boards throughout our report, such as the number of liberal consideration cases each has handled and the different timelines for adjudicating them. Finally, the boards are interconnected as there is a natural progression from a military department’s Discharge Review Board to its Board for Correction of Military Records, to, potentially, the Discharge Appeal Review Board. Therefore, we discuss the boards collectively, as appropriate.

Second, DOD questioned aspects of our methodology. Specifically, DOD stated that we only provided a small number of cases as examples to support our findings—noting that we cite only eight cases from our generalizable analysis of decisional documents for more than 500 cases. As we state in the report, the decisional documents cited in figures 5 through 12 are “selected examples” from our analysis that are intended to illustrate some of the differences we identified in how DOD’s boards adjudicate certain cases. We included results from our generalizable analysis in table 3, additional selected examples from decisional documents in table 4, and information about our methodology in appendix I.

Third, DOD stated that our report made global comparisons in discharge upgrade rates across boards, rather than seeking to compare similar cases. This is incorrect. Our report includes data on upgrade rates for individual boards, and while these rates may differ, they are not directly compared to one another. Rather, the report emphasizes the unique characteristics of each case and how these factors may influence the final outcome.

We are sending copies of this report to the appropriate congressional committees, the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, and other interested parties. In addition, this report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at williamsk@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix IV.

//SIGNED//

Kristy E. Williams
Director, Defense Capabilities and Management

Appendix I: Objectives, Scope, and Methodology

This report assesses the extent to which the military departments have (1) implemented liberal consideration for eligible discharge upgrade applications, (2) adjudicated liberal consideration cases in a timely manner, (3) communicated quality information about liberal consideration cases to current and potential applicants, and (4) tracked and reported on discharge upgrade cases involving liberal consideration.

Our review included the Army Discharge Review Board, Army Board for Correction of Military Records, Naval Discharge Review Board, Board for Correction of Naval Records, Air Force Discharge Review Board, Air Force Board for Correction of Military Records, and the Discharge Appeal Review Board. For this report, we refer to these seven boards as the Department of Defense's (DOD) post-separation review boards.

Methods to Assess Implementation of Liberal Consideration

To assess the extent to which the military departments have implemented liberal consideration for eligible discharge upgrade cases and adjudicated them in a timely manner, we analyzed two types of data for cases that closed from January 2018 through March 2024 for each of the six boards: (1) data from each of the boards' data management systems for tracking such cases, and (2) decisional documents posted to DOD's online reading room or documents produced by the boards that were not posted to the reading room.¹ We examined liberal consideration cases that were closed beginning in January 2018 since key DOD guidance on liberal consideration (the Kurta memorandum) was issued on August 25, 2017, and required implementation within 45 days. Therefore, boards were likely to have fully implemented the guidance prior to January 2018. We requested and obtained data through quarter one of calendar year 2024 since it was the most recent complete quarter at the time of our review.

Post-separation review board data. First, we analyzed data to identify liberal consideration cases closed by the six boards from January 2018 through March 2024. For some boards we received case-level data that were filtered by the board to include only liberal consideration cases received and closed during this period. For other boards, we received data for all adjudicated cases closed during this period and followed instructions from those boards on how to filter for cases that were within scope of this engagement, that is, discharge upgrade requests involving

¹We did not include the Discharge Appeal Review Board in this analysis because this board did not adjudicate any cases during this time frame.

liberal consideration.² Across the six boards, we identified 21,817 cases that were in-scope. Specifically, we analyzed the data to determine for each board (1) the total number of discharge upgrade cases involving liberal consideration; and (2) the percent of liberal consideration cases in which applicants' requested discharge upgrades were fully granted, partially granted, or not granted.

To assess the reliability of the boards' liberal consideration case-level data, we assessed the data for errors, omissions, and inconsistencies, and interviewed officials about policies and procedures for entering and maintaining the data. We determined that the data were sufficiently reliable to describe trends and characteristics of liberal consideration cases closed by the boards from January 2018 through March 2024.

Generalizable sample of decisional documents. Second, we used the data from the boards' data management systems to select and analyze a representative sample of 501 cases closed from January 2021 through March 2024. We sampled cases from this period to describe the most recent decisions about how the boards have adjudicated cases over the past 3 years, allowing 3 full calendar years for the boards to fully implement the Kurta memorandum (issued August 2017).

Of the 21,817 cases we identified as being in-scope for cases closed January 2018 through March 2024, 15,788 liberal consideration cases were closed from January 2021 through March 2024. For a 95 percent confidence level with a margin of error of +/-7 percent for each service stratified by board, year, and whether the case involved sexual harassment or sexual assault, our final sample size was 501 cases.

Based on our review, we removed 29 cases that we determined to be out-of-scope for the following reasons: nine cases were not related to discharge upgrade requests, 19 cases did not qualify for liberal consideration, and one case was still open and had not been adjudicated. Removing these cases reduced our final sample to 472 cases, which is generalizable to the population of in-scope cases. We generalized the results of our sample to the population of 15,788 cases the boards closed

²The Army Discharge Review Board, Army Board for Correction of Military Records, and Naval Discharge Review Board provided data for cases closed from January 2018 through March 2024. Conversely, the Board for Correction of Naval Records, Air Force Discharge Review Board, and Air Force Board for Correction of Military Records provided data for cases in which the board received the application and adjudicated the case between January 2018 and March 2024.

from January 2021 through March 2024. All estimates of percentages in this report are at the 95 percent confidence level, unless otherwise noted.

