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REPORT TO THE CONGRESS 096010



Improving Outreach And  
Effectiveness Of DOD Reviews Of  
Discharges Given Service Members  
Because Of Drug Involvement

B-173688

BY THE COMPTROLLER GENERAL  
OF THE UNITED STATES

701782

11/30/73



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B-173688

To the Speaker of the House of Representatives  
and the President pro tempore of the Senate

This is our report on the opportunities available to improve the outreach and effectiveness of reviews by the Department of Defense of discharges given service members because of drug involvement.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director, Office of Management and Budget; the Secretary of Defense; the Secretaries of the Army, Navy, and Air Force; the Commandant of the Marine Corps; and the Administrator of Veterans Affairs.

Comptroller General  
of the United States

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ABBREVIATIONS

DOD Department of Defense  
GAO General Accounting Office  
SPN Separation Program Number  
VA Veterans Administration  
VFW Veterans of Foreign Wars

D I G E S T

WHY THE REVIEW WAS MADE

GAO, responding to a request from Congressman John M. Murphy, reviewed the Department of Defense's (DOD's) special efforts to reconsider certain discharges.

These included administrative discharges under "other than honorable" conditions and punitive discharges and dismissals resulting from approved sentences of courts-martial when separation actions were taken because of a serviceman's drug involvement.

Basic facts

GAO focused on actions taken by DOD after the Secretary of Defense had directed each military department to consider requests for recharacterization of discharges of former service members discharged under those conditions on or before July 7, 1971.

Review for possible recharacterization of these discharges was started to insure that individuals affected would receive the same consideration and type of discharges given to other service members separated after July 7, 1971, for the same reasons.

In a prior report to the Congress, GAO recognized many constructive measures by DOD to cope with the growing problem of drug involvement of military personnel.

AVAILABLE

That GAO report noted that many individuals separated because of their drug involvement had not had help from recently established DOD drug treatment and rehabilitation programs.

Moreover, some individuals would be ineligible for various types of Veterans Administration (VA) assistance, including medical treatment and job placement help, because they were discharged under other than honorable conditions.

If, as a result of recharacterization, the individual's discharge was upgraded to not less than honorable (general or honorable discharge), he would then be entitled to certain veterans' benefits, including treatment at VA medical facilities.

FINDINGS AND CONCLUSIONS

Former service members with discharges under other than honorable conditions because of their drug involvement are experiencing problems in obtaining employment and vocational training or education and in discontinuing their drug dependence. (See p. 8.)

As of December 31, 1972, 3,591 former service members (or about 55 percent of the number estimated by DOD as having received other than honorable discharges during the

period January 1, 1966, to June 30, 1971) had applied for discharge re-characterization consideration.

Of this number, 1,426 discharges were upgraded, 1,036 discharges remained unchanged, and 1,129 applications were still under review. (See pp. 10 and 28.)

DOD officials believe their efforts to publicize the recharacterization policy for drug-involved service members have been successful.

They claim that mounting a more costly program to identify, locate, and contact each serviceman separated solely because of drug involvement would not be warranted.

That would involve manually screening approximately 18 million records, would take 460 man-years of effort, and would cost about \$4.5 million.

GAO believes other relatively inexpensive avenues for reaching large numbers of those individuals have not been exploited adequately by DOD. (See pp. 10, 12, and 23.)

Many former service members, as well as individuals who direct and staff a sizable number of private and public drug treatment centers in three major metropolitan areas, either were uninformed about the DOD discharge recharacterization program or lacked adequate knowledge to counsel those for whose benefit DOD's program was initiated. (See pp. 13 to 22.)

Wording of DOD's basic policy statement on the review and upgrading of other than honorable and punitive discharges and dismissals given separately for drug involvement permits varied interpretations by military

departments implementing that policy.

Consequently, inconsistencies exist in the policies and practices followed by the military departments and appear to result in inequitable treatment of applicants. (See pp. 25 to 32.)

GAO's review found other areas that warranted improvement, such as

- a need for improved guidelines for preparing the recharacterization application (see p. 38) and
- a need for feedback of information from review boards to assisting service organizations (see p. 39).

GAO also believes the practice of convening review boards only in the Washington, D.C., area makes it unnecessarily costly and inconvenient for many applicants to personally appear before these boards. (See p. 40.)

#### RECOMMENDATIONS OR SUGGESTIONS

To reach a greater number of former service members who received other than honorable discharges because of drug involvement, the Secretary of Defense should provide for a nationwide circularization of the DOD recharacterization policy.

This should be circulated to drug treatment centers and clinics listed in a directory such as the National Directory of Drug Abuse Treatment Programs and to job assistance offices listed in the Directory of State Employment Security Agencies. (See p. 23.)

To insure more equitable and expeditious disposition of requests for

recharacterization of discharges, the Secretary of Defense should direct:

- The Secretary of the Navy to reconsider the requirement imposed only in the Navy, for an additional review and endorsement of the Discharge Review Board's recommendation to upgrade discharges. (See p. 35.)
- The Army to conform with practices of other services whereby individuals are reminded of their right to resubmit an application for the upgrading of discharge, if their initial request has been denied by the Discharge Review Board. (See p. 35.)
- The military departments to assign additional staff to review discharge recharacterization applications in order to reduce the processing time. (See p. 35.)

The Secretary of Defense should brief responsible congressional committees on the merits of continuing or discontinuing the practice of entering Separation Program Number (SPN) codes indicating the reason for discharge on the individual's Report of Transfer or Discharge. (See p. 35.)

Two bills introduced in the 1st session, 93d Congress (S. 1716 and H.R. 6923) would prohibit inclusion of certain information (including SPN code numbers) on discharge certificates.

The Secretary of Defense should also direct the military departments to:

- Develop and promulgate detailed guidelines to assist those involved in preparing applications requesting recharacterization of discharges.

- Establish procedures under which a copy of the brief of service record, presently prepared for review board consideration, be furnished to the affected former service member to enable him to furnish any additional information to make that record accurate and complete.
- Establish procedures under which review boards would be convened periodically in major metropolitan areas, thereby reducing the costs to the individual to appear in person.
- Have review boards notify both the individual applying for a discharge recharacterization and the assisting service organization of (1) the board's disposition of the case and (2) the reasons why discharge recharacterization was approved or not approved. (See p. 43.)

#### AGENCY ACTIONS AND UNRESOLVED ISSUES

DOD accepted a number of GAO's recommendations for improving efforts to reach former service members and effectiveness of recharacterization reviews.

DOD did not agree with recommendations dealing primarily with making conveniently available to applicants and those counseling them substantive and procedural information to guide them in preparing as adequate a case as possible to support recharacterization requests. According to former service members and those who assist them, the absence of such information was a problem. (See app. XIII.)

VA agreed with GAO's findings and recommendations, and it supports discontinuing DOD's practice of

entering SPNs on the individual's copy of the Report of Transfer or Discharge. (See app. XIV.)

DOD believes that the reason for discharge should appear on the individual's copy and should remain unchanged unless the recharacterization includes a charge of the reason for discharge. (See app. XIII.)

MATTERS FOR CONSIDERATION  
BY THE CONGRESS

This report contains suggestions for

improvement of the Department of Defense's program for upgrading other than honorable discharges for service members who were involved with drugs.

Information in this report should assist committees of the Congress and individual Members with their legislative responsibilities relating to DOD programs, particularly as these apply to S. 1716 and H.R. 6923, which were introduced in the 1st session, 93d Congress.

CHAPTER 1INTRODUCTION

We reviewed Department of Defense (DOD) special efforts to reconsider administrative discharges issued under other than honorable conditions and punitive discharges and dismissals issued as a result of approved sentences of court-martial, when those actions were taken solely because of the personal use of drugs or possession of drugs for personal use, at the request of Congressman John M. Murphy. (See app. I.)

DRUG ABUSE CONTROL PROGRAM

In a prior report to the Congress ("Drug Abuse Control Activities Affecting Military Personnel," B-164031(2), Aug. 11, 1972) we recognized the many constructive measures DOD introduced to cope with the growing problem of drug involvement of military personnel. The report also noted that drug-involved military personnel discharged before the military drug treatment and rehabilitation programs were established missed the opportunity to obtain the help now available from those programs. Further, we reported to the Congress that some of these separatees would be ineligible for various Veterans Administration (VA) benefits, such as medical treatment and job placement help, because they were discharged under less than honorable conditions.

The problem of drug abuse has been of concern to the Congress and the President, and actions have been taken to remedy the situation. The President announced his drug counteroffensive program on June 17, 1971, by issuing Executive Order No. 11599. That order established a Special Action Office for Drug Abuse Prevention within the Executive Office of the President, to mount a coordinated national attack on the drug problem which had become a national emergency.

The Secretary of Defense, in a June 17, 1971, communication, directed the service Secretaries to give urgent, priority attention to developing plans to meet the problem of heroin use among members of the Armed Forces in Vietnam.

In that same month, DOD proposed legislation to authorize a treatment and rehabilitation program for drug dependent service members and to permit treatment of former service members who are drug dependent by VA or other responsible agencies, regardless of the nature of the discharge. That bill was not passed.

#### RECENT POLICY STATEMENTS

Shortly thereafter, in a July 7, 1971, memorandum, DOD announced the Drug Identification and Treatment Program to encourage military members to submit themselves voluntarily for treatment and rehabilitation. (See app. II.) The program policy announcement stated that evidence developed by urinalyses administered to identify drug users would not be used in any disciplinary action under the Uniform Code of Military Justice or as a basis for supporting, in whole or in part, an administrative discharge under other than honorable conditions. Similarly, a military member would not be subject to disciplinary action under the Uniform Code of Military Justice or to administrative action leading to a discharge under other than honorable conditions for drug use solely because he volunteered for treatment under the program.

This policy, however, did not exempt military members from disciplinary or other legal consequences resulting from violations of other applicable laws and regulations. These include laws and regulations relating to selling drugs or possessing significant quantities of drugs for sale to others, if the disciplinary action was supported by evidence not attributed to a urinalysis administered for identifying drug abusers and not attributable solely to individuals volunteering for treatment under the program.

The type of discharge a service member receives determines the kinds and levels of Federal benefits available to him. The chart in appendix III summarizes these entitlements.

On August 13, 1971, the Secretary of Defense announced that administrative discharges given on or before July 7, 1971, under other than honorable conditions, if issued solely on the basis of personal use of drugs or possession of drugs for personal use, would, upon request, be reviewed for

possible recharacterization to discharges under honorable conditions. (See app. IV.) This policy was expanded on April 28, 1972, to include punitive discharges and dismissals resulting from approved sentences of courts-martial issued solely for conviction of personal use of drugs or possession of drugs for such use. (See app. V.)

The policy relating to review of both categories of discharges applied only to discharges executed on or before July 7, 1971, or issued as a result of a case under review on or before July 7, 1971. Recharacterization review of these discharges was started to insure that those affected would receive the same consideration and type of discharges given service members separated after July 7, 1971, for the same reasons.

This program did not include any provisions for changing the individual's Report of Transfer or Discharge which showed that drug involvement was the reason for his discharge. Therefore, although the discharge might be upgraded, the narrative statement, or Separation Program Number (SPN) entered on that record identifying the reason for discharge, would remain unchanged because the reason for discharge did not change.

Recharacterization reviews were to be made, upon application by former service members, using the procedures and authority in Title 10, United States Code, Sections 874(b), 1552, and 1553, under which special DOD review boards were established. (See app. VI.) Those whose discharges were upgraded to not less than honorable (general or honorable discharges) would then be entitled to certain veterans benefits, including treatment at VA medical facilities.

#### ORGANIZATIONS PERFORMING DISCHARGE REVIEWS

Each military department and the Marine Corps perform these reviews through their Discharge Review Boards and Boards for Correction of Military or Naval Records.

Each Discharge Review Board comprises five military officers who review discharges or dismissals issued by special courts-martial or by administrative procedures. Board reviews are based on the records of the military

services concerned and such other evidence as may be presented to the boards. A witness may present evidence to a board by affidavit or in person or be represented by counsel or an accredited representative of an organization recognized by the Administrator of Veterans Affairs. Such boards may, subject to review by the Secretary concerned, change a discharge, or issue a new discharge, to reflect their findings. Request for board reviews must be made within 15 years after the discharge or dismissal.

The Boards for Correction of Military or Naval Records are made up of civilian employees of each military department. They rule on requested changes to military records and review discharges and dismissals for possible upgrading. Requests to these boards must be filed within 3 years after the discovery of the error or injustice. These boards, however, may excuse a failure to file within 3 years if it is considered to be in the interest of justice.

Former service members whose discharges were issued by general courts-martial must apply to the Boards for Correction of Military or Naval Records for review of their discharges. All others must apply first to the Discharge Review Boards. If, however, the Discharge Review Boards deny the requests, the former members may reapply to the Boards for Correction of Military or Naval Records.

We interviewed and obtained data from DOD officials, principal members of the service's review boards, officials of local government agencies, Government and private drug treatment centers, several national veterans organizations, and former service members. Appendix VII lists the principal organizations we visited or contacted.

From interviews with or questionnaires filled out by former service members with discharges under other than honorable conditions for drug involvement, we learned that they generally are experiencing the following problems:

- Getting additional training or education.
- Finding someone to help them locate employment opportunities.
- Finding jobs or moving to better jobs.

- Obtaining licenses to practice a trade.
- Getting into a drug-free rehabilitation program.
- Discontinuing drug use.

CHAPTER 2

EFFORTS TO PUBLICIZE RECHARACTERIZATION PROGRAM

NEED IMPROVEMENT

As of December 31, 1972, 3,591 former service members (or about 55 percent of the number DOD estimated as having received other than honorable discharges from January 1, 1966, to June 30, 1971) had applied for recharacterization. DOD officials believe their efforts to publicize the program have been successful and that undertaking a more costly out-reach program of identification and direct contact of each former serviceman separated under other than honorable conditions because of drug involvement would not be warranted.

We interviewed many former service members, as well as personnel who direct and staff a sizable number of private and public drug treatment centers in the metropolitan areas of Washington, D.C.; New York; and, to a lesser degree, Los Angeles, who were either uninformed about the DOD program or who lacked adequate knowledge to counsel those it was to benefit.

RESPONSE TO THE OPPORTUNITY  
FOR RECHARACTERIZATION

DOD estimated that from January 1966 to June 30, 1971, 6,465 service members received less than honorable discharges for drug abuse (6307 undesirable, 147<sup>(1)</sup> bad conduct, and 11<sup>(1)</sup> dishonorable). Similar statistical information was not readily available for the period before 1966.

The services' review boards had received 3,591 applications for the review of drug abuse discharges issued under other than honorable conditions. This is about 55 percent of the 6,465 drug discharges identified as being issued from January 1966 to June 30, 1971, under other than honorable conditions.

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<sup>1</sup>Includes estimated numbers for January 1 through June 30, 1971.

DOD efforts to publicize its new policies

On August 16, 1971, DOD issued a press release stating that former service members could request reviews of their administrative discharges issued under other than honorable conditions for drug use. The Office of Information for the Armed Forces also disseminated information about this program through its information guidance services publication to Armed Forces commanders and other interested personnel.

A second press release was issued on May 12, 1972, announcing that former service members who had received punitive discharges--bad conduct and dishonorable--from sentences of courts-martial issued solely for personal use or possession of drugs also would be eligible for recharacterization review.

