

United States Senate

May 19, 2021

The Honorable Lloyd J. Austin
Secretary of Defense
1000 Defense Pentagon
Washington D.C. 20301-1000

Dear Secretary Austin,

I write today with concern regarding the long delays veterans face as they petition review boards to have their discharge status upgraded and records corrected. The Fairness for Veterans Act, which I championed and which was included in the Fiscal Year 2017 National Defense Authorization Act, was passed to help veterans who may have been erroneously given a less than honorable discharge from the military due to negative behavior resulting from mental traumas such as post-traumatic stress disorder (PTSD) or Traumatic Brain Injury (TBI). Review boards must be well resourced to provide veterans with quick decisions so, if eligible, they can receive benefits they earned through their military service.

As you know, servicemembers suffering from PTSD, TBI, and other trauma-related conditions may exhibit aggressive or insubordinate behavior which can oftentimes lead to a less than honorable discharge, even for those with otherwise sterling records of service. This type of discharge renders servicemembers ineligible for certain benefits, including the Post-9/11 G.I. Bill and Department of Veterans Affairs (VA) home loans. While the department has improved the process for petitioning these review boards, it is clear there is still more work to be done.

While I understand that the COVID-19 pandemic has added obstacles for veterans seeking to have their records corrected due to the backlog at the National Personnel Records Center (NPRC), these delays and difficulties predate the current pandemic and are concerning. I request answers to the following questions:

1. What is the total number of discharge status upgrade requests received each year by the Department of Defense (DoD) in FY15-FY20?
2. What is the average length of time from request submitted to formal decision notification delivered each year in FY15-FY20? Average length of time for upgrades granted? For upgrades denied?
3. What percentage of discharge upgrade petitions are granted?
4. What is the process by which DoD notifies the Department of Veterans Affairs that a discharge upgrade has been granted?

5. What is the process by which each of the individual services notifies a veteran that their discharge upgrade has been granted?
6. How does DoD inform transitioning servicemembers that the discharge upgrade program exists?
7. Is DoD undertaking any internal restructuring to streamline the review process?
8. Has DoD standardized the review board protocols and processes across all the services? If not, for what reason?
9. Does DoD share data regarding the discharge petition process to the Congressional Armed Services Committees? The Congressional Veterans' Affairs Committees?

Expeditious review board decisions will give our brave men and women who are suffering from the invisible wounds of war an opportunity to access the benefits they have earned through their service. A solution must be found so that transitioning servicemembers as well as veterans have access to the support they need. I look forward to your response.

Sincerely,

A handwritten signature in blue ink, reading "Gary C. Peters". The signature is written in a cursive, flowing style.

Gary C. Peters
United States Senator