We obtained the decisional documents for the cases included in our sample from DOD's online reading room. For 181 cases in which decisional documents were not available on the reading room (because some boards do not post cases that involve sexual harassment or sexual assault or the documents had not been posted in error) we requested and obtained all of these documents directly from the relevant boards.

Based on our review of relevant DOD guidance on liberal consideration and post-separation review boards, sample decisional documents, and interviews with board officials, we developed a data-collection instrument for abstracting data from the files to conduct the analysis.³ For each case, we recorded information about the applicant's discharge, qualifying mental health condition, experience of sexual harassment or sexual assault, citations to relevant DOD guidance, the boards' assessment of the four Kurta memorandum questions, whether or not the applicant had counsel or had previously applied for relief, mention of insufficient evidence by the boards, and the boards' decision and recommendations for changes to the applicant's discharge. We initially piloted this data-collection instrument by reviewing 30 randomly selected decisional documents from the reading room, that were not part of the 501 cases originally identified for the sample. We modified the data-collection instrument based on our pilot.

To ensure accuracy and completeness of our approach, our methodology for reviewing the randomly sampled cases required each decisional document to be reviewed in its entirety by one analyst and then subsequently reviewed by a second analyst who concurred or noted any discrepancies in the first analyst's assessment. Analysts discussed and reconciled any discrepancies by identifying and reviewing supporting documentation in the decisional documents. We used the decisional documents to understand the boards' rationale for whether to grant applicants' requests for discharge upgrades, how those rationales were

³DOD Instruction 1332.28, *Discharge Review Board (DRB) Procedures and Standards* (Apr. 4, 2004); Under Secretary of Defense for Personnel and Readiness 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* (Aug. 25, 2017).

communicated to applicants, and how decisions compared across the six boards. We did not question the boards' judgment in any of these cases.

We used the information collected through this analysis to determine the extent to which the boards have uniformly applied key liberal consideration guidance and implemented consistent standards of review.

Implementation of liberal consideration. In addition, we obtained and reviewed relevant guidance from the Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)) on liberal consideration to identify the boards' responsibilities for implementing liberal consideration. This relevant guidance also included guidance on acceptable evidence and implementing fair and consistent standards of review. Further, we interviewed officials from each of the seven boards on acceptable evidence and application of key guidance. We also interviewed OUSD(P&R) officials regarding their responsibilities for overseeing the boards' implementation of liberal consideration.

We compared the information obtained from our analyses of post-separation review board data, sample of cases for further review, and interviews with DOD guidance for post-separation review boards and *Standards for Internal Control in the Federal Government*.⁴ We determined that the control environment and monitoring components of internal control were relevant to this objective. Specifically, we identified the underlying principles that management should establish structure, responsibility, and authority; and perform monitoring activities as relevant to this objective.

Methods to Assess Adjudication Time Frames

To assess the extent to which the boards have adjudicated liberal consideration cases in a timely manner, we analyzed the previously discussed post-separation review board data to calculate the boards' average adjudication time frames from January 2018 through March 2024. We calculated adjudication time frames from the date the application was received by the board to the date it was closed by the

⁴DOD Directive 1332.41, *Boards for Correction of Military Records (BCMRs) and Discharge Review Boards (DRBs)* (Mar. 8, 2004) (incorporating Change 1, Feb. 2, 2022); Under Secretary of Defense for Personnel and Readiness 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* (Aug. 25, 2017); and GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

board.⁵ We compared these time frames with statutory requirements for the Boards for Correction of Military Records.⁶ As discussed in the report, the Discharge Review Boards do not have required time frames for adjudicating cases. However, each Discharge Review Board communicates estimated adjudication time frames. We compared the Discharge Review Boards' adjudication time frames to their stated estimated time frames for adjudication.

We also conducted interviews with OUSD(P&R) and board officials regarding adjudication time frames and requirements and any challenges with meeting time frames. We compared the information obtained from our data analysis and interviews with DOD guidance for post-separation review boards and *Standards for Internal Control in the Federal Government*.⁷ We determined that the risk assessment component of internal control was relevant to this objective. Specifically, we identified the underlying principle that management should define objectives and risk tolerances as relevant to this objective.

Methods to Assess Communication to Current and Potential Applicants

To assess the extent to which the military departments have communicated information about liberal consideration cases to current and potential applicants, we analyzed information communicated to applicants about estimated adjudication time frames via the boards' websites and other avenues. In addition, we analyzed information collected through the generalizable sample of decisional documents from January 2021 through March 2024. We used the results of the sample to determine the extent to which the boards used relevant guidance to communicate case outcomes to applicants. Specifically, we estimated the percent of decisional documents from each board that cited relevant DOD

⁵This calculation aligns with how the boards calculate processing times, except for the Naval Discharge Review Board, which, according to officials, calculates its adjudication timelines beginning when it assigns a docket number to the case following application receipt.

