

VETERANS CLAIMS EDUCATION · FREE GUIDE



Discharge Upgrades & VA Eligibility Guide

Every discharge type and what it means for VA · The VA Character of Discharge review · Care you can get now · Which board to use · Liberal consideration for PTSD, TBI and MST · Evidence · Congressional help · 7 printable worksheets

Before you start: we are a free education resource. We are not VA, a VSO, an attorney or an accredited claims agent, and we don't assist with or file claims. Only VA decides. Examples are made up to show how the rules work. Describe your own experience truthfully; false statements to VA can have serious consequences.

The key idea: **work both paths at once**

A discharge that isn't fully honorable isn't necessarily permanent, and it doesn't automatically block VA benefits. Path 1: apply for VA benefits now and ask for a Character of Discharge review. Path 2: ask the military board to upgrade your discharge. They're separate, and one doesn't have to wait for the other.

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Key numbers: VA benefits 800-827-1000 (TTY: 711) · Homeless veterans 877-424-3838 · Veterans Crisis Line: 988, then press 1, or text 838255

SECTION 1

Discharge types and VA benefits

Discharge	VA benefits	What to know
Honorable	All benefits you qualify for	Nothing to fix.
General (under honorable conditions)	Most VA benefits	Not the GI Bill, which requires honorable. An upgrade to honorable can open it.
Uncharacterized (entry-level)	Treated as other than dishonorable	Usually issued in the first 180 days. Not a “bad” discharge.
Other than honorable (OTH)	VA decides with a Character of Discharge review	Many are found eligible. Some health care is available right away.
Bad conduct, special court-martial	VA decides with a Character of Discharge review	Possible eligibility, depending on the facts.
Bad conduct, general court-martial	Barred by law	Exceptions: insanity, or a correction board upgrade.
Dishonorable	Barred by law	Exceptions: insanity, or a correction board upgrade.

VA can’t upgrade a discharge. Only the military boards can. But VA can decide your service was “other than dishonorable” for VA purposes, which opens benefits without an upgrade.

Official sources: [38 CFR § 3.12](#) · [38 U.S.C. § 101\(2\)](#) · [§ 5303](#) · [VA: Discharge upgrade instructions](#)

2 · PATH 1: VA’S CHARACTER OF DISCHARGE REVIEW

1. File a disability claim ([VA Form 21-526EZ](#)) or apply for health care ([VA Form 10-10EZ](#)). That starts the review. There’s no deadline to apply.
2. Send a statement about what was happening at the time and why (Worksheet 4).
3. Add evidence: medical or mental health records, buddy statements, proof of combat or MST, family hardship, good service before the problem.
4. VA decides: eligible for benefits, health care only, or not eligible. You have 1 year to ask for a decision review.

Type of bar	Examples	Ways past it
Statutory (law)	General court-martial sentence · desertion · AWOL 180+ continuous days · conscientious objector who refused duty · resignation for the good of the service · alien discharged in wartime at own request	Insanity exception · compelling circumstances (AWOL 180+ days) · BCMR/BCNR upgrade
Regulatory (VA rule)	Discharge to avoid a general court-martial · mutiny or spying · offense involving moral turpitude · willful and persistent misconduct	Insanity exception · compelling circumstances (moral turpitude, willful and persistent misconduct) · upgrade

The 2024 VA rule (effective June 25, 2024) added compelling circumstances to the moral turpitude and willful and persistent misconduct bars and removed the old bar tied to sexual orientation. VA weighs mental health, MST, combat hardship, family emergencies and duress.

Official sources: [38 CFR § 3.12\(d\)](#) · [§ 3.12\(e\)](#) · [§ 3.354](#) · [2024 VA final rule](#) · [CRS R48907](#)

SECTION 3

Care you can get now

- ☐ MST care: free counseling and treatment for conditions related to military sexual trauma, regardless of discharge, without enrolling.
- ☐ Mental health care for many OTH veterans: more than 100 days of service plus a combat deployment or MST, with no copay (38 U.S.C. § 1720I).
- ☐ Emergency suicide crisis care: up to 30 days inpatient or crisis residential and up to 90 days outpatient, free, for the same group (38 U.S.C. § 1720J).
- ☐ Care for service-connected conditions when only a regulatory bar (not a statutory one) applies.
- ☐ Homeless programs: some serve veterans with OTH discharges. Call 877-424-3838.
- ☐ Another period of service: an earlier honorable or general period can qualify you for benefits.
- ☐ Veterans Crisis Line: 988, then press 1, for anyone, any discharge.

