



DEPARTMENT OF THE ARMY  
ARMY REVIEW BOARDS AGENCY  
1901 SOUTH BELL STREET 2ND FLOOR  
ARLINGTON, VA 22202-4508

September 10, 2010

SFMR-RBR-QC/ras  
HERBERT, GERALD B.  
Q20100002718

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Honorable Richard G. Lugar  
United States Senator  
Attn: Emmy Huffman  
1180 Market Tower  
10 West Market Street  
Indianapolis, IN 46204-2964

Dear Senator Lugar:

I am responding to your recent correspondence on behalf of Gerald B. Herbert, concerning the Army Board for Correction of Military Records (ABCMR). This Agency has oversight authority for the ABCMR.

Mr. Herbert submitted four questions regarding the operation of the ABCMR. I have attempted to be as responsive to his questions as possible.

Question 1: The ABCMR does not keep statistical data that would allow us to respond to this inquiry. However, it is noted that the Army's discharge processes have changed since the discharge in 1976 giving rise to *Casey v. United States*, 8 Cl.Ct. 234 (1985). The Army's discharge processes conform to constitutional, statutory, and Department of Defense guidance. Furthermore, since this litigation the Department of Defense revised the Certificate of Release or Discharge from Active Duty, DD Form 214, to limit release of any stigmatizing information to only authorized individuals.

Question 2: Title 10 U.S.C. section 1552 authorizes the Army Board for Correction of Military Records to correct military records when it is necessary to correct an error or remove an injustice. If the Army issued a former Soldier an improper discharge or reason for separation, the Board can correct the former Soldier's record to reflect a correct basis or reason for separation. If the Army improperly discharged the former Soldier, the Board can correct his or her records to reflect completion of the period of service, which would result in payment of back pay and allowances.

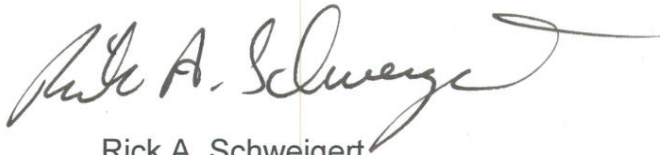
Question 3: If the Board or the Army Litigation Division believes that an official committed a criminal act by destroying or altering a relevant document, it would report that information to proper law enforcement officials for investigation. If investigation verified the improper destruction or alteration, that would be given due consideration in the processing of the former Soldier's application to the Board.

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Question 4: If the Board directs a correction to a discharge certificate, the Army Review Boards Agency issues corrected discharge documents to all agencies originally issued copies of the Certificate of Release or Discharge from Active Duty, DD Form 214.

I trust this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick A. Schweigert", with a long, sweeping flourish extending to the right.

Rick A. Schweigert  
Chief, Congressional and Special Actions