⁶The Army and Air Force have Boards for Correction of Military Records. The equivalent Navy board is the Board for Correction of Naval Records. For consistency, we use the term "Boards for Correction of Military Records" throughout.

⁷DOD Directive 1332.41; [GAO-14-704G](#).

liberal consideration guidance and answered the Kurta memorandum's four questions.⁸

Further, we reviewed the types of information communicated to applicants through DOD and military department websites. We also interviewed officials from OUSD(P&R) and the boards about outreach to current and potential applicants and the types of information communicated through decisional documents as well as about efforts to standardize such information across the boards.

We compared the information obtained from our generalizable sample and interviews with officials with DOD guidance for post-separation review boards and *Standards for Internal Control in the Federal Government*.⁹ We determined that the risk assessment and information and communication components of internal control were relevant to this objective. Specifically, we identified the underlying principles that management should define time frames for achieving objectives and use quality information as relevant to this objective.

Methods to Assess Tracking and Reporting of Liberal Consideration Cases

To assess the extent to which the military departments track and report on discharge upgrade cases requesting liberal consideration, we analyzed the previously discussed post-separation review board data to determine the number of decisional documents posted to DOD's reading room in accordance with statute and DOD guidance. Specifically, we filtered the post-separation review board data to identify docket numbers for liberal consideration cases closed from January 2018 through March 2024 that should have been posted to the reading room.¹⁰ This analysis

⁸The Kurta memorandum's four questions are the following: (1) Did the veteran have a condition or experience that may excuse or mitigate the discharge? (2) Did that condition exist/experience occur during military service? (3) Does that condition or experience actually excuse or mitigate the discharge? (4) Does that condition or experience outweigh the discharge? Under Secretary of Defense for Personnel and Readiness 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* (Aug. 25, 2017).

⁹DOD Instruction 1332.28; DOD Directive 1332.41; and [GAO-14-704G](#).

¹⁰Except for the Naval Discharge Review Board, the military departments' boards stated that they did not post decisional documents for cases involving sexual assault over this period, and only the Board for Correction of Naval Records and the Naval Discharge Review Board posted decisional documents for cases involving sexual harassment. Therefore, to calculate the percentage of cases missing from the reading room, we subtracted cases involving sexual harassment or sexual assault from the 21,817 in-scope cases.

resulted in a total of 19,350 docket numbers. We then developed a tool to programmatically download the decisional documents posted to the reading room. After extracting the text from the decisional documents and reformatting docket numbers, we merged them to the 19,350 cases by docket number. In the event a case did not have a decisional document posted to the reading room and was in our sample, we requested those decisional documents from the board. We tested and modified the tool to ensure it identified cases by docket numbers despite differences in naming conventions and the location to which the decisional documents were posted on the reading room.

We also assessed the information contained on the reading room and the organization of decisional documents. Specifically, we reviewed quarterly statistics posted by each board to the reading room for liberal consideration cases. We also reviewed each board's web page on the reading room to determine how decisional documents were organized and assessed existing search functions.

Further, we conducted interviews with OUSD(P&R) and board officials along with officials responsible for the DOD reading room about reasons why decisional documents may be missing from the reading room as well as any efforts to improve reading room posting procedures moving forward. We also reviewed a July 2024 Memorandum of Agreement among the military departments and its accompanying Implementation and Execution Plan to identify ongoing efforts to improve the organization and usability of the reading room.

We compared the information obtained from our analyses of post-separation review board data, reading room data, and interviews with DOD guidance for post-separation review boards.¹¹ Specifically, we compared this information with DOD guidance related to the posting and organization of decisional documents on DOD's reading room.

We conducted this performance audit from January 2024 to July 2025 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that

¹¹DOD Instruction 1332.28.

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the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Discharge Characterizations by Military Service

From January 2002 through March 2024, the military departments assigned discharge characterizations to more than 4.2 million service members.¹ Tables 8 to 12 below summarize the total discharge characterizations assigned by each military service from January 2002 through March 2024.

Table 8: Total Number of Army Discharges, by Discharge Characterizations (and Percentages), Calendar Year 2002–March 2024