As previously stated, a primary objective of reviews was to insure that individuals affected would receive the same consideration and discharges given service members separated after July 7, 1971, for the same reasons and that they would be entitled to treatment at VA medical facilities.

VA's dissemination of program information

The Administrator of Veterans Affairs on July 22, 1971, notified DOD that VA would disseminate the policy within and outside VA, especially through the communication lines established with national veterans organizations. He believed the DOD policy was responsive to the then-current need and should be widely publicized. He felt, however, VA lacked the capability to fully inform all those affected since only an estimated 15 percent of those discharged under other than honorable conditions apply for benefits. He expressed the desire that DOD use its resources to the extent possible to disseminate the policy.

VA issued news releases on September 17, 1971, and on July 16, 1972, corresponding to the release of the DOD policy statement mentioned above. A VA circular was issued on August 19, 1971, directing all employees to advise those former service members encountered who were affected by the policy of the opportunity for recharacterization review.

VA estimated the news releases had a potential for being published in about 9,000 newspapers and newsletters throughout the country. We were told that the news media are reluctant to republish articles after an initial news release unless they contain new information.

DOD officials believe their press releases and those of VA were sufficient to reach most former members concerned. DOD had not envisioned a massive publicity campaign to announce its policy because it would be costly.

DOD considered but rejected an automatic review of service records and direct communication with former members. It obtained from the General Services Administration an estimate that such an approach would require about 460 man-years, costing \$4.5 million, to manually screen about 18 million records. Informally, DOD advised us that, even if the records of those individuals were identified through such research, it was unlikely that this would be of significant value. Only 25 percent of the addresses therein are anticipated to be valid, even considering forwarding addresses which are maintained no longer than 1 year.

DOD officials also stated that some former service members might interpret DOD efforts to directly notify them of these reviews as an invasion of privacy.

INFORMATION CONCERNING RECHARACTERIZATION PROGRAM  
NEEDS WIDER DISSEMINATION

Many officials and personnel of the privately operated drug treatment and rehabilitation clinics and some local government officials we contacted were not aware, or knew very little, of the DOD recharacterizing policy. Moreover, most clinic officials were not aware of which individuals receiving treatment were former service members. These officials, therefore, could not properly advise former service members who were being treated in those clinics or who were seeking other assistance who could benefit from the recharacterization program.

We visited or contacted 73 treatment centers in the Washington, D.C.; New York; and Los Angeles metropolitan areas. These clinics, some of which were operated by Federal, State, and municipal government agencies but most of which were privately operated, were treating an estimated 32,300 persons. Our inquiries revealed that, in 45 of these clinics, officials were not aware or knew very little of DOD's new policy or how the program was being operated. Our contacts with 176 former service members showed 78 had received discharges under other than honorable conditions for offenses in which drugs were purportedly a factor. Of those 78, 25 knew about the DOD policy and 19 had applied for recharacterization.

Washington, D.C., metropolitan area

VA operates a drug dependence treatment center at its Washington hospital with a patient load of about 172 former service members, most of whom had discharges issued under honorable conditions. Center officials knew of the DOD policy and assisted former service members having discharges under other than honorable conditions who seek help in applying for review of such discharges.

Officials told us that individuals having discharges under other than honorable conditions are not eligible for VA hospitalization and that, under normal circumstances, those seeking admittance for drug treatment are not admitted. Refused individuals have been referred to the Narcotics Treatment Administration (NTA) operated by the District of Columbia for treatment. Recently, however, some individuals

in this category have been treated by the VA drug center upon approval by the Director of Admissions. Six such persons were treated during 1972.

In addition to being treated at the VA clinic, they were informed of the DOD policy and referred to the American Legion, the Veterans of Foreign Wars (VFW), or the Red Cross for assistance in preparing and submitting recharacterization applications. One such former member told us he applied to the military service discharge review board in January 1972 and 6 months afterwards was informed that the board had obtained his records. After another 6 months he was notified that his case would be reviewed within the next 6 months.

A Veterans Administration Assistance Center helps former service members interested primarily in obtaining employment. Officials informed us that about 1,000 individuals per month seek assistance here. They estimate that, of this amount, about one in 10 had received his discharge under other than honorable conditions for offenses involving drugs. Counselors advised individuals of the DOD recharacterization policy if they had a drug problem in the service. The individuals are being referred to the Red Cross for further assistance and counseling.

Most former service members are entitled to unemployment insurance benefits. Therefore, the District of Columbia Manpower Administration, Office of Employment, could be expected to be a normal contact point for many former service members seeking employment. Officials of that office told us they were not aware of the DOD policy. They told us that, in February 1973, 3,408 former service members were seeking job placement, training, or unemployment compensation; of these, 73 had discharges under other than honorable conditions. They estimate that about 10 of this latter group had received such discharges because of drug involvement.

The NTA Administrator, the NTA headquarters staff, and personnel at NTA clinics were not aware of the policy. Clinic counselors, therefore, were not in a position to inform former service members of the policy even if they knew which patients were former service members.

The 17 NTA clinics have a total patient load of about 2,800. The Administrator believes that very few former service members are being treated in these clinics.

New NTA patients are processed at the central intake office. They are interviewed to obtain information about their medical, employment, educational, criminal, and military histories. After initial processing they are sent to NTA's clinics for treatment, but the records that accompany them do not indicate whether they are former service members.

We contacted 10 NTA clinics to find out whether their counselors or patients knew of the DOD policy. These clinics had a total of about 1,600 patients, or 55 percent of NTA's total patient load. Few NTA clinic personnel knew of the policy and, furthermore, they could identify only 15 patients who were former service members. Of five of these we talked with, only one had heard of DOD's policy.

An official of the D.C. Office of Veterans Affairs stated that his office knew of the policy and that its personnel had publicized this information, along with information on VA benefits, through social agencies and radio and television spot announcements. Only several inquiries, however, had been received.

After our contacts with officials of this agency and NTA and at our suggestion, meetings were arranged between the two organizations' representatives to apprise NTA counselors of the policy and to instruct them on how best to advise former service members to apply to the review boards.

A number of drug treatment programs are operated in clinics supported by political subdivisions and nonprofit corporations in the Virginia and Maryland suburbs adjacent to Washington. We contacted seven of these clinics and found that officials operating them knew little or nothing of the DOD policy; furthermore, most did not know which patients were former service members.

Officials at five of seven clinics were not aware of the policy and, therefore, could not disseminate it. In one of the two instances in which clinic officials knew of the

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policy, the official became aware of it through a newspaper. Although he had a casual awareness of the policy, he had not disseminated the information further, since he was not aware of any former service members in his clinic that the policy would affect.

The other clinic official who knew about DOD's policy had learned about it from one of the secretaries in the clinic whose husband worked for VFW. This official informed us that, as far as she knew, no patients in her center were former service members with discharges under other than honorable conditions; therefore, information regarding the policy was not disseminated.

The chief official of the Office of Veterans Affairs of one suburban county was not aware of the policy. He informed us that about 8 percent of the 3,000 former service members assisted in the past year had had drug problems in the service.

After our contact, most of the officials of the suburban programs said they would disseminate information about DOD's policy to their clinics, which had about 1,100 patients.

We wrote 10 clinics or treatment centers in the Washington metropolitan area, giving them detailed information about DOD's recharacterizing policy. The response from one clinic stated that:

"We have identified about fourteen patients who have indicated that they are veterans. They have been individually advised of the DOD policy that affords those who have been discharged with 'less than honorable' conditions of their opportunity to have their cases reviewed by the Military Service's Discharge Review Board or by the Military Records Correction Board."

### New York metropolitan area

An official of the VA New York area headquarters told us his agency was aware of the policy. The central office of VA's Department of Veterans Benefits informed the regional headquarters of the policy in their DVB Circular 20-71-76, dated August 19, 1971. A copy of this circular was also sent to each VA field station.

According to the VA Director of the New York Area Veterans Benefit Center, all veterans, regardless of their discharges, are entitled to apply for VA benefits. Veterans denied benefits because of type of discharge are informed by the Veterans Benefit Center of their right to apply for recharacterization.

At the time of our review, the Veterans Benefit Center had been notified of 26 New York area recharacterizations. Veterans were notified by mail and invited to visit the center to discuss their benefit entitlement. According to the Director of the New York Area Veterans Benefit Center, the program is working as well as it can to reach the target group.

Of the three VA treatment facilities visited, only one veteran requesting help had been turned down since August 1971 because of his discharge. He was, however, referred to a facility funded by the New York State Narcotic Addiction Control Commission (NACC).

Personnel at all three VA treatment units we visited had learned of the recharacterization policy from their central office. No notifications of changes in discharges have been received at the VA treatment facilities.

The New York State and Nassau County veterans assistance offices learned of the policy through DOD, and the New York City office learned of the program, indirectly, from the National Commission of Veterans Affairs.

The State Division of Veterans Affairs publicizes the policy through newsletters to veterans organizations, direct mailings to veterans if addresses are available, and through various lectures. The New York City and Nassau County Veterans Affairs offices notify veterans of the policy only if they come for assistance.

NACC and the New York City Addiction Service Agency (ASA) operate and fund drug treatment programs in the State and city, respectively. NACC did not learn of the DOD policy until it was advised of it by VA in December 1972. Since then NACC has not notified personnel at any programs it operates or funds. ASA had received no official notification of the policy.

The New York Metropolitan Area Office of the New York State Employment Service has never been notified of the policy.

According to program administrators at 11 civilian treatment centers visited, only one program had been officially notified of the policy, five learned of it through news media or hearsay, and the remaining five had no knowledge of it. Only three administrators disseminated information concerning the policy.

The consensus of the administrators was that the DOD program is too narrow. Many veterans have received discharges other than honorable for reasons other than personal use of drugs or possession of drugs for such use. The administrators feel that DOD's recharacterization policy should be expanded to include all drug-related incidents which resulted in a discharge under other than honorable conditions.

In commenting on this view, the Assistant Secretary of Defense (Manpower and Reserve Affairs) stated that there is no justifiable basis to purge a veteran's record of all incidents and actions related to his conduct during service tenure in which drugs were involved.

At five civilian treatment program centers, we interviewed 60 enrollees who had prior military service. Those few who knew of the DOD program had learned of it through VA; the civilian drug treatment program; and, in one case, contact with a congressman's office. Following is a summary of the program awareness of those interviewed.

<u>Discharge</u>	<u>Total</u>	<u>Knew of program</u>	
		<u>Yes</u>	<u>No</u>
Honorable	37	3	34
Other than honorable	<u>20</u>	<u>5</u>	<u>15</u>
	57	<u>8</u>	<u>49</u>
Not known	<u>3</u>		
	<u>60</u>		

Six enrollees interviewed knew of the VA drug treatment and rehabilitation program. One had participated in the program but left because he wanted a drug-free setting which the program did not offer.

We obtained written statements from 82 enrollees not available for interview. Of these, 20 were aware of the DOD policy. Twenty-nine knew of the VA drug program; of these, 18 had been participants.

A November 1971 study of drug addiction and treatment problems in New York City estimated that over 3,500, or about 20 percent of those receiving treatment in the city's programs, were former service members. The report further stated that there may be as many as 10,000 former service members in the city still addicted to or abusing drugs.

#### Los Angeles metropolitan area

VA is the principal Federal agency for former service members to contact for assistance and information about the DOD policy. VA officials in Los Angeles stated they have known of the DOD policy since October 1971 and have assisted in processing about 20 to 30 applications for discharge reviews under that policy. These officials stated that only those who come to VA on their own initiative are helped to file requests, because VA is not provided with names of former service members with discharges under other than honorable conditions for drug involvement.

The VA officials with whom we discussed this program stated that they do not receive notice from DOD review boards concerning decisions on the applications they send forward and they do not follow up on the applications by contacting the former service members. Consequently, the VA office does not know if any of those it assisted had their discharges upgraded.

Some of the applications processed with VA assistance have been referred to VFW because of difficult circumstances, such as courts-martial proceedings, and because VFW has Washington-based legal counsel available to represent these cases before the review boards.

In the Los Angeles area we interviewed 28 former service members having other than honorable discharges. Of these, 16 were aware of DOD's revised policy and 15 had applied for recharacterization. We also contacted 24 Los Angeles county agencies having drug programs and learned that 12, having 2,900 patients, knew about DOD's policy.

The Los Angeles County Department of Military and Veterans Affairs (DMVA) assists veterans in filing for benefits through its 10 branch offices. In addition, a Veterans Outreach Program (VOP) operates out of two DMVA offices and, by personal contacts, informs former service members about educational benefits. Only those veterans recently discharged under honorable conditions are contacted.

DMVA estimates that about 212,000 veterans with discharges under honorable conditions and 8,500 with discharges under other than honorable conditions reside in the county. However, the number of that latter group that were drug related could not be estimated.

DMVA officials advised us that no outreach program has been established to contact those affected by the policy because names of potentially affected service members are not available to them. Furthermore, DMVA considers that its primary responsibility is serving those discharged under honorable conditions. In June 1972, however, at the request of a county supervisor, a media campaign was undertaken through some local newspapers to encourage former service members with discharges under other than honorable conditions to contact DMVA for assistance in filing for discharge reviews. The news releases did not refer specifically to the DOD policy because they were attempting to encourage all former service members to seek such assistance. No other efforts have been made to notify former service members. In addition, DMVA also refers individuals to the American Legion and the Jewish War Veterans for assistance. Since August 1971 DMVA has helped process about 40 applications for veterans. The agency does not maintain followup records on these applications; therefore, the number that have been successful is unknown.

The Los Angeles county methadone program does attempt to determine whether its patients are former service members, to identify any who could be eligible for VA methadone

treatment. This would then open a vacancy for someone who is not a former service member.

The county's VOP, although primarily concerned with education benefits, has processed about 36 applications since early 1972, and about 50 more were being processed at the time of our review. VOP has not been informed as to the disposition by the DOD review boards of the 36 applications because DOD does not routinely notify the organizations that assist former service members. (See p. 39.) VOP refers all its applicants through the Jewish War Veterans for legal representation before the boards in Washington.

The Veterans County Service Office (VCSO) in Orange County learned of the DOD policy in August 1971 through an American Legion newsletter and has processed about 35 cases under the policy. While VCSO does not maintain records on these cases, it believes nine applicants had discharges for drug involvement upgraded to honorable conditions. Officials advised us that they have not made any news announcement about the policy and have not established an outreach program to notify former service members about the policy. Those veterans who have requested assistance in filing applications for discharge review learned about VCSO from the State employment service, local veterans groups, colleges, or other veterans. According to VCSO officials, it has a principal responsibility to assist those discharged under honorable conditions. Other veterans are normally referred to the American Legion for assistance.

The California Rehabilitation Center (CRC), a State correctional facility for drug addicts, has a separate dormitory for former service members. The CRC official responsible for veterans stated that he became aware of the DOD policy in June 1972 and had helped about 10 individuals prepare applications. The center has not received any feedback for these cases. An official informed us that the total number of former members in the institution is not known and that the center has not made any attempt, facility-wide, to publicize the DOD policy. Starting in April 1973, however, regular monthly meetings are scheduled with VA counselors to help former members obtain benefits and assistance, including any assistance needed to file applications for discharge reviews under DOD's current policy.