Official sources: [VA: MST care](#) · [38 U.S.C. § 1720I](#) · [§ 1720J](#) · [38 CFR § 3.360](#)

4 · PATH 2: WHICH BOARD TO USE

Board	Use it when	Form and deadline
Discharge Review Board (DRB)	Administrative discharge within the last 15 years. Can change characterization and narrative reason, not a general court-martial.	DD Form 293 . Within 15 years of discharge; no exceptions.
Board for Correction (BCMR/BCNR)	Over 15 years, DRB denied you, general court-martial (clemency only), or other record changes like a medical retirement.	DD Form 149 . 3 years from discovery, often waived “in the interest of justice.”
Discharge Appeal Review Board (DARB)	Discharged on or after Dec. 20, 2019, and denied by both the DRB and BCMR/BCNR.	Written request within 365 days of the BCMR/BCNR decision. No new evidence.
Federal court	A board decision was arbitrary or ignored evidence.	Generally within 6 years. Get a lawyer.

Official sources: [10 U.S.C. § 1553](#) · [§ 1552](#) · [§ 1553a](#) · [DARB rule \(32 CFR Part 73\)](#)

Liberal consideration and other grounds

Both boards must give liberal consideration when PTSD, TBI, MST, sexual harassment or another mental health condition may have contributed to the discharge, even if it was never diagnosed in service.

Guidance	What it says
Hagel memo (2014)	Liberal consideration for PTSD-related requests, especially Vietnam-era veterans.
Carson memo (2016)	Waive time limits for PTSD and TBI cases; allow new reviews of old denials.
Kurta memo (2017)	All mental health conditions, TBI, sexual assault and harassment. Your statement can be enough; misconduct can be evidence of the condition; it doesn't have to excuse everything.
Wilkie memo (2018)	Upgrades for equity, injustice or clemency, weighing post-service conduct, time passed, remorse and severity.
The law	10 U.S.C. § 1552(h) and § 1553(d)(3) : liberal consideration and mental health review required.
Courts	<i>Doyon and Bee v. United States</i> : liberal consideration also applies to medical retirement requests, including fitness decisions.

OTHER GROUNDS FOR AN UPGRADE

- ☐ Error (propriety): the discharge process broke the rules, like missing counseling or a defective separation board.
- ☐ Equity and clemency: the discharge is unfair today, given your record, time passed and life since.
- ☐ "Don't Ask, Don't Tell" or earlier bans: generally granted when sexual orientation was the only reason; the *Farrell* settlement created a streamlined process.
- ☐ Refusing the COVID-19 vaccine only: DoD directed boards to review and generally grant these; GI Bill benefits can be restored.
- ☐ Past denials: class action settlements gave some Army (*Kennedy*), Navy and Marine Corps (*Manker*) and Air Force veterans with mental health or MST-related discharges a new review.

EXAMPLE

MST and an OTH

Dana's performance fell apart after a sexual assault in 2006. She was discharged OTH for misconduct and never reported it.

Her statement, behavior changes and later counseling records can show MST contributed. She applies to the DRB and gets free MST care meanwhile.

Official sources: [GAO-25-107354](#) · [NVLSP: Bee v. United States](#) · [CRS R48907](#)

Drinking or drug use after a traumatic event

Many service members drank or used drugs to cope with PTSD, TBI, MST, depression or pain, and that led to the discharge (DUIs, a positive urinalysis, missed duty, failing a substance abuse program). That doesn't rule out an upgrade or VA benefits.

At the boards

Under the Kurta memo, substance abuse can be evidence of an underlying mental health condition. Show the use started or worsened after the event. Ask to change the narrative reason (like "Misconduct (drug abuse)") to "Secretarial Authority" and fix the codes. Treatment and sobriety weigh heavily.

At VA

The Character of Discharge review weighs compelling circumstances like mental health and MST. VA can't service-connect alcohol or drug abuse alone, but it can pay for a substance use disorder secondary to a service-connected condition like PTSD.

- ☐ Records showing good performance before the event and a drop after
- ☐ Substance abuse program referrals (ADAPT, SARP, ASAP) and why
- ☐ Sick call notes about sleep, nightmares, pain or anxiety
- ☐ Buddy or family statements about the change
- ☐ A doctor's letter connecting the condition to the substance use
- ☐ Proof of treatment, sobriety and life since service

EXAMPLE

Positive urinalysis after Iraq

Marcus had strong evaluations until a 2007 Iraq deployment, then couldn't sleep, used marijuana and was discharged OTH. He was diagnosed with PTSD in 2014 and has been sober since 2016.