Calendar year	Honorable	General (Under Honorable Conditions)	Under Other Than Honorable Conditions	Bad Conduct	Dishonorable/ Dismissal	Uncharacterized
2002	43,771 (63)	5,487 (8)	5,315 (8)	40 (0)	82 (0)	15,194 (22)
2003	45,159 (62)	5,684 (8)	2,985 (4)	19 (0)	36 (0)	19,103 (26)
2004	52,339 (69)	5,389 (7)	2,388 (3)	30 (0)	6 (0)	15,971 (21)
2005	56,651 (76)	5,138 (7)	2,358 (3)	62 (0)	16 (0)	10,698 (14)
2006	57,001 (80)	4,970 (7)	2,944 (4)	51 (0)	2 (0)	6,036 (9)
2007	55,144 (78)	5,826 (8)	3,453 (5)	84 (0)	15 (0)	6,404 (9)
2008	53,980 (75)	6,595 (9)	2,686 (4)	281 (0)	21 (0)	8,843 (12)
2009	52,919 (74)	7,691 (11)	2,821 (4)	291 (0)	17 (0)	7,649 (11)
2010	55,144 (76)	7,935 (11)	2,087 (3)	330 (0)	35 (0)	7,349 (10)
2011	58,107 (76)	9,283 (12)	1,961 (3)	185 (0)	26 (0)	6,523 (9)
2012	69,594 (78)	10,548 (12)	1,747 (2)	95 (0)	2 (0)	7,170 (8)
2013	72,220 (79)	9,045 (10)	1,308 (1)	296 (0)	26 (0)	7,995 (9)
2014	69,878 (82)	7,787 (9)	1,058 (1)	553 (1)	79 (0)	6,294 (7)

¹For our analysis, we assessed the Defense Manpower Data Center's data for military service discharge characterizations assigned to service members from January 2002 through March 2024.

Appendix II: Discharge Characterizations by Military Service

Calendar year	Honorable	General (Under Honorable Conditions)	Under Other Than Honorable Conditions	Bad Conduct	Dishonorable/ Dismissal	Uncharacterized
2015	66,002 (82)	6,576 (8)	879 (1)	217 (0)	46 (0)	6,853 (9)
2016	68,381 (82)	6,283 (8)	815 (1)	261 (0)	81 (0)	7,720 (9)
2017	53,922 (79)	5,586 (8)	720 (1)	289 (0)	144 (0)	7,405 (11)
2018	56,943 (78)	6,353 (9)	725 (1)	228 (0)	122 (0)	9,018 (12)
2019	48,772 (74)	6,607 (10)	859 (1)	189 (0)	104 (0)	9,140 (14)
2020	48,014 (79)	6,403 (10)	690 (1)	149 (0)	83 (0)	5,795 (9)
2021	49,917 (80)	5,999 (10)	706 (1)	280 (0)	136 (0)	5,592 (9)
2022	58,424 (82)	7,884 (11)	613 (1)	168 (0)	90 (0)	3,872 (5)
2023	48,359 (84)	4,660 (8)	481 (1)	115 (0)	57 (0)	3,827 (7)
2024 (Quarter 1)	15,068 (84)	1,341 (8)	131 (1)	35 (0)	13 (0)	1,276 (7)
Total	1,255,709	149,070	39,730	4,248	1,239	185,727

Source: GAO analysis of Defense Manpower Data Center discharge characterization data. | GAO-25-107354

Note: Defense Manpower Data Center data for the Army also contained entries that were unknown or not applicable (28,677), or blank (53); however, these entries are not reflected in the summary table above.

Table 9: Total Number of Navy Discharges, by Discharge Characterizations (and Percentages), Calendar Year 2002–March 2024

Calendar year	Honorable	General (Under Honorable Conditions)	Under Other Than Honorable Conditions	Bad Conduct	Dishonorable/ Dismissal	Uncharacterized
2002	26,356 (64)	1,972 (5)	5,391 (13)	45 (0)	0 (0)	7,303 (18)
2003	40,076 (75)	2,871 (5)	5,492 (10)	156 (0)	0 (0)	4,922 (9)
2004	68,684 (83)	3,801 (5)	5,394 (6)	752 (1)	0 (0)	4,563 (5)

Appendix II: Discharge Characterizations by Military Service

Calendar year	Honorable	General (Under Honorable Conditions)	Under Other Than Honorable Conditions	Bad Conduct	Dishonorable/ Dismissal	Uncharacterized
2005	55,217 (81)	3,515 (5)	4,547 (7)	551 (1)	0 (0)	4,308 (6)
2006	37,986 (76)	3,290 (7)	3,992 (8)	411 (1)	0 (0)	4,273 (9)
2007	36,771 (76)	2,969 (6)	3,208 (7)	543 (1)	0 (0)	4,698 (10)
2008	31,931 (76)	2,502 (6)	2,660 (6)	212 (1)	0 (0)	4,579 (11)
2009	29,185 (77)	2,692 (7)	2,168 (6)	170 (0)	0 (0)	3,532 (9)
2010	26,148 (77)	2,683 (8)	2,004 (6)	111 (0)	0 (0)	3,185 (9)
2011	30,158 (78)	2,687 (7)	2,082 (5)	104 (0)	0 (0)	3,633 (9)
2012	34,311 (81)	2,295 (5)	1,709 (4)	153 (0)	0 (0)	4,145 (10)
2013	25,657 (78)	2,106 (6)	1,359 (4)	122 (0)	0 (0)	3,725 (11)
2014	25,360 (78)	2,085 (6)	1,274 (4)	106 (0)	0 (0)	3,636 (11)
2015	24,787 (78)	1,909 (6)	1,005 (3)	99 (0)	0 (0)	4,042 (13)
2016	31,050 (81)	1,938 (5)	960 (2)	80 (0)	0 (0)	4,383 (11)
2017	30,949 (78)	1,806 (5)	1,018 (3)	55 (0)	0 (0)	5,710 (14)
2018	26,215 (70)	1,840 (5)	1,098 (3)	154 (0)	1 (0)	8,131 (22)
2019	26,298 (72)	2,097 (6)	942 (3)	52 (0)	1 (0)	7,364 (20)
2020	25,164 (75)	2,842 (8)	539 (2)	68 (0)	2 (0)	4,917 (15)
2021	28,496 (79)	3,121 (9)	458 (1)	40 (0)	0 (0)	4,086 (11)
2022	34,665 (79)	3,904 (9)	456 (1)	107 (0)	0 (0)	4,856 (11)
2023	33,479 (83)	3,397 (8)	384 (1)	55 (0)	1 (0)	3,118 (8)