The State of California Department of Veterans Affairs (DVA) and the State of California Department of Human Resources Development (HRD), acting in a capacity as the State's employment agency, are two State agencies that have contact with veterans. DVA issued a policy statement on December 3, 1971, regarding the DOD policy. It was distributed to DVA personnel, County Veterans Service Offices, and other veterans service groups. Since then the Los Angeles DVA office has processed about 25 applications for discharge review but has not received any feedback on the disposition of these applications. As a result, cases have been on file for more than 1 year for which dispositions have not been determined. DVA also refers applicants to the Jewish War Veterans in Washington for representation before the review boards.

HRD officials learned of the DOD policy in August 1972 through a newspaper article and through a veterans service group. It has not issued any policy statements regarding the policy because it does not consider assisting former service members to apply for discharge reviews as part of its function. HRD refers these applicants to county veterans service groups.

The Federal Correction Institution at Terminal Island did not know about the DOD policy, nor did it know how many inmates were former service members, even though it actively operated a Narcotic Rehabilitation Act Program. After our initial visit, officials issued an announcement in the institution's newsletter about the policy. Subsequently six inmates with discharges under other than honorable conditions for drug involvement were furnished recharacterization applications.

#### CONCLUSIONS

There is considerable evidence that personnel associated with private and public drug treatment centers and clinics and with veterans job placement centers, as well as the veterans who visit such agencies seeking medical or job placement assistance, are not sufficiently knowledgeable about DOD's policy which permits the recharacterization of discharges under other than honorable conditions (including punitive discharges and dismissals) given former servicemen separated from the military service for drug involvement.

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involvement. It plans to use for that purpose the National Inventory of Drug Treatment Programs, which was published more recently than the 1972 directory we brought to DOD's attention. DOE did not comment, however, on our recommendation that it circularize information on its recharacterization policy to job placement assistance offices.

On the basis of our interviews with treatment center staff personnel and with individuals who seek assistance at such centers, we believe former service personnel separated for drug involvement may be having difficulty obtaining employment, even if they no longer have drug problems. Therefore, we believe that the Secretary of Defense should also circularize to job placement assistance offices, on a nationwide basis, information about this policy.

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CHAPTER 3

PROCEDURES FOR ADMINISTRATIVE REVIEWS OF

RECHARACTERIZATION REQUESTS

NEED FURTHER IMPROVEMENT

The wording of the DOD policy statements on the review and upgrading of other than honorable and of punitive discharges and dismissals given separatees for drug involvement permit varied interpretations by the military departments. In the absence of any coordinating overview by the Office of the Secretary of Defense, there is no assurance that all former military personnel requesting recharacterization under this DOD policy are receiving equal consideration, irrespective of the military branches from which they separated.

The influx of drug involvement discharge cases requiring consideration by the review boards, in response to the revised policy, has increased the backlog for these review boards and has resulted in a review processing time that, for some boards, approximates 10 to 12 months.

In cases when the discharge is being upgraded by the military departments in significant numbers, no changes are being made to certain other information, which was originally recorded on the individual's Report of Transfer or Discharge and which deters his chances of obtaining employment.

ADMINISTRATIVE PROCEDURES OF  
REVIEW BOARDS

Review boards adhered generally to similar administrative procedures in preparing to review recharacterization requests. The form filed with a Discharge Review Board is DD Form 293, Application for Review of Discharge or Separation from the Armed Forces of the United States; with a Board for Correction of Military or Naval Records the form is DD Form 149, Application for Correction of Military or Naval Record Under the Provisions of Title 10, U.S. Code, Sec. 1552. (See apps. VIII and IX.) After a military department receives an application, it requisitions the pertinent service records from the General Services Administration's National Personnel Records Center in St. Louis and

forwards them to the review board. The board then has a brief prepared of the applicant's service history, based upon his military records and his application. That brief is distributed to board members to familiarize them with information pertinent to an evaluation of the case.

The Discharge Review Boards and the Boards for Correction of Military or Naval Records thereafter follow somewhat different administrative procedures. A brief description of each board's normal administrative review procedures follows.

#### Discharge Review Boards

If the applicant has indicated on his application to the Discharge Review Board that he wishes to make a personal appearance before the board, he is notified where he can inspect his records and when to appear. Usually, the applicant is given at least 30 days' notice before the scheduled appearance. If he does not wish to appear but has indicated on his application that he wishes to be represented by private counsel or by one of the six service organizations providing free counsel to applicants, then the designated counsel is notified when the case is to be heard and where to inspect the applicant's records.

On the day set for the review, the board meets, listens to testimony, and reviews all records and pertinent information. A decision to upgrade an applicant's discharge requires a majority vote of the board members. If a decision to upgrade is reached, then the Army and Air Force Discharge Review Boards are authorized to direct that the applicant's discharge be changed. However, the Secretary of the Navy must review and affirm decisions of the Navy Discharge Review Board.

If the Navy and Air Force Boards decide not to upgrade an applicant's discharge, the applicant is informed of this decision and advised in writing that he has a right to have his discharge further reviewed by the service's Board for Correction of either Naval or Military Records. However, officials of the Army Discharge Review Board informed us that they do not advise applicants of this right when the adverse decision is rendered. They stated that, when an individual is discharged from the Army, he is then adequately advised of his rights on how to have his discharge reviewed.

Boards for Correction of  
Military or Naval Records

The Boards for Correction of Military or Naval Records meet and, following a review of the brief of service history prepared for board members' consideration, determine whether a formal hearing should be scheduled or whether the request should be granted. If a formal hearing is scheduled, then the former service member may appear before the board with or without counsel and present testimony. If a formal hearing is not granted, then the board arrives at a decision based upon the former service member's application and his military records.

A board decision on a former member's request requires a majority vote. Each service's Secretary then reviews that decision. After his review and affirmation of the board's recommendation, the former service member is notified of the decision.

Need for more consistency in applying  
criterion for reconsideration

The DOD policy on reviewing other than honorable discharges given for drug involvement states that:

"Additionally, each Secretary of a Military Department acting through his Discharge Review Board or Board for Correction of Military Records will, upon application from former service members, review for possible recharacterization to under honorable conditions dismissals, bad conduct and dishonorable discharges, as well as undesirable discharges, when the basis for the discharge was solely personal use of drugs or possession of drugs for personal use. This policy applies to those service members whose cases were finalized or in process on or before July 7, 1971. Each Secretary is authorized to issue a discharge under honorable conditions upon establishment of facts consistent with the aforementioned policy."

The criterion to be used in reviewing other than honorable discharges and dismissals issued for drug involvement is whether the former service member was discharged "solely

for personal use of drugs or possession of drugs for personal use." In our discussion with officials of each of the services' review boards, we were told that, in a large percentage of drug applications reviewed, the former service members had been involved not only with drugs but with other offenses under the Uniform Code of Military Justice.

For example, the Army Discharge Review Board has noted that, of the 996 former Army members submitting applications, 690 were found to have the claimed involvement with drugs substantiated in their individual military records. Furthermore, of these 690, 199 were found eligible for recharacterization because the involvement was solely for personal use or possession of drugs. The remaining 491 applicants were found ineligible because other offenses were considered in the circumstances of their separation.

Regarding former service members involved in other offenses, each review board may decide whether these other offenses preclude the former service members from falling within the scope of DOD's policy. However, DOD has not established any detailed, implementing guidelines to assist the boards in making this determination. Consequently, one board's interpretation of DOD's policy may differ from another's.

The following table summarizes the dispositions of the boards in each military department.

Recharacterization of Other Than Honorable Discharges and Dismissals Issued for Drug Abuse as of December 31, 1972

	<u>Applications for recharacterization</u>			<u>Type of decision</u>	
	<u>Received</u>	<u>Pending</u>	<u>Decisions rendered</u>	<u>Discharges upgraded</u>	<u>Discharges not upgraded</u>
Department of the Army:					
Discharge Review Board	<sup>a</sup> 1,135	139	996	199	797
Board for Correction of Military Records	<sup>a</sup> 239	122	117	94	23
Department of the Navy:					
Discharge Review Board	925	395	530	475	55
Board for Correction of Naval Records	<sup>a</sup> 23	23	-	-	-
Marine Corps:					
Discharge Review Board	936	389	547	470	77
Board for Correction of Military Records	<sup>a</sup> 32	32	-	-	-
Department of the Air Force:					
Discharge Review Board	254	16	238	162	76
Board for Correction of Military Records	47	13	34	26	8
<b>Total</b>	<u>3,591</u>	<u>1,129</u>	<u>2,462</u>	<u>1,426</u>	<u>1,036</u>

<sup>a</sup>Applications received from July 1971 to December 31, 1972, where the petitioner mentioned the word "drug(s)."

Because the military departments have used different criteria in categorizing the cases considered, no valid comparisons can be drawn from the figures in the above chart. The following chart summarizes the key differences in the approaches used in compiling the statistics being reported by the services.

Differences in Criteria Applied by  
Review Boards in  
Categorizing and Compiling Statistics

	<u>Army</u>	<u>Air Force</u>	<u>Navy (note a)</u>
Discharge Review Board	All applications in which the word "drug(s)" was mentioned.	Only those applicants who have the word "drug(s)" mentioned in their personnel files.	Only those applicants who were discharged solely for use or possession of drugs for personal use.
Board for Correction of Military or Naval Records	Same as above.	Same as above.	All applications in which the word "drug(s)" was mentioned.

<sup>a</sup> Same criteria are used by the Marine Corps.

To make it possible for the Secretary of Defense to consider the evenhandedness of dispositions of cases and also to make the data more meaningful and valid when used by the Secretary for external reporting, a standard basis or uniform criterion should be established for use by all boards in categorizing these cases.

Review of drug-related discharges normally not being scheduled on a priority basis

Each of the services' review boards sets its own policy on priority treatment in processing applications for re-characterization that mention the word "drug(s)," subject to its service's approval. Only the Army Discharge Review Board had instituted a procedure to insure that a significant number of drug-related applications are processed each month.

All the review boards stated that they can and do expedite reviews of applications which included a statement that a drug-involved individual needed either treatment or hospitalization. A recent DOD study includes an estimate that both the Army and Navy boards can process such applications in 5 to 7 days. Except for the above and the Army Discharge Review Board's procedures, no other special arrangements have been made for the priority consideration of applications from individuals with drug-related discharges.

The review boards of each of the military departments take varying lengths of time to process drug-related applications. For example, the Army Discharge Review Board takes approximately 10 months to process an application mentioning the word "drug(s)." Similarly, the Navy's Board for Correction of Naval Records has taken as long as 10 months to process such an application. In contrast, the Air Force boards are taking 90 days to process these applications.

According to a VOP official, these former service members are young and still rehabilitatable if they can get the proper help before they become older, hard-core drug addicts and changing the discharge status would be a significant step toward rehabilitation.

Delays in reviewing requests can have an adverse effect, particularly for veterans who have low-level employment skills, according to that official. With a tight labor market, the former service member with an other than honorable discharge has difficulty finding employment. Consequently, he may be forced to seek training for a higher level skill and frequently cannot afford it. Since he is not eligible for veterans benefits, he cannot obtain this needed training at Government expense. Unemployment then can drive him back to using drugs.

The principal factors affecting the timespan needed to process a drug-related application are:

- The number of applications the boards receive.
- The priority assigned to the applications.
- The boards' administrative staff available to work on the applications.

Processing time of the Army  
Discharge Review Board

As previously stated, the Army Discharge Review Board has initiated a procedure whereby it tries to insure that a significant number of drug-related applications are processed each month. This procedure has reduced the processing time of such applications from the normal 10 to 12 months to 10 months. However, processing time has not been further

reduced because of the large number of applications the Board has received. In December 1969 the Board had on hand approximately 400 applications; in December 1972, it had on hand approximately 5,200 applications.

To reduce the Board's backlog, three administrative personnel were hired and assigned to that Board in the calendar year 1972. According to a Board member, Army personnel ceilings hindered attempts to hire these personnel.

Army officials were considering, when we made our review, two proposals to further reduce the Board's processing time. Under one, the Army would establish a secondary body in St. Louis to hear only non-personal-appearance recharacterization requests. The other proposal was to further augment the Board's staff by temporarily assigning several enlisted personnel to it. These personnel were subsequently assigned, and the "nonappearance panel" has begun to review selected applications for recharacterization.

#### Processing time of the Navy's Board for Correction of Naval Records

This Board does not assign any priority to reviewing requests for recharacterization of drug-involved discharges. They are treated just as other discharge review applications from former service members. However, we were informed by a Board official that applications from individuals who have left the service are of a lower priority than applications involving personnel still serving on extended active duty.

Reviews of discharges by this Board have taken approximately 10 months. Like the Army Discharge Review Board, the Navy's Board for Correction of Naval Records has experienced a large increase in the number of applications received. For example, in calendar year 1969 the Navy's Board received 2,744 applications requesting some type of Board action, while in calendar year 1972 it received 3,866 applications, a 41-percent increase.

The Navy has tried to reduce the Board's processing time for all applications. Three additional administrative personnel were hired for the Board in the last half of calendar year 1972. A Navy official stated that these personnel could not have been hired sooner because of Navy personnel ceilings.

A proposal to temporarily increase the number of support personnel is reportedly under active consideration.

Reason for discharge unchanged on  
separatee's report of transfer or discharge

Former service members whose discharges were upgraded under DOD's new policy in most cases have received general discharges. Of 1,426 discharges upgraded through December 31, 1972, 1,400 were changed to such discharges. Individuals with general discharges are entitled to all the benefits administered by VA, the military departments, and other Federal agencies.

Although the review boards have upgraded 1,426 discharges, the former member's DD Form 214--Report of Transfer or Discharge--generally still shows as the reason for discharge the original entry citing drug abuse or the SPN-384.<sup>1</sup>

As stated in our previous report (see p. 5), there is a strong difference of opinion on whether the SPN-384 identifier should be reported on the form. Those who have advocated that the practice be discontinued have stated that the presence of SPN-384 on the form would leave a long-term (even lifetime) stigma on individuals. They believe that social attitudes and views of prospective employers might be adversely influenced, even after a former drug user had been fully rehabilitated. During our fieldwork, a number of persons said that, though the upgraded discharge may give additional Federal benefits to an individual, retaining the SPN-384 on his form continues to act as a deterrent in his efforts to find employment.

DOD believes that using an appropriate SPN to identify the reason for discharge, instead of putting down a narrative statement, provides the individual some protection from possible stigma. Notwithstanding, the Secretary of Defense, on March 1, 1972, directed that the SPN procedure be reviewed to insure that it does not violate policies and directives concerning the individual's rights of privacy. Recognition of the importance of this problem is clearly expressed in that memorandum, which states:

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<sup>1</sup> SPN is used by the Army, Navy, and Marines; Separation Designator Number (SDN) is used by the Air Force.

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SPN 384

OFFICE OF THE SECRETARY OF DEFENSE  
Washington, D.C., March 1, 1972.

MEMORANDUM FOR THE ASSISTANT SECRETARY  
OF DEFENSE (M&RA)

I continue to be concerned that practices which make possible public disclosure of some of the underlying reasons for administrative discharges may be inconsistent with our policy directive on invasion of privacy, and could have an unjust and unfair impact on some discharged personnel.