He applies to the DRB with his evaluations, a doctor's letter and proof of treatment, asking for an upgrade and a Secretarial Authority narrative reason. He also files with VA.

Need help now? VA substance use treatment at any VA medical center • SAMHSA National Helpline (free, 24/7): 1-800-662-4357 • Veterans Crisis Line: 988, then press 1

Official sources: [38 U.S.C. § 1110](#) • [38 CFR § 3.301](#) • [§ 3.12](#) • [38 U.S.C. § 1720I](#) • [VA: Substance use treatment](#)

6 • EVIDENCE AND YOUR PERSONAL STATEMENT

Records

DD-214 • full service record (OMPF) via [SF-180](#) or the National Archives • service treatment records • separation packet and counseling statements • VA and private medical records • your VA claims file (C-file)

Your story and life since

Personal statement • doctor's letter linking a condition to the behavior • buddy statements • jobs, school, certifications • treatment and sobriety • volunteer work • character letters

Request your C-file through veteransclaimsedu.com/lost-records#cfile. Service records: archives.gov/veterans.

WRITING YOUR PERSONAL STATEMENT

- ☐ Tell the truth, in order: your service before the problem, what changed, what happened, and why.
- ☐ Connect any condition (PTSD, TBI, MST, depression) to the behavior, in your own words, including any drinking or drug use and when it started.
- ☐ Take responsibility where it's due. Boards weigh remorse.
- ☐ Show who you are now: work, family, treatment, community.
- ☐ Say exactly what you're asking for: upgrade to honorable or general, and a change to the narrative reason.
- ☐ Keep it to 1–3 pages. Sign and date it.

Need help writing it? Use our free Statement Writer at veteransclaimsedu.com/statement-writer to draft your statement or a buddy statement, then copy it onto the VA form.

EXAMPLE

Clemency

Ray got a general discharge in 1999 for two DUIs. He's been sober 20 years, earned a degree and coaches youth sports.

He asks the BCMR for honorable on equity and clemency grounds, with letters from his employer and pastor. Honorable would open the GI Bill.

7 · STEP-BY-STEP FILING

1. Get your DD-214 and full service record (Worksheet 1).
2. Build a timeline of service and life events (Worksheet 2).
3. Pick your board: DRB within 15 years, otherwise BCMR/BCNR.
4. Gather evidence and track it (Worksheet 3).
5. Write your personal statement (Worksheet 4 or the Statement Writer) and get character letters (Worksheet 5).
6. Fill out DD Form 293 or DD Form 149 completely. Use the current version; older versions may be rejected. Check the boxes for PTSD, TBI, MST or mental health if they apply.
7. For the DRB, choose a records review or a personal appearance (often by video).
8. Submit through the branch's online portal or by mail, and keep copies. Log everything (Worksheet 7).
9. Apply to VA at the same time for a Character of Discharge review.

After a decision, and if denied

- ☐ Upgraded? You'll get a new DD-214 or a DD-215. Apply or reapply for VA benefits and the GI Bill, and update state benefits.
- ☐ Statutory bar? For VA, a BCMR/BCNR upgrade removes the bars. A DRB upgrade may not remove a statutory bar, like 180+ days AWOL, so consider the BCMR/BCNR too.
- ☐ Denied at the DRB? Ask for reconsideration with new evidence, or go to the BCMR/BCNR.
- ☐ Denied at the BCMR/BCNR? Ask for reconsideration with new evidence, apply to the DARB if eligible, or talk to a lawyer about federal court.
- ☐ Read the decision closely. It tells you what was missing. Fix that before you refile.
- ☐ VA denied your Character of Discharge? You have 1 year for a Higher-Level Review, Supplemental Claim or Board appeal.

EXAMPLE

180 days AWOL

Sam went AWOL for 200 days in 1972 after his brother died and his mother fell ill.

That's a statutory bar, but VA can find compelling circumstances. A BCMR upgrade would also remove the bar for VA purposes.

9 · HELP FROM YOUR MEMBER OF CONGRESS

Every U.S. representative and senator has caseworkers who help with federal agencies, including the military boards and VA. This is a congressional inquiry, and it's free.