Appendix II: Discharge Characterizations by Military Service

Calendar year	Honorable	General (Under Honorable Conditions)	Under Other Than Honorable Conditions	Bad Conduct	Dishonorable/ Dismissal	Uncharacterized
2024 (Quarter 1)	8,751 (82)	913 (9)	78 (1)	9 (0)	0 (0)	948 (9)
Total	737,694	59,235	48,218	4,155	5	104,057

Source: GAO analysis of Defense Manpower Data Center discharge characterization data. | GAO-25-107354

Note: Defense Manpower Data Center data for the Navy also contained entries that were unknown or not applicable (70,805); however, these entries are not reflected in the summary table above.

Table 10: Total Number of Marine Corps Discharges, by Discharge Characterizations (and Percentages), Calendar Year 2002–March 2024

Calendar year	Honorable	General (Under Honorable Conditions)	Under Other Than Honorable Conditions	Bad Conduct	Dishonorable/ Dismissal	Uncharacterized
2002	23,466 (73)	882 (3)	2,818 (9)	1,011 (3)	34 (0)	3,752 (12)
2003	21,283 (75)	588 (2)	1,805 (6)	1,328 (5)	46 (0)	3,267 (12)
2004	24,645 (78)	696 (2)	1,905 (6)	1,133 (4)	68 (0)	2,948 (9)
2005	26,244 (81)	699 (2)	2,080 (6)	1,060 (3)	83 (0)	2,344 (7)
2006	26,385 (78)	761 (2)	2,404 (7)	896 (3)	46 (0)	3,488 (10)
2007	23,950 (76)	677 (2)	2,050 (6)	1,276 (4)	101 (0)	3,580 (11)
2008	21,002 (75)	723 (3)	2,352 (8)	683 (2)	71 (0)	3,335 (12)
2009	22,131 (76)	832 (3)	2,648 (9)	451 (2)	66 (0)	2,867 (10)
2010	24,530 (78)	999 (3)	2,986 (10)	467 (1)	46 (0)	2,275 (7)
2011	27,703 (82)	1,050 (3)	2,830 (8)	296 (1)	44 (0)	1,917 (6)
2012	31,601 (85)	1,118 (3)	2,565 (7)	306 (1)	27 (0)	1,705 (5)
2013	29,173 (84)	1,130 (3)	2,076 (6)	212 (1)	20 (0)	1,998 (6)
2014	31,181 (86)	1,233 (3)	1,847 (5)	155 (0)	32 (0)	1,891 (5)

Appendix II: Discharge Characterizations by Military Service

Calendar year	Honorable	General (Under Honorable Conditions)	Under Other Than Honorable Conditions	Bad Conduct	Dishonorable/ Dismissal	Uncharacterized
2015	28,520 (85)	1,315 (4)	1,462 (4)	143 (0)	58 (0)	1,998 (6)
2016	26,797 (84)	1,394 (4)	1,510 (5)	132 (0)	33 (0)	2,210 (7)
2017	27,477 (82)	1,547 (5)	1,344 (4)	153 (0)	54 (0)	3,090 (9)
2018	25,439 (79)	1,531 (5)	1,516 (5)	116 (0)	56 (0)	3,491 (11)
2019	26,573 (80)	1,600 (5)	1,375 (4)	85 (0)	49 (0)	3,568 (11)
2020	26,629 (79)	1,939 (6)	1,757 (5)	63 (0)	31 (0)	3,271 (10%)
2021	27,294 (78)	2,103 (6)	1,340 (4)	38 (0)	30 (0)	4,092 (12)
2022	26,323 (73)	3,935 (11)	1,766 (5)	190 (1)	47 (0)	3,730 (10)
2023	24,999 (77)	2,399 (7)	1,268 (4)	96 (0)	42 (0)	3,462 (11)
2024 (Quarter 1)	5,401 (74)	675 (9)	322 (4)	21 (0)	10 (0)	886 (12)
Total	578,746	29,826	44,026	10,311	1,094	65,165

Source: GAO analysis of Defense Manpower Data Center discharge characterization data. | GAO-25-107354

Note: Defense Manpower Data Center data for the Marine Corps also contained entries that were unknown or not applicable (4,779), or blank (72); however, these entries are not reflected in the summary table above.