I recognize, of course, that this is a complex matter, and that notations have been placed on discharge forms for many years.

I also am aware that some of the notations are frequently helpful to men and women who have served in the Armed Forces--for example, in connection with Veterans Administration procedures.

I believe, however, that we should again review the procedures relating to administrative discharges, and the practices we follow, for consistency with our policy which protects against invasion of privacy of the individual.

Melvin R. Laird

The Secretary of Defense approved on August 1, 1972 (see app. XI), the recommendations, made to him by the Assistant Secretary of Defense (Manpower and Reserve Affairs) that no changes be made to the existing system of recording personal information on separation forms except that:

- Master lists of SPNs be restricted from non-Government organizations.
- The use of a narrative description to identify the reason for discharge be terminated.
- A new set of SPNs be developed for officers and enlisted personnel.

-Several bills seeking to end the practice of entering on Reports of Transfer or Discharge the SPNs or narrative statements identifying the reasons for discharge have recently been introduced in the Congress.

### CONCLUSIONS

Inconsistencies in the policies and practices followed by the services in the action taken immediately following either the approval or denial by their Discharge Review Boards of requests for discharge recharacterizations appear to result in inequitable treatment of applicants, depending on the branch in which the individuals served.

Exercising an authority given to all service Secretaries under 10 U.S.C. 1553(b), the Secretary of the Navy has prescribed procedures for a personal review of the decisions by the Navy Discharge Review Board to recommend changes to a discharge or dismissal. The other service Secretaries have not elected to prescribe such review at the Secretary level. On this basis, one additional review being imposed on Navy personnel is not being imposed on former Army or Air Force personnel who have requested an upgrading in their discharges.

Failure by the Army to advise the individual of his right to submit an application to the Board for Correction of Military Records, if his application is first denied by the Discharge Review Board, places him at a distinct disadvantage when compared to the notification being given Navy and Air Force separatees whose applications are similarly denied.

The fact that Army and Navy Boards are taking about three times as long to review applications as the Air Force is taking is additional evidence of inequity of consideration. For those numerous instances when recharacterization requests are affirmed, justice delayed takes on an aspect of justice unduly denied. There is apparent need, therefore, to assign additional personnel to expedite disposition of the backlog of applications, even if only temporarily.

While recharacterization does entitle the individual to medical treatment at VA hospitals, retaining SPNs on the individual's Report of Transfer or Discharge, indicating

drug involvement as the basis for separation, can be expected to act as a stigma and adversely affect his efforts to obtain employment. Eliminating entry of SPNs was not part of the program associated with the recharacterization reviews of other than honorable discharges and dismissals because of drug involvement.

#### RECOMMENDATIONS

We recommend that, to insure a more equitable and expeditious disposition of recharacterization requests, the Secretary of Defense:

1. Direct the Secretary of the Army, in the interest of equality of treatment, to require that individuals be reminded of their right to resubmit to the Board for Correction of Military Records, if the Discharge Review Board initially denies their requests.
2. Direct the services to assign adequate staff to reviews (either permanent or temporary) to meet some agreed-to normal processing time goals and to establish a common system of priority for disposing of applications.
3. Seek to brief responsible congressional committees on the desirability of continuing to enter SPNs on the individual's Report of Transfer or Discharge, in light of the several bills recently introduced (S. 1716 and H.R. 0923) which would prohibit including certain information (including SPNs) on discharge certificates.
4. Direct the Secretary of the Navy to reconsider the justification of continuing that additional review and endorsement, at the Secretary level, of the decisions by the Discharge Review Board to upgrade discharges, since the Secretaries of the Air Force and of the Army have not imposed this additional constraint on their Boards.

## AGENCY COMMENTS

DOD agreed to request the Secretary of the Army to provide guidance under which individuals would be advised of their right to resubmit to the Board for Correction of Military Records if the Army Discharge Review Board initially denies their applications. The service Secretaries are also to be requested to provide sufficient staff to meet established processing goals for all cases reviewed by boards. Consistent reporting criteria are to be prescribed, so that data will be more meaningful and valid when used for internal management and for external reporting. Though not adopting our recommendation that it seek to brief congressional committees on DOD's SPN policies, the response reaffirms the availability of DOD personnel to provide such information to committees.

The Secretary of Defense did not agree to direct reconsideration of the justification for a personal review and endorsement by the Secretary of the Navy of the Discharge Review Board's determinations. His nonconurrence is predicated on the fact that authority to require such reviews is vested by law in the Secretary of the Navy and that the Navy's organization, and therefore its requirements, differ from those of the Army and the Air Force.

We do not dispute the legal right of the Secretary of the Navy to insist on continuing this additional review. We did recommend that he consider waiving that right, so that individuals who have served in the Navy might not be subjected to any additional challenges to their recharacterization applications. As previously stated this additional review is not being imposed on former Army or Air Force personnel seeking an upgrading in their discharges, where such applications are filed under a DOD policy statement equally applicable to members of all services.

## CHAPTER 4

### OBSERVATIONS BY GOVERNMENT AND PRIVATE AGENCY

#### PERSONNEL AND FORMER SERVICE MEMBERS

Observations made to us by Government and private agency personnel, as well as by former service members, indicate that the effectiveness of DOD's policy and procedures for reviewing discharges could be considerably improved. They cite the need to change guidelines and procedures for preparing and submitting applications; to introduce more feedback on dispositions and the reasons for the decisions; and to afford greater opportunity, at less cost, for individuals to appear before review boards.

Following are some personal views of former service members we interviewed on the problems they experience in attempts to have their discharges upgraded.

- They have difficulty in finding assistance to prepare applications.
- No one is certain what information is necessary to include in an appeal.
- Military records, believed essential to answer to the charges in the records, are not available to former members to prepare appeals.
- Military records may describe only the events which resulted in discharge, without showing that drugs caused these events to occur.
- Personal testimony before the boards is practically impossible due to the distance to Washington and the expenses involved.
- Excessive delays are experienced in receiving responses.
- The review boards never provide reasons for refusing to upgrade discharges, making future appeal seem hopeless.
- Too much red tape is involved.

IMPROVED GUIDELINES NEEDED FOR  
PREPARING RECHARACTERIZATION APPLICATIONS

Agency officials and former service members interviewed in the Los Angeles area felt that much of the uncertainty in preparing applications could be lessened if more detailed guidelines accompanied the application forms. Clarification was considered desirable in such areas as the need for character references, personal appearances, legal representation, and the types of additional evidence necessary. Representatives we contacted at almost every agency in Los Angeles assisting former service members to file recharacterization applications commented that there are no guidelines explaining whether any additional documentation should supplement the application.

We could not obtain comparable statistics on the number of individuals assisted or represented by three major service organizations. In response to our request, the headquarters of three national organizations furnished the following data and estimates. Included in these figures are data from their field offices.

1. American Legion--An estimated 1,000 individuals per year were assisted in applying for review of discharges under other than honorable conditions.
2. VFW--An estimated 125 to 150 cases per month were represented by VFW to the military review boards. Of 130 cases on which decisions were received since July 1972, 89 were upgraded and 41 were denied.
3. Red Cross--2,167 cases were presented to the Corrections and Discharge Review Boards from January 1972 to January 1973; 1,564 of these were presented to the Discharge Review Boards and 339 of the 1,564 were drug or drug related. About 40 percent of the 339 were upgraded to honorable conditions.

Almost every organization or agency we contacted in Los Angeles stated that its primary duty was to assist former service members with discharges under honorable conditions. These agencies normally do not recognize those with other than honorable discharges as veterans and therefore do not consider them their responsibility.

Officials of several agencies said sufficient resources are not available to adequately assist former service members in preparing comprehensive appeals. Most of those assisting do not have sufficient knowledge about the discharge review board process to prepare an adequate case, according to American Legion officials. The American Legion believes it has had a fairly high success rate before the boards, because it has gained valuable experience in this area.

Three service organizations informed us that their counselors who assist former service members and who present discharge review cases to the boards are for the most part not lawyers but individuals who have had administrative experience in the military service. According to representatives of the service organizations, this experience is important because it contributes to the knowledge of regulations and procedures. The service organizations, however, on occasion, do obtain advice from attorneys.

The Chief of a VA Central Assistance Unit told us that, when drug involvement is not the sole reason for discharge, it may be beneficial to submit additional data, such as character references. This is based on his belief that the review boards often consider an individual's life after discharge.

NEED FOR FEEDBACK FROM REVIEW BOARDS .  
TO ASSISTING SERVICE ORGANIZATIONS

The review boards have been notifying the American Legion and VFW about decisions reached on reviews but not other assisting agencies. Moreover, the reasons for the boards' actions are not being given in those communications. As a result, the assisting agencies have little reliable data upon which to base their counseling. Officials of three veterans' assistance centers in the Los Angeles area stated that information of this type would be very useful to them in aiding veterans applying for recharacterization.

Some assisting agencies strongly encourage individuals to submit character references about their behavior and citizenship before and after military service; other agencies have counseled that character references are ineffectual in the appeal and, therefore, unnecessary. For example, DMVA, which counsels against submitting character references, provided us

with a November 1971 article taken from a servicemen's magazine about discharge review board procedures. The article indicated that character references concerning citizenship before and after military service are not germane evidence for the review boards. Other than this article, however, none of the other organizations had any substantive data regarding the boards' criteria.

In the Los Angeles metropolitan area, the American Legion and VFW receive referrals from many veterans groups which rely on them for special assistance before the boards. An American Legion official estimated that about 200 cases from the Los Angeles area have been submitted since the effective date of the DOD policy. The Los Angeles VFW representative estimated he had filed approximately 20 such cases.

Officials of these two organizations stated that they have a relatively high success rate on cases submitted because of their Washington office's involvement before the review boards. VA officials who assist veterans in filing for review also cited this success as a reason for referring cases to the American Legion and VFW. These organizations believe that, because the Federal Government provides them with office space near VA offices, they are obliged to serve all veterans, including veterans with other than honorable discharges.

The Community Legal Assistance Center, a project funded by the Office of Economic Opportunity (OEO), has processed about four cases since early 1972 after hearing of the DOD policy from newspaper articles and a veterans service group newsletter. This organization also uses VFW services in Washington.

POTENTIAL WEAKNESS OF REVIEWS BASED SOLELY  
ON THE SERVICE RECORD  
AND RECHARACTERIZATION APPLICATION

Convening all review boards in Washington has made it inconvenient and expensive for individuals to appear before the boards, either alone or accompanied by their counsel. As a result relatively few individuals have made such appearances. An American Legion official estimated that personal testimony before the boards increases by 50 to 60 percent the chances for a favorable decision. Some former service members we interviewed stated that they thought the opportunity to

personally testify was essential to their cases; however, they could not do so, because of the travel expense.

They believed their military service records might include incomplete or incorrect information about their drug involvement. Thus, reviews based solely upon their military records might not be in their best interests and the opportunity to present additional evidence in writing or through a personal appearance would be desirable. They suggested, as one alternative, establishment of regional review boards.

In discussions with members of some review boards it became apparent, despite the absence of any official policy statements, that under certain circumstances individuals were being advised that they need not appear personally and that this would not adversely affect their chances for a favorable decision. When applicants requested personal appearances and preliminary reviews by a board member of the service records and recharacterization applications showed less than honorable discharges given for sole offenses of use or possession of drugs for personal use, applicants were advised that general discharges could be expected by board action and that personal appearances were not necessary. Applicants are not required to accept such an offer. It is made to save them the time and travel expense.

Except for VFW and the American Legion, which examine records while cases are before the boards in Washington, agencies prepare applications without knowledge of the evidence against the applicant. The fact that these applications are submitted without examining the military records is particularly significant considering the statements by some county veterans affairs officials that the review boards rely almost exclusively on the evidence presented in these records in deciding a case. One veterans service organization in a county adjacent to Los Angeles wrote us, stating:

"It is impossible for this office to assist a claimant if we do not have a summary of the evidence upon which the decision was based."

We found only one agency in the Los Angeles area (Community Legal Assistance Center) which requested copies of a veteran's military records in preparing an application. Most copies received were incomplete; some took 8 months to obtain.

In the Washington area we also contacted the American Legion, VFW, and the Red Cross, all of which are identified on the applications as organizations whose assistance is available at no cost. Representatives of two of these organizations stated that individuals who appear before the review boards and/or obtain representation from a service organization are believed to receive favorable decisions in a greater number of cases. This assumption was based on the apparent interest displayed by an individual who chooses to appear and the representatives' greater knowledge of the type of information the boards consider pertinent. No statistics, however, were available to support this belief.

On a number of occasions, former service members in the Washington area stated that, although they had inservice drug problems, they were discharged not for drug involvement but for some other offense, such as being absent without leave. Drug involvement, therefore, may not be included in the former service members' records. In these cases the boards reviewing the cases may not be aware of the drug involvement unless former members appear before the boards and apprise them of the drug problem.

### CONCLUSIONS

There are a number of opportunities for improving the effectiveness of the DOD procedures relating to the review of applications requesting recharacterization of drug discharges.

Existing guidelines give little or no guidance to individuals or service organizations assisting the individuals in preparing applications. Such applications would be more meaningful to the review boards if they were supported by any supplementary information or actions given weight in the boards' considerations. At present there is some confusion about whether written character references or personal appearances help the individual's cause or affect the boards' deliberations. The military departments have promulgated no authoritative statements on these matters.

The absence of feedback to assisting service organizations on the reasons for dispositions of applications handicaps their efforts to counsel and assist former service members who file such requests. Moreover, if the information in an

individual's service record is incomplete or inaccurate, as was alleged to us in a number of instances, then board decisions reached solely on consideration of such data may not be equitable to the applicants.

Convening review boards only in the Washington area makes it unnecessarily costly and inconvenient for applicants to appear before these boards.

#### RECOMMENDATIONS

We recommend that the Secretary of Defense:

1. Direct the service Secretaries to develop and promulgate detailed guidelines or other instructions for use by individuals and by service organizations who assist them in preparing recharacterization applications. To further the goal of equitable treatment of all former members seeking recharacterization, irrespective of their branches of service, these guidelines should reflect a common position of all services on (a) whether character references and favorable employment histories are desirable to support applications and (b) whether it is normally advantageous for the member or his representative to appear before the board.
2. Instruct the service Secretaries to establish procedures under which a copy of the brief of service record, presently prepared for board consideration, would be furnished to the applicant so he can furnish any additional information to make that record accurate and complete.
3. Require the service Secretaries to establish procedures for periodically convening review boards in major metropolitan areas, to provide individuals greater opportunity for appearing before the boards and reduce their travel costs.
4. Require the service Secretaries to have their review boards notify not only the applicants but also the assisting service organizations of (a) the boards' dispositions of the cases and (b) the reasons for them. Such information can serve as a significant

precedent for service organizations in developing an effective counseling and assistance program.

AGENCY COMMENTS

The Secretary of Defense does not agree that adopting the above recommendations necessarily would improve the review procedures. Our recommendations are intended to make available to individuals and those counseling and assisting them substantive and procedural information to guide them in preparing as adequate a case as possible to support recharacterization requests. According to former service members and those who assist them, the absence of such information was a problem. Knowledge about what service record information the boards consider, whether character references and/or personal appearance of the individual or his counsel before boards is desirable, and why boards deny or approve the upgrading of discharges can simplify if not influence the individual's approach in requesting a review.