They can

Ask for a status update on a stalled case · confirm your application and evidence were received · ask why a decision is delayed · help get missing records · point you to free legal help

They can't

Change a decision · act as your lawyer or file for you · move you ahead of others without a hardship

1. Find your representative at [house.gov](https://www.house.gov) or your senators at [senate.gov](https://www.senate.gov), and contact the local office or casework form.
2. Sign their privacy release form; they can't ask about your case without it.
3. Send your name, branch, service dates, board docket or VA claim number, and copies of what you filed (Worksheet 6).
4. Explain what you need: a status check, missing records, or a hardship like homelessness or serious illness.
5. Use one office at a time, and follow up every 30 to 60 days.

Board contacts, myths and free help

Branch	Where to apply
Army	Army Review Boards Agency: arba.army.pentagon.mil · online filing: ACTS portal · army.arbainquiry@army.mil
Navy and Marine Corps	Naval Discharge Review Board (Council of Review Boards): secnav.navy.mil/mra/CORB · BCNR: secnav.navy.mil/mra/bcncr
Air Force and Space Force	Air Force Review Boards Agency portal: afrba-portal.cce.af.mil
Coast Guard	Use the address on the current DD Form 293 or DD Form 149
DARB (all branches)	AFRBA portal : DARB · Air Force Review Boards Agency, SAF/MRBD (DARB), 3351 Celmers Lane, Joint Base Andrews, MD 20762-6435

Addresses and portals change. Check the current form instructions before you mail anything.

Myth	Fact
"My discharge upgrades automatically after 6 months."	No discharge upgrades automatically. You have to apply.
"OTH means no VA help at all."	VA can find you eligible, and some care is available now.
"I need a PTSD diagnosis from service."	A later diagnosis or your own statement can be enough.
"It's too late."	The BCMR/BCNR often waives its deadline, and VA has no deadline.
"I need to pay a lawyer."	Free help is available from VSOs, legal nonprofits and law school clinics.

- ☐ Accredited VSOs and county veteran service officers: va.gov/get-help-from-accredited-representative
- ☐ Free discharge upgrade lawyers: [NVLSP](http://nvlsp.org) · [The Veterans Consortium](http://theveteransconsortium.org) · law school veterans clinics · legal aid
- ☐ Your state veterans affairs office for referrals
- ☐ Be cautious of anyone guaranteeing an upgrade or charging big upfront fees

11 · YOUR CHECKLIST

- ☐ DD-214 and full service record (SF-180)
- ☐ Know my discharge type and any bars
- ☐ Filed a VA claim or health care application (Character of Discharge review)
- ☐ Asked about MST or mental health care I can get now
- ☐ Picked the right board: DRB (within 15 years) or BCMR/BCNR
- ☐ Medical records and a doctor's letter, if a condition contributed
- ☐ Personal statement written (Worksheet 4 or Statement Writer)
- ☐ Character letters and proof of life since service
- ☐ Free legal help or a VSO
- ☐ Contacted my member of Congress if my case stalled

My discharge information

Copy from your DD-214. Dates on the DD-214 are written YYYYMMDD.

Full name on DD-214: _____

Branch and component: _____

Entry date (Block 12a): _____

Separation date (Block 12b): _____

Characterization (Block 24): _____

Separation authority (Block 25): _____

Separation code (Block 26): _____

Reentry code (Block 27): _____

Narrative reason (Block 28): _____

Other periods of service and their characterization: _____

Deployments and dates: _____

Years since discharge (DRB if under 15): _____

Conditions that may have contributed (PTSD, TBI, MST, other): _____

What I'm asking for (new characterization, narrative reason, codes):



Timeline worksheet

List events before, during and after the problem. Boards look for the change.

Date	What happened	Proof I have	Witness
2009	Deployed to Afghanistan; IED blast near vehicle	Awards, unit records	Ssg Lopez



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Evidence tracker

Track every record, letter and statement.

Evidence	Requested from	Date requested	Received?	What it shows
Service record (OMPF)	National Archives (SF-180)	3/2	Yes, 4/20	Good evals before 2010



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My personal statement

Use this for the board and for VA's Character of Discharge review. Prefer to type it? Use our free Statement Writer at veteransclaimsedu.com/statement-writer.

I, _____, served in the _____ from _____ to _____.