Table 11: Total Number of Air Force Discharges, by Discharge Characterizations (and Percentages), Calendar Year 2002–March 2024

Calendar year	Honorable	General (Under Honorable Conditions)	Under Other Than Honorable Conditions	Bad Conduct	Dishonorable/ Dismissal	Uncharacterized
2002	27,242 (85)	2,348 (7)	173 (1)	174 (1)	9 (0)	2,004 (6)
2003	25,814 (87)	1,936 (6)	150 (1)	140 (0)	8 (0)	1,753 (6)
2004	34,904 (86)	2,695 (7)	168 (0)	197 (0)	14 (0)	2,814 (7)

Appendix II: Discharge Characterizations by Military Service

Calendar year	General (Under Honorable Conditions)	Under Other Than Honorable Conditions	Bad Conduct	Dishonorable/Dismissal	Uncharacterized
	Honorable				
2005	39,560 (89)	2,646 (6)	190 (0)	152 (0)	24 (0)
2006	36,027 (86)	2,533 (6)	223 (1)	318 (1)	40 (0)
2007	41,009 (87)	2,207 (5)	157 (0)	329 (1)	39 (0)
2008	29,242 (86)	2,099 (6)	117 (0)	185 (1)	37 (0)
2009	25,382 (85)	2,244 (7)	152 (1)	167 (1)	33 (0)
2010	28,184 (86)	2,331 (7)	158 (0)	271 (1)	21 (0)
2011	29,085 (85)	2,695 (8)	114 (0)	161 (0)	12 (0)
2012	28,127 (85)	2,417 (7)	125 (0)	237 (1)	23 (0)
2013	29,320 (86)	2,233 (7)	140 (0)	117 (0)	20 (0)
2014	40,102 (89)	2,224 (5)	169 (0)	170 (0)	49 (0)
2015	25,981 (86)	1,853 (6)	189 (1)	111 (0)	50 (0)
2016	25,046 (85)	1,656 (6)	185 (1)	113 (0)	30 (0)
2017	26,661 (85)	1,893 (6)	181 (1)	127 (0)	39 (0)
2018	27,279 (86)	1,930 (6)	186 (1)	111 (0)	29 (0)
2019	25,801 (85)	1,920 (6)	272 (1)	102 (0)	59 (0)
2020	24,027 (86)	1,740 (6)	248 (1)	72 (0)	21 (0)
2021	30,547 (87)	1,873 (5)	261 (1)	42 (0)	32 (0)
2022	28,980 (86)	2,328 (7)	255 (1)	144 (0)	42 (0)
2023	30,191 (88)	1,751 (5)	320 (1)	79 (0)	44 (0)
					(5)

Appendix II: Discharge Characterizations by Military Service

Calendar year	General (Under Honorable Conditions)	Under Other Than Honorable Conditions	Bad Conduct	Dishonorable/Dismissal	Uncharacterized
	Honorable				
2024 (Quarter 1)	8,478 (86)	598 (6)	62 (1)	10 (0)	10 (0) (7)
Total	666,989	48,150	4,195	3,529	685

Source: GAO analysis of Defense Manpower Data Center discharge characterization data. | GAO-25-107354

Note: Defense Manpower Data Center data for the Air Force also contained entries that were unknown or not applicable (12,398); however, these entries are not reflected in the summary table above.

Table 12: Total Number of Space Force Discharges, by Discharge Characterizations (and Percentages), Calendar Year 2002–March 2024

Calendar year	General (Under Honorable Conditions)	Under Other Than Honorable Conditions	Bad Conduct	Dishonorable/Dismissal	Uncharacterized
	Honorable				
2021	2 (100)	0 (0)	0 (0)	0 (0)	0 (0) (0)
2022	196 (86)	8 (4)	1 (0)	0 (0)	0 (0) (10)
2023	518 (90)	26 (5)	1 (0)	0 (0)	0 (0) (5)
2024 (Quarter 1)	152 (90)	5 (3)	0 (0)	0 (0)	0 (0) (7)
Total	868	39	2	0	0

Source: GAO analysis of Defense Manpower Data Center discharge characterization data. | GAO-25-107354

Note: The Space Force was established on December 20, 2019. Defense Manpower Data Center data for the Space Force also contained entries that were unknown or not applicable (3); however, these entries are not reflected in the summary table above.

Appendix III: Comments from the Department of Defense



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

PERSONNEL AND
READINESS

Ms. Kristy Williams
Director, Defense Capabilities Management
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Williams,

Enclosed is the Department of Defense's (DoD) response to Government Accountability Office (GAO) Draft Report GAO-25-107354, "MILITARY DISCHARGE: Actions Needed to Help Ensure Consistent and Timely Upgrade Decisions," May 14, 2025 (GAO Code 107354).

My point of contact is the Office of Legal Policy at osd.pentagon.ousd-p-r.mbx.legal-policy@mail.mil.