The establishment of "Traveling Boards" in major metropolitan centers is more costly than maintaining one board in the Washington area. The nonappearance panel of the Army's Discharge Review Board at the National Personnel Records Center in St. Louis appears to be an improvement which the Air Force and the Navy should consider if such panels would expedite the review and disposition of applications.

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## CHAPTER 5

### SCOPE OF EXAMINATION

Our examination of the DOD recharacterization policy especially emphasized those actions taken after the Secretary of Defense issued two policy memorandums on the subject. We examined the manner by which DOD disseminated this policy within its own organization, to the public, and to affected individuals.

In the Washington, D.C.; New York; and Los Angeles metropolitan areas, we contacted former service members, VA offices, public and private drug treatment centers, and government employment agencies and tested their awareness of this program. In addition, we examined the policies and procedures prescribed by the services for upgrading drug discharges. We also examined the way the military review boards carried out their responsibilities under those policies.

Information from the Department of Transportation showed that few former Coast Guard personnel had other than honorable discharges because of drug involvement. Therefore we performed no further work concerning the Coast Guard.

JOHN M. MURPHY  
17th New York

WASHINGTON OFFICE  
SUITE 2445  
HOUSE OFFICE BUILDING  
WASHINGTON, D. C. 20515  
TEL. 245-3371

STATEN ISLAND OFFICE  
ROOM 107  
GENERAL POST OFFICE  
530 MANOR ROAD  
STATEN ISLAND, N. Y. 10314  
TEL.: YUKOM 1-9800

## Congress of the United States

HOUSE OF REPRESENTATIVES

Washington, D.C. 20515

December 13, 1972

COMMITTEES  
INTERSTATE AND FOREIGN COMMERCE  
MERCHANT MARINE AND FISHERIES

CHAIRMAN:  
SUBCOMMITTEE ON PANAMA CANAL

ADMINISTRATIVE ASSISTANTS  
ANTHONY R. GAETA  
JAMES L. LAROCCA

MANHATTAN OFFICE:  
ROOM 1643  
26 FEDERAL PLAZA  
NEW YORK, NEW YORK 10007  
TELEPHONE 264-9335

Honorable Elmer B. Staats  
Comptroller General of the United States  
General Accounting Office  
Washington, D.C. 20548

Dear Mr. Staats:

In the 92nd Congress I introduced comprehensive legislation covering the treatment of U.S. servicemen who had become addicted to narcotics or other dangerous drugs during their term of service or who had a personal drug problem made more severe as a result of duty tours in areas of the world where drugs were abundant and relatively cheap.

In studying the many facilities available throughout the country for the treatment of G.I. addicts, I found that a great drawback to successful treatment was a dishonorable or bad conduct discharge due to drug use or drug related offenses. Insurmountable problems would arise at the point where doctors and psychiatrists felt a rehabilitated G.I. was ready to re-enter society and they found that efforts to obtain jobs -- which were part and parcel of the treatment program -- were severely limited because of such discharges. Because of this I included in my legislation an automatic review of the thousands of drug related "less than honorable discharges" already given to determine if they could be changed so that deserving G.I.'s could be helped in their treatment programs by having the stigma of such a discharge removed.

The Department of Defense on August 13, 1971, announced it would review the discharges of addict servicemen who requested such a review with a view towards changing his discharge status. Reports coming to me from various ex-G.I.'s and from the Department of Defense indicate that the plan has not worked well or has not worked at all. Under the present system there are delays of many months which constitute an additional hindrance to treatment.

I plan to re-introduce this legislation in the next Congress and appreciate it if you would conduct a study of:

APPENDIX I

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Honorable Elmer B. Staats  
December 18, 1972

1. The number of such discharges that were given since June 27, 1950;
2. The number of such cases reviewed since the Department of Defense directive of August 13, 1971; and,
3. The disposition of these reviews.

I would like the above information broken down by month of review, the time period in which the serviceman addict served, and who initiated the request for review.

Also of value would be a determination of how many such reviews are pending and an outline of how the review system operates within the Department of Defense.

Further, I would appreciate an assessment of this procedure by the General Accounting Office and by the addicts and treatment personnel involved at such places as the Veterans Administration facilities for addict rehabilitation.

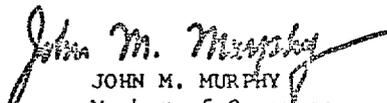
If feasible, make a determination if the bulk of ex-G.I. addicts and treatment personnel are even aware of the Department of Defense directive and that a review of discharge is possible.

Finally, I would appreciate recommendations by the Government Accounting Office on ways in which the process of review could be accelerated and made more equitable if it is determined that the system has shortcomings in these areas. And, based on your study, I would like a recommendation from G.A.O. on the most feasible method automatic review of such discharges could be brought about.

Because of the urgency of this situation, I would appreciate a response to this request as soon as possible.

With kind regards, I am

Sincerely,

  
JOHN M. MURPHY  
Member of Congress

JMMcpp

THE DEPUTY SECRETARY OF DEFENSE  
WASHINGTON, D.C. 20301

7 JUL 1971

MEMORANDUM FOR Secretaries of the Military Departments  
Chairman, Joint Chiefs of Staff

SUBJECT : Rehabilitation of Drug Abusers

Consistent with guidance from the President of the United States, it is the policy of the Department of Defense to encourage military members to submit themselves voluntarily for treatment and rehabilitation under the Drug Identification and Treatment Program of the Department of Defense.

Accordingly, evidence developed by, or as a direct or indirect result of urinalyses administered for the purpose of identifying drug users may not be used in any disciplinary action under the Uniform Code of Military Justice or as a basis for supporting, in whole or part, an administrative discharge under other than honorable conditions. Similarly, a military member may not be subject to disciplinary action under the Uniform Code of Military Justice or to administrative action leading to a discharge under other than honorable conditions for drug use solely because he has volunteered for treatment under the Drug Identification and Treatment Program of the Department of Defense.

This policy does not exempt military members from disciplinary or other legal consequences resulting from violations of other applicable laws and regulations, including those laws and regulations relating to the sale of drugs or the possession of significant quantities of drugs for sale to others, if the disciplinary action is supported by evidence not attributed to a urinalysis administered for identification of drug abusers and not attributable solely to their volunteering for treatment under the Drug Identification and Treatment Program of the Department of Defense.

This policy is effective immediately and steps should be taken to insure its complete understanding and immediate compliance within the Armed Forces.

/s/ David Packard

# FEDERAL BENEFITS BASED

NAVPER 1746 3 10 57

## BENEFITS

TYPE OF

The purpose of this chart is to show the effect of the type of discharge upon possible eligibility to various rights and benefits. No attempt is made to set forth other requirements of eligibility which must be met.

APPLICABLE STATUTE OF REGULATION

DISHONORABLE DD Form 257N	BAD CONDUCT DD Form 258N (Conditions Other than Honorable)		UNDESIRABLE DD Form 259N (Conditions Other than Honorable)		
	GENERAL COURT MARTIAL CONVICTION	GENERAL COURT MARTIAL CONVICTION	SPECIAL COURT MARTIAL CONVICTION	MISCONDUCT C 13112	UNFITNESS C 13113

Reprinted from AUL HANDBOOK  
Bureau of Naval Personnel  
Department of the Navy

### I. BENEFITS ADMINISTERED BY THE VETERANS ADMINISTRATION

Benefit	Statute	Dishonorable	Bad Conduct	Undesirable
1. Wartime disability compensation	38 USC 561			
2. Wartime disability pension	38 USC 562			
3. Peacetime disability compensation	38 USC 563			
4. Peacetime disability pension	38 USC 564			
5. Dependency and indemnity compensation	38 USC 565			
6. Service personnel's nursing home care	38 USC 566			
7. Educational assistance	38 USC 567			
8. Pension and annuity	38 USC 568			
9. Hospital and domiciliary care	38 USC 569			
10. Medical and dental care	38 USC 570			
11. Prosthetic appliances	38 USC 571			
12. Seeing-eye dogs	38 USC 572			
13. Burial and national cemetery	38 USC 573			
14. Special benefits	38 USC 574			
15. Vocational rehabilitation	38 USC 575			
16. Orphan's education benefits	38 USC 576			
17. Home and farm care benefits	38 USC 577			
18. Adult day care centers	38 USC 578			

### II. BENEFITS ADMINISTERED BY THE MILITARY DEPARTMENTS

Benefit	Statute	Dishonorable	Bad Conduct	Undesirable
1. Mileage	48 USC 491			
2. Mustering out payment	48 USC 492			
3. Readjustment benefits	48 USC 493			
4. Payment to discharged sailor	48 USC 494			
5. Transportation for dependents and household goods	48 USC 495			
6. Burial in national cemetery	48 USC 496			
7. Pay and wages on discharge	48 USC 497			
8. Notice to employer of discharge	48 USC 498			
9. Award of medals, citations and bars	48 USC 499			
10. Admission to the Naval Reserve	48 USC 500			
11. Travel in kind	48 USC 501	*	*	*
12. Cash advance \$250	48 USC 502	*	*	*
13. Survivors' benefits \$100	48 USC 503	*	*	*
14. Board for Correction of Naval Records	48 USC 504	*	*	*
15. Death gratuity	48 USC 505			
16. Navy Discharge Payroll Board	48 USC 506			
17. Use of wartime leave and accrued leave	48 USC 507			

### III. BENEFITS ADMINISTERED BY OTHER FEDERAL AGENCIES

Benefit	Statute	Dishonorable	Bad Conduct	Undesirable
1. Home and care allowance	42 USC 4101			
2. Civil Service annuities	5 USC 8331			
3. Civil Service retirement	5 USC 8332			
4. Retirement benefits	42 USC 4102			
5. National labor benefits	42 USC 4103			
6. Retirement and gratuity	42 USC 4104			
7. Employment as Civilian Commission	42 USC 4105			
8. D.C. police, firemen and teacher retirement credit	42 USC 4106			
9. Housing for distressed families of veterans	42 USC 4107			
10. Pension on discharge	42 USC 4108			
11. Form 9500-A	42 USC 4109			
12. Form 9500-B	42 USC 4110			
13. Unemployment benefits	42 USC 4111			
14. Social Security wage credits	42 USC 4112			
15. Employment preference	42 USC 4113			



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# DISHONORABLE DISCHARGE

FROM THE ARMED FORCES OF THE  
UNITED STATES OF AMERICA

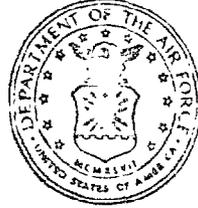
THIS IS TO CERTIFY THAT

VOID

\_\_\_\_\_  
WAS DISCHARGED FROM THE  
UNITED STATES AIR FORCE  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_

BY REASON OF SENTENCE OF A  
GENERAL COURT MARTIAL

\_\_\_\_\_  
\_\_\_\_\_



# BAD CONDUCT DISCHARGE

FROM THE ARMED FORCES OF THE  
UNITED STATES OF AMERICA

THIS IS TO CERTIFY THAT

VOID

WAS DISCHARGED FROM THE  
UNITED STATES AIR FORCE

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_

BY REASON OF SENTENCE OF A

\_\_\_\_\_ COURT MARTIAL



# UNDESIRABLE DISCHARGE

FROM THE ARMED FORCES OF THE  
UNITED STATES OF AMERICA

THIS IS TO CERTIFY THAT

VOID

---

WAS DISCHARGED FROM THE

UNITED STATES AIR FORCE

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_

AS UNDESIRABLE

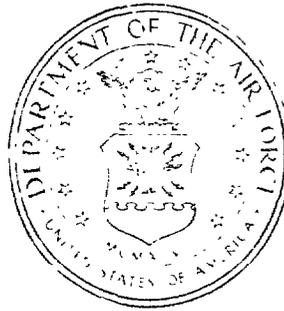
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General Discharge



Under Honorable Conditions  
from the Armed Forces of the United States of America

*This is to certify that*

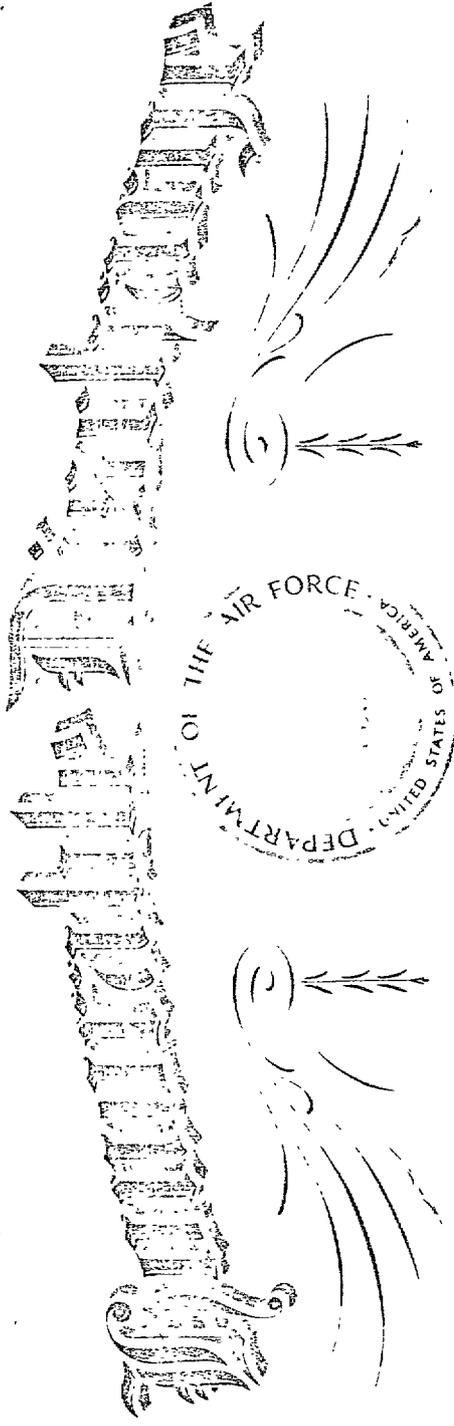
VOID

*was Discharged from the*  
**United States Air Force**

*on the \_\_\_\_\_ day of \_\_\_\_\_ under honorable conditions*

DD FORM 257AF 1 NOV 51 PREVIOUS EDITIONS OF THIS FORM MAY BE USED

THIS IS AN IMPORTANT RECORD—SAFEGUARD IT!



from the Armed Forces of the United States of America

*This is to certify that*

*is a member of the*

VOID

*was honorably discharged from the*

*United States Army*

*on the \_\_\_\_\_ day of \_\_\_\_\_ This certificate is awarded*

*as a testimonial of Honor and Faithful Service*

File Copy

THE SECRETARY OF DEFENSE  
WASHINGTON D C 20301

AUG 13 1971

MEMORANDUM FOR The Secretaries of the Military Departments  
The Chairman, Joint Chiefs of StaffSUBJECT: Review of Discharges Under Other Than Honorable  
Conditions Issued to Drug Users

Consistent with Department of Defense Directive 1300.11, October 29, 1970, and my memorandum of July 7, 1971, concerning rehabilitation and treatment of drug users, administrative discharges under other than honorable conditions issued solely on the basis of personal use of drugs or possession of drugs for the purpose of such use will be reviewed for recharacterization.