Before the problems began, I _____

In _____, _____

After that I started _____

I now understand this was connected to _____

I take responsibility for _____

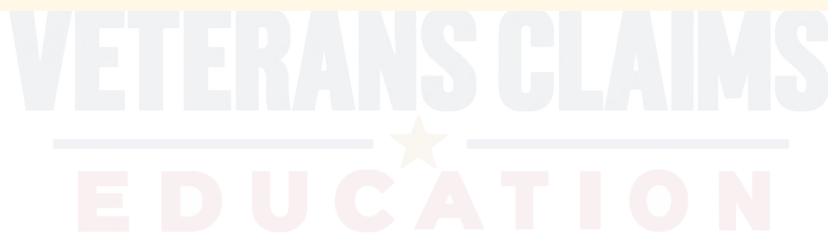
Since my discharge, I have _____

I ask that my discharge be upgraded to _____ and my narrative reason changed to _____

I certify that these statements are true and correct to the best of my knowledge.

Signature _____ Date _____

Example: *"Before my 2009 deployment I had no disciplinary problems and two Army Achievement Medals. After an IED blast I couldn't sleep, started drinking and was late to formation repeatedly. I now know this was PTSD and TBI. I've been in treatment since 2015 and sober since 2016."*



Character reference letter

Give this to an employer, teacher, clergy member, former leader or fellow veteran. They can type it with the Statement Writer at veteransclaimsedu.com/statement-writer or use VA Form 21-10210.

My name is _____. My phone or email is _____.

I am the veteran's _____ and have known them since _____.

In that time I have seen them _____

(If known) Before/after their service, I noticed _____

I believe an upgrade is fair because _____

I certify that these statements are true and correct to the best of my knowledge.

Signature _____ Date _____

Example: *“I’ve supervised Ray for eight years. He’s never missed a shift, trains new hires and was promoted to shift lead in 2021. He’s open about his past and has worked hard to rebuild his life.”*



Congressional inquiry request

Send or bring this to your representative's or senator's local office, with their signed privacy release form.

Dear _____,

I am a constituent and a veteran of the _____ (served _____ to _____).

I applied to the _____ on _____ (docket/claim number _____).

I am asking for help with _____

Hardship, if any (homelessness, serious illness, financial): _____

I have enclosed: _____

Please contact me at _____ or _____.

Signature _____ Date _____

- ☐ Signed privacy release form
 ☐ Copy of my DD-214
 ☐ Copy of my DD Form 293 or 149 (or VA claim)
 ☐ Proof it was received, if I have it
 ☐ Any letters from the board or VA



Application and contact log

Log every filing, call, letter and email.

Date	Who (board, VA, Congress, lawyer)	What happened	Next step / due
5/6	Army DRB	Mailed DD 293 with 12 exhibits (certified)	Check status 7/6



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Official sources

- VA: [Discharge upgrade instructions](#) · [MST care](#) · [Substance use treatment](#) · [VA Form 21-526EZ](#) · [VA Form 10-10EZ](#) · [VA Form 21-10210](#) · [Accredited representatives](#)
- VA law and regulations: [38 U.S.C. § 101\(2\)](#) · [§ 5303](#) · [§ 1110](#) · [§ 1720I](#) · [§ 1720J](#) · [38 CFR § 3.12](#) · [§ 3.301](#) · [§ 3.354](#) · [§ 3.360](#) · [2024 VA final rule \(89 FR 32361\)](#)
- Military boards: [10 U.S.C. § 1552](#) · [§ 1553](#) · [§ 1553a](#) · [DD Form 293](#) · [DD Form 149](#) · [DARB rule](#) · [DARB portal](#)
- Boards by branch: [Army Review Boards Agency](#) · [Navy Council of Review Boards](#) · [BCNR](#) · [Air Force Review Boards Agency](#)
- Reports and cases: [CRS: Character of service and VA eligibility \(R48907\)](#) · [GAO-25-107354](#) · [NVLSP: Bee v. United States](#)
- Records: [National Archives: Military service records](#) · [Our C-file request guide](#)
- Congress: [Find your representative](#) · [Contact your senators](#)
- Free help and tools: [NVLSP](#) · [The Veterans Consortium](#) · [Statement Writer](#) · [Discharge Upgrades page](#)

Stressed or struggling? You don't have to wait for a crisis. Dial 988, then press 1 · Text 838255 · Free, confidential, 24/7.

Disclaimer: This guide provides general educational information about military discharge upgrades and VA character of discharge reviews. It is not legal or medical advice, does not guarantee any outcome, and is not affiliated with or endorsed by the U.S. Department of Veterans Affairs. Veterans Claims Education is a free education resource; we don't assist with, prepare or file claims and never charge fees. Free help is available from accredited VSOs. Forms and presumptive lists change; check VA.gov and our website for the current versions. Examples are made up to show how the rules work. VA decides each claim on its evidence. AI-assisted. © Veterans Claims Education. All rights reserved.