Sincerely,



Digitally signed by
LEE ANN YOUNG
AH.1241426528
Date: 2025.07.02 17:54:39 -04'00

Ann Y. Lee
Executive Director

Enclosure:
As stated

**GAO Draft Report Dated May 14, 2025
GAO-25-107354 (GAO CODE 107354)**

“MILITARY DISCHARGE: ACTIONS NEEDED TO HELP ENSURE CONSISTENT AND TIMELY UPGRADE DECISIONS”

**DEPARTMENT OF DEFENSE COMMENTS
TO THE GAO RECOMMENDATIONS**

RECOMMENDATION 1: *The Secretary of Defense should ensure that the Under Secretary of Defense for Personnel and Readiness, in coordination with the military departments, collaboratively evaluates the postseparation review boards' application of liberal consideration guidance to identify whether any changes are needed to ensure fair and consistent adjudication of discharge upgrade cases. The evaluation should consider whether a board made up of representatives from each military department to jointly adjudicate discharge upgrade cases could promote a more uniform application of liberal consideration guidance.*

DOD RESPONSE: Partially concur.

The Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), in coordination with the Military Departments, will collaboratively evaluate the postseparation review boards' application of liberal consideration guidance to identify whether changes are needed to ensure fair and consistent adjudication of discharge upgrade cases.

At this time, it is premature to consider a joint service review board, which would be inconsistent with the statutory framework established by Congress under Chapter 79 of Title 10, United States Code (U.S.C.), which places the responsibility and authority to correct military records with the Secretaries of the Military Departments. However, OUSD(P&R) will monitor any trends observed by the Department of Defense (DoD) Discharge Appeal Review Board (DARB), established by Congress to provide a uniform review of discharge cases, in order to evaluate the impact of joint service review of discharge upgrade cases.

RECOMMENDATION 2: *The Secretary of Defense should ensure that the Under Secretary of Defense for Personnel and Readiness develops a process to periodically monitor the military departments' post-separation review boards' review of discharge upgrade cases involving liberal consideration to help ensure that they are adjudicated in a fair and consistent manner regardless of the military department in which the applicant served.*

DOD RESPONSE: Concur.

The Department concurs that the process for applying liberal consideration policy should be fair and consistent regardless of the Military Department or Service of the applicant. OUSD(P&R) will establish a mechanism to periodically review the Military Departments' processes for applying liberal consideration to appropriate claims.

RECOMMENDATION 3: *The Secretary of Defense should ensure that the Under Secretary of Defense for Personnel and Readiness, in coordination with the Military Departments, develops required time frames for Discharge Review Boards and the Discharge Appeal Review Board to adjudicate discharge upgrade cases involving liberal consideration.*

DOD RESPONSE: Non-concur.

The Military Department Review Boards strive to provide the most efficient relief to applicants. During recent years, litigation requirements and congressionally mandated reviews and associated processes have significantly tasked the Review boards. The Secretaries of the Military Departments require flexibility to allocate resources appropriately and ensure the most efficient overall processing across the review boards of all the matters subject to their review.

This approach aligns with Congress' decades-long establishment of statutory timeframes for the Boards for Correction of Military and Naval Records (BCM/NRs), but not for the Discharge Review Boards (DRBs) or the DARB. On October 17, 1998, Congress enacted 10 U.S.C. § 1557, "Timeliness Standards for Disposition of Applications before Corrections Boards," which established timeliness standards only for the BCM/NRs. Despite modifying 10 U.S.C. § 1557 three times since 2008, Congress has continued to allow the Military Department review boards (DRBs and DARB) to manage their own timeframes. This approach is also reflected by the fact that the Senate also did not request that the Government Accountability Office (GAO) consider timeframes as part of its analysis.

RECOMMENDATION 4: *The Secretary of the Army should ensure that the Army Discharge Review Board and Army Board for Correction of Military Records establish and implement a process to regularly calculate and update estimated adjudication time frames for discharge upgrade cases involving liberal consideration, to include the date of the most recent update, on their websites and in correspondence with applicants.*

DOD RESPONSE: Non-concur.

The Army Discharge Review Board (ADRB) and Army Board for Correction of Military Records publish estimated adjudication timeframes on their public-facing websites.¹ All applicants — including victims of sexual assault or domestic violence and those with posttraumatic stress disorder or traumatic brain injuries — should be provided with similar transparency throughout the review board application and adjudication process.

The information posted by the Army Review Boards is based upon historic averages, reflecting the difficulty in predicting how long any particular case may take to adjudicate. Complex cases requiring outside advisory opinions and/or review of medical records, for instance, may require much more time to evaluate than clerical changes based upon clear errors. This is why 10 U.S.C. § 1557 establishes a flexible standard for BCM/NR cases (90 percent of cases must be adjudicated within 10 months of receipt). Due to this wide variation, regularly re-calculating and updating time frames just for liberal consideration cases would not provide real value to applicants commensurate to the benefit of keeping Review Board staff focused on adjudicating cases.

¹ See <https://www.army.mil/arba#org-Discharge-Review> and <https://www.army.mil/arba#org-other-military-records-corrections>.