Accordingly, each Secretary of a Military Department, acting through his Discharge Review Board, will consider applications for such review from former service members. Each Secretary is authorized to issue a discharge under honorable conditions upon establishment of facts consistent with this policy. Former service members will be notified of the results of the review. The Veterans' Administration will also be notified of the names of former service members whose discharges are recharacterized.

The statute of limitations for review of discharges within the scope of this policy will be in accordance with 10 United States Code 1053.

This policy shall apply to those service members whose cases are finalized or in process on or before July 7, 1971.



THE SECRETARY OF DEFENSE  
WASHINGTON D C. 20301

APR 28 1972

MEMORANDUM FOR Secretaries of the Military Departments  
Chairman, Joint Chiefs of Staff

SUBJECT: Review of Punitive Discharges Issued to Drug Users

Reference is made to Secretary Packard's memorandum of July 7, 1971, concerning rehabilitation and treatment of drug users, and my memorandum of August 13, 1971, subject: "Review of Discharges Under Other Than Honorable Conditions Issued to Drug Users."

My August 13, 1971 memorandum established the current Departmental policy that administrative discharges under other than honorable conditions issued solely on the basis of personal use of drugs or possession of drugs for the purpose of such use will be reviewed for recharacterization to under honorable conditions.

It is my desire that this policy be expanded to include punitive discharges and dismissals resulting from approved sentences of courts-martial issued solely for conviction of personal use of drugs or possession of drugs for the purpose of such use.

Review and recharacterization are to be effected, upon the application of former service members, utilizing the procedures and authority set forth in Title 10, United States Code, Sections 874(b), 1552 and 1553.

This policy is applicable only to discharges which have been executed on or before July 7, 1971, or issued as a result of a case in process on or before July 7, 1971.

Former service members requesting a review will be notified of the results of the review. The Veterans' Administration will also be notified of the names of former service members whose discharges are recharacterized.



MILITARY DEPARTMENT REVIEW BOARDS

CONTACTED

Department of the Air Force:  
Discharge Review Board  
Board for Correction of Military Records

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Department of the Army:  
Discharge Review Board  
Board for Correction of Military Records

Department of the Navy:  
Discharge Review Board (note a)  
Board for Correction of Naval Records

<sup>a</sup>When Marine Corps cases are being reviewed, three of the five members are Marine Corps officers.

AGENCIES CONTACTED

WASHINGTON METROPOLITAN AREA

Federal

VA Headquarters  
Veterans Administration Assistance Center  
Veterans Administration Hospital  
Department of Labor, District of Columbia Manpower Administration, Office of Employment  
Special Action Office for Drug Abuse Prevention, Executive Office of the President

City

District of Columbia Government, Department of Human Resources, Office of Veterans Affairs  
Narcotics Treatment Administration  
    Drug Addiction Detox Service Center  
    Detox Abstinence Clinic  
    Newton Street Clinic  
    Model Cities Clinic  
    D.C. General Hospital Community Addiction Treatment Center  
    Emerge House  
    Clifton Terrace Treatment Center  
    Ceased Clinic  
    Far East Addiction Treatment Service  
    Narc Center

County

Prince Georges County Office of Veterans Affairs  
Prince Georges General Hospital Drug Clinic, Prince Georges County, Maryland  
Youth-Family Drug Consultation Program, Montgomery County, Maryland  
Drug Abuse Control Center, Fairfax County, Virginia  
Drug Abuse Program, Alexandria and Arlington County, Virginia

Private clinics

Second Genesis Incorporated, Prince Georges and Montgomery  
Counties, Maryland, and Alexandria, Virginia  
Regional Addiction Prevention, Incorporated, District of  
Columbia and Montgomery County, Maryland

Service organizations

American Legion  
Veterans of Foreign Wars  
American Red Cross

NEW YORK METROPOLITAN AREA

Federal

Veterans Benefit Center, New York Area  
New York Veterans Administration Hospital  
Brooklyn Veterans Administration Hospital  
Northport Veterans Administration Hospital

State

New York State Employment Service, New York Metropolitan Area  
New York State Narcotic Addiction Control Commission  
New York State Veteran Affairs - Counseling Service

County

Nassau County Veterans Service Agency

City

New York City Addiction Services Agency  
New York City Division of Veterans Affairs

Private agencies

Project Return  
Encounter  
Lower Eastside Service Center  
Greenwich House  
Exodus House  
Odyssey House

62  
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Private agencies (continued)

Covenant House  
Reality House  
Community Narcotic Action Center  
Daytop Village, Inc.  
S.E.R.A.

LOS ANGELES METROPOLITAN AREA

Federal

VA:

Veterans Assistance Office  
Drug Treatment Programs:  
    Sepulveda Veterans Administration Hospital  
    Brentwood Veterans Administration Hospital  
Bureau of Prisons:  
    Federal Correction Institute, Terminal Island

State

Department of Veterans Affairs  
Department of Human Resources  
    Development (except Watts Office)  
    Watts Office  
Department of Mental Hygiene:  
    Metropolitan State Hospital  
Department of Corrections:  
    California Rehabilitation Center  
Department of Rehabilitation

County (Los Angeles unless otherwise indicated)

Department of Military & Veterans Affairs  
Veterans Outreach Program:  
    (East Los Angeles Office)  
Veterans County Service Officer  
    (Orange County)  
Health Department  
    County Drug Clinic, Venice  
Los Angeles County Drug Abuse  
    Coalition  
Pasadena Community Relations  
    Drug Project

County (continued)

Pasadena Drug Abuse Coalition  
 Compton Drug Coalition  
 NAAP, Inc.  
 Verdugo Hills Coalition  
 Venice Drug Coalition  
 Hollywood-West Hollywood Drug  
 Coalition  
 Los Angeles Methadone Council  
 Long Beach Coalition  
 Cerritos Drug Abuse Coalition  
 Echo Park-Silverlake Coalition  
 Chicano Caucas  
 San Gabriel Valley Drug Service Forum  
 Centinella Valley Drug Abuse Coalition  
 South Bay Drug Abuse Coalition  
 Asian American Drug Coalition

Private clinics

Bridgeback, Inc.  
 Los Angeles Free Clinic  
 Central City Bricks  
 Hollywood Sunset Free Clinic  
 North Hollywood Free Clinic  
 South Bay Free Clinic  
 San Vincenti Free Clinic  
 Synanon  
 Compton Social Service Clinic  
 Foothill Free Clinic  
 Tuum Est  
 El Proyecto Del Barrio  
 Impact  
 Cry Help

Service organizations

American Legion  
 Veterans of Foreign Wars  
 Veterans Counseling & Guidance Service (OEO funded)  
 Vietnam Veterans Against the War  
 UCLA Drug Treatment Program  
 Community Legal Assistance Center (OEO funded)

APPENDIX VII

County hospitals

Martin Luther King, Jr. General Hospital  
Rancho Los Amigos Hospital

Mental health regional services

Narcotics Prevention Project  
Community Health Services  
County Methadone Program  
El Monte Detox County Clinic  
Los Angeles County Detox  
Los Angeles County Mental Health Clinic

NOT AVAILABLE

<b>APPLICATION FOR REVIEW OF DISCHARGE OR SEPARATION FROM THE ARMED FORCES OF THE UNITED STATES</b>		Form Approved Budget Bureau No. 22-R014.1
<i>(See instructions on reverse before completing application. Please type or print.)</i>		
BRANCH OF SERVICE <input type="checkbox"/> ARMY <input type="checkbox"/> NAVY <input type="checkbox"/> MARINE CORPS <input type="checkbox"/> COAST GUARD <input type="checkbox"/> AIR FORCE		
1. LAST NAME - FIRST NAME - MIDDLE INITIAL		2. SERVICE NUMBER
3. RATE OR GRADE AT SEPARATION	4. ORGANIZATION AT TIME OF SEPARATION	
5. NATURE OF SEPARATION OR TYPE OF DISCHARGE RECEIVED		6. DATE AND PLACE OF SEPARATION
NOTE: Navy and Marine Corps attach discharge certificate.		
7. I REQUEST THE FOLLOWING CORRECTIVE ACTION BE TAKEN:		
8. EVIDENCE SUBMITTED IN SUPPORT OF APPLICATION IS LISTED BELOW AND FORWARDED. <i>(Affidavits of witnesses may be used if desired, or they may appear in person. Affidavits must be notarized. You may also submit a brief containing arguments in support of application. If space is insufficient, use additional sheet.)</i>		
9. I DESIRE TO APPEAR BEFORE THE BOARD IN PERSON <i>(No expense to the Government)</i>	10. I DESIRE TO BE REPRESENTED BY COUNSEL <i>(For instructions re Counsel, see reverse side.)</i>	
<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
11. NAME AND ADDRESS OF COUNSEL <i>(If any)</i>		
I MAKE THE FOREGOING STATEMENTS AS A PART OF MY APPLICATION WITH FULL KNOWLEDGE OF THE PENALTIES INVOLVED FOR WILLFULLY MAKING A FALSE STATEMENT. <i>(U. S. Code, Title 18, Section 1001, formerly Section 80, provides a penalty as follows: A maximum fine of \$10,000 or maximum imprisonment of 5 years, or both.)</i>		
STREET OR RFD	CITY AND STATE	
DATE	SIGNATURE OF APPLICANT	
NOTE: If veteran is deceased or incompetent and the application is therefore signed by a person other than whose name appears in Item 1 above, indicate status in box below. If veteran is deceased, application will be signed by his spouse, next of kin or legal guardian. Legal proof of death or incompetency must accompany application.		
<input type="checkbox"/> NEXT OF KIN <input type="checkbox"/> LEGAL REPRESENTATIVE <input type="checkbox"/> SURVIVING SPOUSE		
<i>Signature by mark (X) must be witnessed by two persons to whom the applicant is personally well known.</i>		
SIGNATURE AND ADDRESS OF PERSON WITNESSING MARK	SIGNATURE AND ADDRESS OF PERSON WITNESSING MARK	

DD FORM 293  
1 DEC 67

PREVIOUS EDITIONS ARE OBSOLETE

APPENDIX VIII

INSTRUCTIONS

Do not use this form if discharged by reason of sentence of GENERAL COURT MARTIAL - Use DD Form 149.

Attach original discharge certificate (*Navv and Marine Corps only*)

All evidence not already included in your military or naval record must be submitted by you before the date set for hearing. Since all evidence submitted will be retained on file with your application, it is suggested that extra copies be prepared for your information if you so desire. The Review Boards do not secure evidence for you.

Review Boards of the Army, Navy, Marine Corps, Coast Guard and Air Force convene in Washington, D. C. You may appear before the Board in person. However, this is not mandatory. (*Your appearance and the appearance of witnesses in your behalf will be at no expense to the Government.*) If you state on your application that you will appear before the Board in person and fail to do so without previous satisfactory arrangement with the Board, such failure will be considered as a waiver of appearance and your case will be reviewed on the evidence contained in your military or naval record.

If you wish to be represented by Counsel, you may:

1. Furnish Counsel at your own expense.
2. Choose a Counsel from the following list of organizations, any one of which will furnish representation at no charge to you.

Either of the above methods will be at no expense to the Government. Government Counsel will not be furnished.

American Red Cross

American Legion (*Wartime service only*)

American Veterans of WW II

Catholic War Veterans, Inc.

Disabled American Veterans

Jewish War Veterans of the U. S. A.

Veterans of Foreign Wars

UPON COMPLETION, MAIL THIS APPLICATION AS FOLLOWS:

ARMY	NAVY AND MARINE CORPS	COAST GUARD	AIR FORCE
CO, U. S. Army Records Center, TAGO 9700 Page Blvd., St. Louis 32, Missouri	Navy Discharge Review Board Washington 25, D. C.	Commandant, (CBD) U. S. Coast Guard Headquarters Washington 25, D. C.	Air Force Section Military Personnel Records Center General Services Administration 9700 Page Blvd. St. Louis 32, Missouri

If you make a change in residence, notify the appropriate headquarters immediately.

REMARKS

<b>APPLICATION FOR CORRECTION OF MILITARY OR NAVAL RECORD UNDER THE PROVISIONS OF TITLE 10, U.S. CODE, SEC. 1552</b> <i>(See instructions on reverse side BEFORE completing application.)</i>			Form Approved Budget Bureau No. 22 R'69
BRANCH OF SERVICE <input type="checkbox"/> ARMY <input type="checkbox"/> NAVY <input type="checkbox"/> AIR FORCE <input type="checkbox"/> MARINE CORPS <input type="checkbox"/> COAST GUARD			
1. NAME (Last-first-middle initial) (Please print)	2. PRESENT RATE, GRADE	3. SERVICE NUMBER	4. SOCIAL SECURITY ACCOUNT NUMBER
5. TYPE OF DISCHARGE (If by court-martial, state type of court.)	6. PRESENT STATUS, IF ANY, WITH RESPECT TO THE ARMED SERVICES (Active duty, retired, reserve, etc.)		7. DATE OF DISCHARGE OR RELEASE FROM ACTIVE DUTY
8. ORGANIZATION AT TIME OF ALLEGED ERROR IN RECORD		9. I DESIRE TO APPEAR BEFORE THE BOARD IN WASHINGTON, D.C. (No expense to the Government.) <input type="checkbox"/> YES <input type="checkbox"/> NO	
10. NAME AND ADDRESS OF COUNSEL (If any)			
12. I BELIEVE THE RECORD TO BE IN ERROR OR UNJUST IN THE FOLLOWING PARTICULARS:			
13. IN SUPPORT OF THIS APPLICATION I SUBMIT AS EVIDENCE THE FOLLOWING: (If Veterans Administration records are pertinent to your case, give Regional Office location and Claim Number.)			
14. a. THE DATE OF THE DISCOVERY OF THE ALLEGED ERROR OR INJUSTICE WAS _____, b. IF MORE THAN THREE YEARS SINCE THE ALLEGED ERROR OR INJUSTICE WAS DISCOVERED, STATE WHY THE BOARD SHOULD FIND IT IN THE INTEREST OF JUSTICE TO CONSIDER THIS APPLICATION.			
15. APPLICANT MUST SIGN IN THE SPACE PROVIDED. IF THE RECORD IN QUESTION IS THAT OF A PERSON WHO IS DECEASED OR INCOMPETENT, LEGAL PROOF OF DEATH OR INCOMPETENCY MUST ACCOMPANY APPLICATION. IF APPLICATION IS SIGNED BY SPOUSE, WIDOW OR WIDOWER, NEXT OF KIN OR LEGAL REPRESENTATIVE, INDICATE RELATIONSHIP OR STATUS IN APPROPRIATE BOX. <input type="checkbox"/> SPOUSE <input type="checkbox"/> WIDOW <input type="checkbox"/> WIDOWER <input type="checkbox"/> NEXT OF KIN <input type="checkbox"/> LEGAL REPRESENTATIVE <input type="checkbox"/> OTHER (Specify) _____			
16. I MAKE THE FOREGOING STATEMENTS, AS PART OF MY CLAIM, WITH FULL KNOWLEDGE OF THE PENALTIES INVOLVED FOR WILFULLY MAKING A FALSE STATEMENT OR CLAIM. (U.S. Code, Title 18, Sec. 287, 1001, provides a penalty of not more than \$10,000 fine or not more than 5 years imprisonment or both.)			
17. COMPLETE ADDRESS, INCLUDING ZIP CODE (Applicant should forward notification of all changes of address.)			DOCUMENT NUMBER (DO NOT WRITE IN THIS SPACE)
18. DATE	19. SIGNATURE (Applicant must sign here.)		

APPENDIX IX

INSTRUCTIONS

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. For detailed information see:<br/>             Air Force Regulation 31-3<br/>             Army Regulations 15-185<br/>             Coast Guard, Code of Federal Regulations<br/>             Title 33, Part 52<br/>             Navy, NAVEXOS P-473, as revised</li> <li>2. Submit original only of this form.</li> <li>3. Complete all items. If the question is not applicable, mark--"None".</li> <li>4. If space is insufficient, use "Remarks" or attach additional sheet if necessary.</li> <li>5. Various veterans and service organizations furnish counsel without charge. These organizations prefer that arrangements for representation be made through local posts or chapters.</li> <li>6. List all attachments or inclosures.</li> <li>7. ITEMS 9 and 10. Personal appearance of you and your witnesses or representation by counsel is not re-</li> </ol> | <p>quired to insure full and impartial consideration of applications. Appearances and representations are permitted at no expense to the Government when a hearing is authorized.</p> <ol style="list-style-type: none"> <li>8. ITEM 11. State the specific correction of record desired.</li> <li>9. ITEM 12. In order to justify correction of a military or naval record, it is necessary for you to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the alleged entry or omission in the record was in error or unjust. Evidence may include affidavits or signed testimony of witnesses, executed under oath, and a brief of arguments supporting application. If evidence not already included in your record must be submitted by you. The responsibility for securing new evidence rests with you.</li> <li>10. ITEM 14. 10 U. S. C. 1552b provides that no correction may be made unless request is made within three years after the discovery of the error or injustice, but that the Board may excuse failure to file within three years after discovery if it finds it to be in the interest of justice.</li> </ol> |
|---|--|

MAIL COMPLETED APPLICATIONS TO APPROPRIATE ADDRESS BELOW

ARMY	NAVY AND MARINE CORPS	COAST GUARD	AIR FORCE
Army Board for Correction of Military Records Department of the Army Washington, D.C. 20310	Board for Correction of Naval Records Department of the Navy Washington, D.C. 20370	U.S. Coast Guard ATTN: Senior Member Board for Correction of Coast Guard Records Washington, D.C. 20591	USAFMPC (AFPMDRAIB) RANDOLPH AFB TEX 78148

REMARKS

STANDARD FORM NO. 105 (REV. 1-5-61)

1. NAME (LAST, FIRST, MIDDLE) [REDACTED]		2. SERVICE NUMBER [REDACTED]		3. SOCIAL SECURITY NUMBER [REDACTED]		
4. GRADE OR CLASS EN		5. PAY GRADE E-3		6. DATE OF PAY 11 FEB 69		7. DATE OF BIRTH [REDACTED]
8. PLACE OF BIRTH (City, State, and Zip Code) LOS ANGELES, CALIFORNIA				9. DATE OF BIRTH [REDACTED]		
10. SELECTIVE SERVICE LOCAL BOARD NUMBER, CITY, COUNTY, STATE AND ZIP CODE #57 PONTIAC, MICHIGAN				11. DATE INDUCTION NA		
12. STATION OR INSTALLATION AT WHICH EFFECTED U.S. NAVAL SERVICE TREASURY ISLAND, SAN FRANCISCO, CALIFORNIA				13. EFFECTIVE DATE 26 SEP 60		
14. CHARACTER OF SERVICE UNDER OTHER THAN HONORABLE CONDITIONS LD25EN				15. REENLISTMENT CODE RF-4		
16. SOURCE OF ENTRY <input checked="" type="checkbox"/> ENLISTED (Part Enrollment) <input type="checkbox"/> ENLISTED (Full Service) <input type="checkbox"/> REENLISTED <input type="checkbox"/> OTHER		17. TERM OF SERVICE (Years) 06		18. DATE OF ENTRY 10 JUN 63		
19. PLACE OF ENTRY INTO CURRENT ACTIVE SERVICE (City and State) CAYLAND, MICHIGAN		20. STATEMENT OF SERVICE				
21. STOCK CLERKS 223		22. STATEMENT OF SERVICE		YEARS	MONTHS	DAYS
23. MEDALS, CAMPAIGN RIBBONS AWARDED OR AUTHORIZED NATIONAL MERITNESS SERVICE MEDAL VIETNAM SERVICE MEDAL X		24. CREDITABLE FOR CAS/PAY/PURPOSES		00	07	04
25. EDUCATION AND TRAINING COMPLETED CURR REGREPT II E-3 MIL CUPR DDC SN NP X X X		26. VA CLAIM NUMBER C NONE		27. INSURANCE IN FORCE (HSLI or GSGLI) <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO		28. AMOUNT OF ALLOTMENT NA
29. VA CLAIM NUMBER C NONE		30. SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE <input checked="" type="checkbox"/> \$10,000 <input type="checkbox"/> \$5,000 <input type="checkbox"/> NONE		31. MONTHS / DISCOUNT NA		
32. REMARKS HIGH SCHOOL X X X X X						
33. SIGNATURE OF MEMBER OR TRANSFEROR S. J. MOORE, LSGO, SEPARATION COUNCIL				34. SIGNATURE OF MEMBER OR TRANSFEREE [Signature]		

DD FORM 214 (REV. 1-27-60)

ARMED SERVICES RECORDS SERVICE

APPENDIX XI



ASSISTANT SECRETARY OF DEFENSE  
WASHINGTON D C 20301

1 AUG 1972

MANPOWER AND  
RESERVE AFFAIRS

## MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: Review of Practices and Procedures Relating to Information on Separation Documents and Department of Defense Policy on Invasion of Privacy

Your memorandum to me of 1 March 1972 expressed concern that the practices and procedures used to record certain personnel information on discharge forms may be inconsistent with our policy directive which protects against invasion of privacy of the individual.

The discharge practices and procedures as well as the policy protecting against invasion of privacy have been reviewed. My detailed findings are attached.

When a member is separated from the Military Service, he is furnished, in addition to his Discharge Certificate, a form entitled "Armed Forces of the United States Report of Transfer or Discharge (DD Form 214)" which reflects numerous items of personnel information including the type of discharge, reason and authority. A copy of the DD Form 214 is retained by the Military Services and used principally as a summary of personnel information concerning a member's active service. Another copy of the DD Form 214 is furnished to the Veterans Administration and to the Selective Service System for their official use.

Through the years, non-Governmental employers have learned that this document contains certain information, such as the type of discharge and reason for discharge, training received, and job specialty, which may be of interest to them. Although the reason for discharge is codified by the use of the Separation Program Numbers (SPNs) rather than narrative descriptions, recent criticism has alleged that those Service members who receive honorable or general discharges for unfavorable reasons (particularly SPNs for drug abuse or alcoholism) are unnecessarily stigmatized or embarrassed by the appearance of this adverse information on the DD Form 214. However, it should be noted that over 90 percent of the one million members discharged annually receive honorable discharges for reasons other than unfavorable. These members also use the DD Form 214 in seeking employment and in seeking various Veterans Administration and State veterans' benefits. The DD Form 214 allows them to establish their eligibility for veterans' benefits quickly and accurately.

I believe that our present procedures involving the Discharge Certificate and DD Form 214 are necessary for legitimate administrative purposes, and are basically valid. I have also concluded that the practices and procedures are, in general, consistent with the policy against invasion of privacy.

However, I have identified two deficiencies which contribute to possible embarrassment or stigmatization of some former Service members. These defects will be corrected.

The first concerns access to the Service publications which list the Separation Program Numbers (SPNs). These numbers identify the reasons for discharge in lieu of narrative descriptions. Department of Defense policy and Service regulations prohibit the disclosure of personal information, such as that found on discharge forms, to non-Governmental organizations and individuals unless such disclosure is specifically authorized in writing by former Service members. However, the Army and Air Force do not restrict access to their lists of SPNs. The Navy and Marine Corps restrict access to their lists by marking them "For Official Use Only" and "For Internal Use Only." The practice of unrestricted access to these lists has been criticized as permitting some embarrassment or stigmatization where non-Governmental organizations or employers have obtained the listings through normal publication sources.

The second area concerns Departmental instructions which permit the use of some narrative terms with certain SPNs when the reasons for discharge are based on established facts (for example, fraudulent enlistment, absence without leave, desertion, conviction by military or civil court). This procedure can be construed as being inconsistent with our intent to avoid stigmatization of former Service members. Such terms as unsuitability, inaptitude, unfitness, misconduct, homosexuality, drug abuse, alcoholism and other reasons involving mental or moral issues, which constitute the basis for discharge, are not used. I believe that the use of any narrative should be terminated.

As a result of this review, an ancillary matter has been raised. This deals with whether the reasons for discharge may be too restrictive and whether additional SPNs should be available to distinguish different reasons for discharge. This issue is particularly evident in cases involving drug abuse and alcoholism. Nevertheless, its scope could include any unfavorable reason for discharge such as homosexuality, absence without leave, desertion, unsuitability or unfitness.

APPENDIX XI

A further examination of the reasons for discharge should be made. For example, it may be appropriate to provide commanders more flexibility in dealing with drug or alcohol discharges, and to have more than one SPN for drug abuse or alcoholism.

I recommend:

1. That no changes be made to the present system of recording personal information on separation forms, except that:

a. master lists of SPNs be restricted from non-Governmental organizations and individuals;

b. the use of a narrative description to identify the reason for discharge be terminated.

2. That the Secretaries of the Military Departments, in conjunction with the Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs), examine further into the reasons for discharge to determine whether additional reasons and SPNs are necessary or desirable.

Concurrences have been received from Mr. J. Fred Buzhardt, The General Counsel and Brig. General George J. Hayes, Principal Deputy, Assistant Secretary of Defense (H&E).

If you approve these recommendations, I will dispatch the attached instructions to the Secretaries of the Military Departments.

*Roger T. Kelley*

Roger T. Kelley

Encl

Approval

*[Signature]*

Disapproval

1 August 1972

*J. Fred Buzhardt*

## DETAILED FINDINGS

Findings are based upon an examination and evaluation of DoD Instruction 1336.1, "Standardization of Forms - Report of Transfer or Discharge of Members of the Armed Forces of the United States (DD Form 214 series)," August 26, 1968; DoD Instruction 1344.11, "Preservation of Personal Privacy of Members of the Armed Forces," September 22, 1970; and Military Department comments to various questions posed to them by my office regarding the overall system of recording various information on separation documents.

When a person is separated from the Military Service, he is furnished a form entitled "Armed Forces of the United States Report of Transfer or Discharge (DD Form 214)." The DD Form 214 provides:

1. The recipient with a brief, clear-cut record of a term of active service with the Armed Forces when he is transferred, released or discharged from that term of active service, or when he undergoes a change of status or component while on active duty;

2. Various Governmental agencies (including the Veterans Administration, the Selective Service System and the United States Employment Service of the Department of Labor) with an authoritative source of information which they require in the administration of Federal and State laws applying to personnel who have been discharged from active duty, otherwise released, or transferred to a Reserve component of the Armed Forces; and

3. The Military Services with a source of active service information for administrative purposes, to include determination of eligibility for enlistment or reenlistment.

The DD Form 214 reflects the character of discharge (honorable, under honorable conditions, under conditions other than honorable, or dishonorable), the reason for discharge (SPN and in some cases a narrative description) and the authority for discharge (citation of Service discharge regulation). This form is in addition to the Discharge Certificate.

Upon separation, a copy of the DD Form 214 is also furnished to the Veterans Administration and to the appropriate State Director of the Selective Service System. The Military Service concerned retains a copy. Copies are not furnished to non-Governmental organizations or other individuals. In accordance with Department of Defense instructions, the Military Services will not, in the absence of written

authorization from the former member, furnish a copy of the form or information on the form to non-Governmental organizations or individuals. Prospective employers or others are required to obtain this information from the separated member. The Services will furnish the separated member with information he requests.

However, one aspect of the system does allow the possible "disclosure" of certain information reflected on the DD Form 214. The "separation program number" (SPN) is used instead of a narrative statement to show the reason for separation in order to afford the individual some protection from possible stigmatization which could result from words used to describe the reason for separation. Most SPNs reflect routine reasons for separation (for example, expiration of term of service, retirement, etc.). Some reflect adverse reasons. For example, one SPN (384) identifies as the reason for discharge "unfitness - drug abuse." Only an individual who is administratively separated from military service because of unfitness based on drug abuse will receive the SPN 384, regardless of the nature of the Discharge Certificate received. The SPN reflects only the reason for discharge, and not the character of service. The SPN does not appear on the Discharge Certificate, only on the DD Form 214. Consequently, an individual who, under the drug urinalysis screening and identification policy now in effect is administratively discharged for drug abuse with a General Discharge (under honorable conditions), will receive SPN 384 on his DD Form 214.

Examination of an individual's DD Form 214 by a prospective employer would normally reveal only an SPN as a reason for discharge. Explanation of the SPN would have to be provided by the individual if he so desires. However, because the listing of standard SPNs and their meanings is not restricted by the Army and Air Force, various larger firms have obtained them through normal Government publication outlets. Consequently, these prospective employers can identify the individual's reason for discharge.

To this extent, it is argued that the practice of unrestricted access permits a prospective employer to invade a member's privacy even though the individual does not desire to have the reason for his discharge known. On the other hand, it is claimed that a former Service member need not show his DD Form 214 to a prospective employer if he does not desire.

In order to preserve the integrity of the master lists of SPNs, it will be necessary to establish a new set of numbers and to restrict access to this new listing. From time to time in the future, it undoubtedly will be necessary to repeat this process.

Air Force has in the past and again recently recommended that SPNs be deleted altogether from the individual's copy of the DD Form 214. Air Force opines that SPNs reflecting adverse reasons for discharge are just as stigmatizing as an unfavorably characterized discharge. Moreover, Air Force argues, so long as the meaning of SPNs can be readily ascertained, individual privacy is susceptible to invasion. This latter point will, as previously indicated, be corrected.

Although SPNs could be deleted from the individual's copy of the DD Form 214, I concur with the other Services and Health and Environment that the inequity of such action to the great bulk of honorably discharged members, the probable increased workload resulting from additional inquiries from the Veterans Administration and others, the resulting slowdown of separation processing and the resulting untenable legal practice regarding certification of the DD 214, outweigh the value of any gratuitous benefits that would befall the small percentage of individuals with so-called stigmatizing SPNs. I cannot agree with the seeming undertone of the suggestion which implies that "we" are stigmatizing people. Those who are stigmatized by the circumstances of their discharges stigmatize themselves. We simply make the fact a matter of record; a record which we do not make available to the general public.