RECOMMENDATION 5: *The Secretary of the Navy should ensure that the Naval Discharge Review Board and Board for Correction of Naval Records establish and implement a process to regularly calculate and update estimated adjudication time frames for discharge upgrade cases involving liberal consideration, to include the date of the most recent update, on their websites and in correspondence with applicants.*

DOD RESPONSE: Non-concur.

The Navy Discharge Review Board (NDRB) and Board for Correction of Naval Records (BCNR) publish estimated adjudication timeframes on their public-facing websites.² All applicants — including victims of sexual assault or domestic violence and those with posttraumatic stress disorder or traumatic brain injuries — should be provided with similar transparency throughout the review board application and adjudication process.

The information posted by the Navy Review Boards is based upon historic averages, reflecting the difficulty in predicting how long any particular case may take to adjudicate. Complex cases requiring outside advisory opinions and/or review of medical records, for instance, may require much more time to evaluate than clerical changes based upon clear errors. This is why 10 U.S.C. § 1557 establishes a flexible standard for BCM/NR cases (90 percent of cases must be adjudicated within 10 months of receipt). Due to this wide variation, regularly re-calculating and updating time frames just for liberal consideration cases would not provide real value to applicants commensurate to the benefit of keeping Review Board staff focused on adjudicating cases.

RECOMMENDATION 6: *The Secretary of the Air Force should ensure that the Air Force Discharge Review Board and Air Force Board for Correction of Military Records establish and implement a process to regularly calculate and update estimated adjudication time frame for discharge upgrade cases involving liberal consideration, to include the date of the most recent update, on their website and in correspondence with applicants.*

DOD RESPONSE: Non-concur.

The Air Force Discharge Review Board and Air Force Board for Correction of Military Records publish estimated adjudication timeframes on their public-facing websites.³ All applicants — including victims of sexual assault or domestic violence and those with posttraumatic stress disorder or traumatic brain injuries — should be provided with similar transparency throughout the review board application and adjudication process.

The information posted by the Air Force Review Boards is based upon historic averages, reflecting the difficulty in predicting how long any particular case may take to adjudicate. Complex cases requiring outside advisory opinions and/or review of medical records, for instance, may require much more time to evaluate than clerical changes based upon clear errors. This is why 10 U.S.C. § 1557 establishes a flexible standard for BCM/NR cases (90 percent of

² See <https://www.secnav.navy.mil/mra/CORB/Pages/NDRB/csla.aspx> and <https://www.secnav.navy.mil/mra/bcnr/Pages/CaseAdjudication.aspx>.

³ See <https://afiba-portal.cce.af.mil/#boardStatistics>.

cases must be adjudicated within 10 months of receipt). Due to this wide variation, regularly recalculating and updating time frames just for liberal consideration cases would not provide real value to applicants commensurate to the benefit of keeping Review Board staff focused on adjudicating cases.

RECOMMENDATION 7: *The Secretary of Defense should ensure that the Under Secretary of Defense for Personnel and Readiness updates liberal consideration guidance to include explicit answers to the Kurta memorandum's four questions as a required element in the military departments' postseparation review boards' decisional documents.*

DOD RESPONSE: Non-concur.

The Kurta memorandum states that “requests for discharge relief *typically* involve four questions.” Those questions are not, and were never intended to be, a required element of liberal consideration, and they do not logically apply in every case that qualifies for liberal consideration.

RECOMMENDATION 8: *The Secretary of the Air Force should ensure that the Air Force Review Boards Agency, in coordination with the military departments' post-separation review boards, develops and implements a process that ensures all decisional documents are posted in the reading room.*

DOD RESPONSE: Concur.

Section 523 of the Servicemember Quality of Life Improvement and National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2025 (Public Law 118–159), “Improving Military Administrative Review,” requires that each final decision of a BCM/NR be made available to the public on a centralized website, including a summary of each decision, indexed by subject matter. Improved search functions will facilitate easy identification of cases by keyword or category. The Air Force Review Boards Agency is the lead proponent for implementing this DoD-wide requirement.

RECOMMENDATION 9: *The Secretary of the Air Force should ensure that the Air Force Review Boards Agency, in coordination with the military departments' post-separation review boards, develops and implements a process that ensures decisional documents on the reading room are organized so that users of the information can identify specific types of cases and the reading room's keyword search function is enhanced.*

DOD RESPONSE: Concur.

Section 523 of Public Law 118–159 requires that each final decision of a BCM/NR be made available to the public on a centralized website, including a summary of each decision, indexed by subject matter. Improved search functions will facilitate easy identification of cases by keyword or category. The Air Force Review Boards Agency is the lead proponent for implementing this DoD-wide requirement.

Appendix IV: GAO Contact and Staff Acknowledgments

GAO Contact

Kristy E. Williams, Director, williamsk@gao.gov

Staff Acknowledgments

In addition to the contact named above, Kimberly Mayo (Assistant Director), Matthew Kienzle (Analyst in Charge), Nicole Ashby, Vincent M. Buquicchio, Molly Callaghan, Scott Hiromoto, Amie Lesser, Alejandro Oliva, Samuel Portnow, Terry Richardson, and Matthew Whalen made key contributions to this report.

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