93<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1716

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## IN THE SENATE OF THE UNITED STATES

MAY 7, 1973

Mr. MCGOVERN (for himself, Mr. ARBOREZZI, Mr. CLARK, Mr. CRANSTON, Mr. HARTKE, Mr. HATHAWAY, Mr. HUMPHREY, Mr. INOUYE, and Mr. MOSS) introduced the following bill; which was read twice and referred to the Committee on Armed Services

---

## A BILL

To amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled.*

3 That (a) chapter 49 of title 10, United States Code, is  
4 amended by adding at the end thereof a new section as  
5 follows:

6 **“§ 975. Prohibition against certain information appearing**  
7 **on discharge certificates**

8 “The Secretary of Defense shall take such action as  
9 may be necessary and appropriate to insure that—

1           “(1) discharge certificates issued to members of  
2           the Armed Forces shall not bear any letter or number  
3           or other indicator of any kind whatsoever which dis-  
4           closes any reason why any such member was discharged  
5           or separated from service; and

6           “(2) no information indicating or relating to any  
7           reason why any former member of the Armed Forces  
8           was discharged or separated from service may be made  
9           available to any private person (other than the former  
10          member concerned) or entity by any office or employee  
11          of any military department or agency.”

12          (b) The table of sections at the beginning of chapter 49  
13          of title 10, United States Code, is amended by adding at the  
14          end thereof a new item as follows:

          “975. Prohibition against certain information appearing on discharge cer-  
          tificates.”

15          SEC. 2. (a) The amendments made by the first section  
16          of this Act shall be applicable to all discharges issued by the  
17          armed forces of the United States on and after the date of  
18          enactment of this Act.

19          (b) Any former member of the armed forces of the  
20          United States who, prior to the date of enactment of this Act,  
21          was issued a discharge certificate and such certificate con-  
22          tained any information (in code or otherwise) described in  
23          section 975 of title 10, United States Code, as added by the

1 first section of this Act, shall, upon application to the Secre-  
2 tary of the appropriate military department, be issued a new  
3 discharge certificate without such information appearing  
4 thereon.

BEST DOCUMENT AVAILABLE

93<sup>d</sup> CONGRESS  
1<sup>ST</sup> SESSION

H. R. 6923

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**IN THE HOUSE OF REPRESENTATIVES**

APRIL 12, 1973

Mr. KOCH (for himself and Mr. ASPIN) introduced the following bill; which was referred to the Committee on Armed Services

---

**A BILL**

To prohibit the military departments from placing on discharge certificates any codes or other indicators which disclose any reason why members of the Armed Forces are discharged or separated from service, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled.*

3       That the Secretary of Defense shall take such action as may  
4       be necessary and appropriate to insure that—

5               (1) discharge certificates issued to members of  
6       the Armed Forces shall not bear any letter or number  
7       code or other indicator of any kind whatsoever which  
8       discloses any reason why any such member was dis-  
9       charged or separated from service; and

BEST DOCUMENT AVAILABLE

2

1           (2) no information indicating or relating to any  
2 reason why any former member of the Armed Forces  
3 was discharged or separated from service may be made  
4 available to any private person (other than the former  
5 member concerned) or entity by any officer or employee  
6 of any military department or agency.

93d CONGRESS  
1st Session

**H. R. 6923**

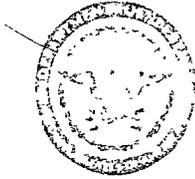
**A BILL**

To prohibit the military departments from plac-  
ing on discharge certificates any codes or  
other indicators which disclose any reason  
why members of the Armed Forces are dis-  
charged or separated from service, and for  
other purposes.

By Mr. Koen and Mr. Aspin

April 12, 1973

Referred to the Committee on Armed Services



ASSISTANT SECRETARY OF DEFENSE  
WASHINGTON, D. C. 20301

MANPOWER AND  
RESERVE AFFAIRS

21 SEP 1973

BEST COPY AVAILABLE

Mr. James T. Hall  
Associate Director  
Federal Personnel and Compensation Division  
U. S. General Accounting Office  
Washington, D. C. 20548

Dear Mr. Hall:

Thank you for the opportunity to review your draft of the report, FPC 37, "Opportunities to Improve Outreach and Effectiveness of Review of Other Than Honorable Discharges Given Service Members Because of Drug Involvement." (OSD Case #3673) The approach to our review was to consider your draft recommendations and to provide detailed comments that refine the analyses contained in the report.

Comments on the recommendations and suggestions are in Tab A. The detailed recommendations for the draft report are provided in Tab B. The rationale in Tab A is elaborated in Tab B. [See GAO note 1.]

In consideration of our detailed comments, it should be understood that the Department of Defense memoranda on recharacterization of drug abuse discharges added to the established charters of the Board for Correction of Military Records and the Discharge Review Boards to correct errors or injustices and to review discharges. The new policy states that discharges issued prior to July 7, 1971, under other than honorable conditions, solely for the personal use or possession of drugs for such use would, upon application, receive review of their discharge for possible recharacterization. With such a clearly defined parameter, additional guidance is not deemed advisable. More aggravated cases not within this policy, but wherein injustices may have occurred, will continue to be considered as before.

[18] [See GAO note 2.]

Reference is also made to the comments on page 30 of the draft report, "The consensus of the administrators was that the DoD program is too narrow... (and)... that the DoD's policy of discharge recharacterization

GAO notes:

1. Tab B has not been included in this report because of its length.
2. This page number has been changed to correspond to the page number of this report.

100-1017

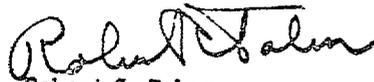
should be expanded. . . " The Department of Defense position does not support such views. There is no justifiable basis to purge a veteran's record of all incidents and actions related to his conduct during service tenure in which drugs were involved. The standards of military behavior, performance and discipline must be maintained. An individual's demonstrated conduct resulting from his use or abuse of drugs must be evaluated and necessary disciplinary or administrative action taken as required. Recharacterization of discharges for other than injustice or sole personal use is not considered appropriate.

A further relaxation of policies relative to drug offenses could encourage drug abuse as a separation route from military service which entails little or no adverse legal consequence or administrative record. Department of Defense policy continues to be to encourage the drug abuser to seek treatment voluntarily and thus avoid the possibility of a punitive or undesirable discharge for more aggravated incidents. Additionally, your attention is invited to the provisions of the Exemplary Rehabilitation Certificate.

Your report has provided an opportunity to improve the outreach and effectiveness of the review of other than honorable discharges given ex-service members because of drug abuse.

Again, let me express an appreciation for the opportunity to review the draft report. If additional assistance is needed, please contact us.

Sincerely,



Robert C. Taber  
Lieutenant General, U. S. Army  
Principal Deputy

Enclosures

C O P Y

Department of Defense Position on Recommendations and Suggestions

The Department of Defense agrees with the following recommendations:

1. To provide greater circularization (of the policies relating to re-characterization of undesirable and punitive discharges issued prior to July 7, 1971, for the sole personal use of drugs) to drug treatment centers and State employment agencies.

Greater circularization will be provided to drug treatment centers and clinics. However, we recommend the use of the National Inventory of Drug Treatment Programs, recently published, rather than the National Directory of Drug Abuse Treatment Programs, 1972.

2. To request that the Secretary of the Army advise applicants of the Discharge Review Board who are turned down of their right to resubmit to the Board for Correction of Military Records.

The Secretary of the Army will be requested to provide guidance wherein individuals will be advised of their right to resubmit to the Board for Correction of Military Records, if their applications are initially denied by the Discharge Review Board.

3. To direct the Secretaries of the Military Departments to provide sufficient staff to meet agreed upon goals for processing time of the Boards.

Secretaries of the Military Departments will be requested to provide sufficient staff to meet established processing goals for all types of cases. At the same time they will be asked to establish a policy of expediting the processing of applications requesting recharacterization where the drug abuse medical (a) treatment and/or (b) rehabilitation needs of the individual applicant indicate priority review. Such review should be in consonance with the previously published policies.

4. To establish consistent criteria for each of the services.

While implementation of the drug abuse discharge recharacterization policy has been consistent among the Military Services, reporting criteria are different. Consistent reporting criteria will be established.

5. To seek the opportunity to brief Congressional committees on Separation Program Number (SPN) policies.

Members of my staff are available to provide information to Congressional Committees on Separation Program Number (SPN) policies.

The Department of Defense does not agree with several of the recommendations or suggestions as follows:

• APPENDIX XIII

1. To direct the Secretary of the Navy to reconsider the additional review and endorsement of the Discharge Review Board.

Rationale: Authority for this review provided for in 10 USC 1553(b) is discretionary. Additionally, the Department of the Navy is organized differently than is either the Army or the Air Force. Therefore, their requirements are different.

2. To develop and promulgate detailed guidelines in applications.

Rationale: The two application forms, DD Form 149 and DD Form 293, are designed to be simple and have self-contained instructions. Applications under the drug abuse recharacterization policy need only show that the discharge fell under the purview of the policy.

3. To promulgate a common position whether letters of character reference and favorable employment are desirable.

Rationale: Character references are of value only if they deal with the respective term of military service. A firm position on the desirability of references may thwart deserving applicants from including them. The individual has the right to include anything that he thinks will assist his case.

4. To promulgate a common position regarding personal appearances of applicants.

Rationale: It would appear inappropriate to issue any guidelines that might be construed as counseling against personal appearances.

5. To provide a brief of the record to the individual.

Rationale: These are not adversary proceedings and copies of the service member's personnel record are available to the member either from the respective Service or from the National Personnel Records Center (GSA). All veterans should be knowledgeable of the circumstances of their discharge.

6. To establish "Traveling Boards" in major metropolitan centers.

Rationale: Expense is a deterrent. Additionally, the infrequent visits may cause greater delay than is possible through the centralized methods. Professional assistance for applicants through voluntary organizations is available in the Washington, D. C. area. Each Service should be allowed to provide for the Boards meeting the processing goals to be established. A good example of this is the Army's nonappearance panel of its Discharge Review Board at the National Personnel Records Center.

7. To notify assisting service organizations regarding disposition.

Rationale: Release of such information without the applicant's request violates the Freedom of Information Act. Notifying such organizations is the responsibility of the individual. Notification would be proper only if the applicant has waived his rights of privacy with respect to the veterans organization involved.

8. To notify assisting service organizations regarding reasons for determinations.

Rationale: The subjective judgment of the Board is to decide whether or not the case falls under the purview of DoD policy. No specific reason may exist. Also, the Freedom of Information Act restricts the release of such information unless the individual so requests.



VETERANS ADMINISTRATION  
OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS  
WASHINGTON, D.C. 20420

AUGUST 28 1973

Mr. Frank M. Mikus  
Assistant Director  
Manpower and Welfare Division  
U. S. General Accounting Office  
Room 137, Lafayette Building  
811 Vermont Avenue, N. W.  
Washington, D. C. 20420

Dear Mr. Mikus:

We have reviewed your draft report entitled, "Opportunities to Improve Outreach and Effectiveness of Review of Other Than Honorable Discharges Given Service Members Because of Drug Involvement", and are in agreement with the findings, recommendations, and suggestions presented.

Considering the responsibilities of this Agency in behalf of veterans, we support the intent of this report as well as the request which caused the review to be made. Further, with reference to recommendation number 4 on page 59, we would support discontinuance of the practice of entering Separation Program Number (SPN) codes which indicate the reason for discharge on the individual's copy of the Report of Discharge or Transfer.

[35]  
[See GAO  
note.]

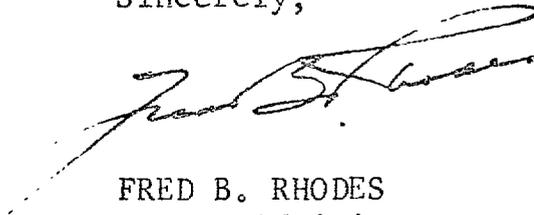
We are pleased to note that activities of the Veterans Administration are reported favorably. We are sure an even better job can be done with more adequate guidelines, criteria, and feedback, as brought out in this report.

GAO note: This page number has been changed to correspond to the page number of this report.

Mr. Frank M. Mikus  
Assistant Director  
Manpower and Welfare Division  
US GAO

Thank you for the opportunity to review this draft.  
If you have any questions concerning our comments, my staff  
will be available.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred B. Rhodes", written in a cursive style.

FRED B. RHODES  
Deputy Administrator

APPENDIX XV

PRINCIPAL OFFICIALS OF DOD AND  
MILITARY DEPARTMENTS RESPONSIBLE FOR ACTIVITIES  
DISCUSSED IN THIS REPORT

	<u>Tenure of office</u>	
	<u>From</u>	<u>To</u>
<u>DEPARTMENT OF DEFENSE</u>		
SECRETARY OF DEFENSE:		
Dr. James R. Schlesinger	July 1973	Present
Elliott L. Richardson	Jan. 1973	July 1973
Melvin R. Laird	Jan. 1969	Jan. 1973
DEUPTY SECRETARY OF DEFENSE:		
William P. Clements	Jan. 1973	Present
Kenneth Rush	Feb. 1972	Jan. 1973
Vacant	Jan. 1972	Feb. 1972
David Packard	Jan. 1969	Dec. 1971
ASSISTANT SECRETARY OF DEFENSE (MANPOWER AND RESERVE AFFAIRS):		
William K. Brehm	Sept. 1973	Present
Carl W. Clewlow (acting)	June 1973	Sept. 1973
Roger T. Kelly	Mar. 1969	May 1973
ASSISTANT SECRETARY OF DEFENSE (HEALTH AND ENVIRONMENT) (note a):		
Dr. Richard S. Wilbur	July 1971	Present
Dr. Louis H. Rousselot	Jan. 1968	July 1971
<u>DEPARTMENT OF THE ARMY</u>		
SECRETARY OF THE ARMY:		
Howard H. Callaway	May 1973	Present
Robert F. Froehlike	July 1971	May 1973

Tenure of office	
From	To

DEPARTMENT OF THE ARMY (continued)

## UNDERSECRETARY OF THE ARMY:

Vacant	July 1973	Present
Kenneth E. Belieu	Sept. 1971	June 1973
Thaddeus R. Beal	Mar. 1968	Sept. 1971

DEPARTMENT OF THE NAVY

## SECRETARY OF THE NAVY:

John W. Warner	May 1972	Present
John H. Chafee	Jan. 1969	May 1972

ASSISTANT SECRETARY OF THE NAVY  
(MANPOWER AND RESERVE AFFAIRS):

James E. Johnson	June 1971	Present
Robert H. Willey (acting)	Apr. 1971	June 1971
James D. Hittle	Mar. 1969	Mar. 1971
Vacant	Feb. 1969	Mar. 1969
Randolph S. Driver	Apr. 1968	Jan. 1969

## COMMANDANT OF THE MARINE CORPS:

Gen. Robert E. Cushman, Jr.	Jan. 1972	Present
Gen. Leonard F. Chapman, Jr.	Jan. 1968	Dec. 1971

DEPARTMENT OF THE AIR FORCE

## SECRETARY OF THE AIR FORCE:

John L. McLucas	July 1973	Present
Robert C. Seaman, Jr.	Feb. 1969	July 1973
Dr Harold Brown	Oct. 1965	Feb. 1969

ASSISTANT SECRETARY OF THE AIR FORCE  
(MANPOWER AND RESERVE AFFAIRS):

James P. Goode (acting)	June 1973	Present
Richard J. Borda	Oct. 1970	June 1973

<sup>a</sup>This position was formerly entitled "Deputy Assistant Secretary of Defense (Health and Medical)" under the Assistant Secretary of Defense (Manpower and Reserve Affairs). The change was effective in June 1970. Dr. Rousselot occupied the position under both titles.