

United States Senate

WASHINGTON, DC 20510

January 21, 2020

The Honorable Ryan D. McCarthy
Secretary of the Army
101 Army Pentagon
Washington, D.C. 20310-0101

The Honorable Barbara M. Barrett
Secretary of the Air Force
1670 Air Force Pentagon
Washington, D.C. 20330-1670

The Honorable Thomas B. Modly
Acting Secretary of the Navy
1000 Navy Pentagon
Washington, D.C. 20350-1000

The Honorable Chad F. Wolf
Acting Secretary of Homeland Security
3801 Nebraska Ave., NW
Washington, D.C. 20528

Dear Secretaries McCarthy, Barrett, Modly and Wolf:

We are writing regarding the Boards for Correction of Military and Naval Records and the Discharge Review Boards following reports of issues that may be causing unnecessary delays to veterans' ability to access earned benefits and resources, in violation of current law.

Under 10 U.S.C. § 1552 and 32 C.F.R. § 70.8, military services are required to make public on an Internet website all decisions of the Boards for Correction of Military and Naval Records and the and Discharge Review Boards. In recent years, the Departments of the Air Force and Army, respectively, have hosted and maintained the Boards of Review Reading Room, located at <http://boards.law.af.mil>, where such decisions were posted. These decisions are of critical importance to veterans who received less-than-honorable or otherwise stigmatizing discharge characterizations from the military and who seek to upgrade or correct that characterization.

However, it is our understanding that since April 2019, the public database of decisions and ability to search those decisions has not been available. We therefore request answers to the following questions:

- 1) What have you done to remedy this issue and when will this information be publically available again?
- 2) What have you done to proactively communicate to veterans and veterans advocates that the database is down and what is being done to remedy it?

Additionally, 10 U.S.C. § 1557 imposes timeliness standards for the Boards for Correction of Military and Naval Records to render decisions. Specifically, the Boards must render a decision in 90 percent of cases within ten months of receipt and must decide all cases within eighteen months of receipt. Currently, it appears that the Boards are not in full compliance with those standards. We request answers to the following questions:

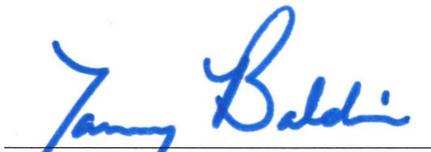
- 3) What data and statistics can you share regarding how long it is taking to render decisions, in relation to the statutory timeliness standards?

- 4) Does the Board need additional resources or authorities in order to comply with timeliness standards? If so, what additional resources would be most effective?

As reported by the *Associated Press* on January 3, 2020, veterans and their advocates who seek to change their discharge statuses currently lack access to thousands of decisions that would help them successfully argue their cases. We recognize that important reforms by the Department of Defense, including reviews of discharges following the repeal of “Don’t Ask, Don’t Tell” and the Department’s “liberal consideration policy” for veterans who experienced mental health conditions or Military Sexual Trauma during their service may be contributing to an increase in applications for the Boards’ consideration and additional analysis of applications. But, as you know, veterans’ access to crucial and sometimes life-saving veterans’ benefits often depend on the nature of their discharge. Every day that a board decision is delayed is a day that a veteran may be without access to benefits they have earned.

We appreciate your timely response to these questions.

Sincerely,



Tammy Baldwin
United States Senator



Jon Tester
United States Senator



Richard Blumenthal
United States Senator



Richard J. Durbin
United States Senator



Kamala D. Harris
United States Senator



Sherrod Brown
United States Senator



Debbie Stabenow
United States Senator



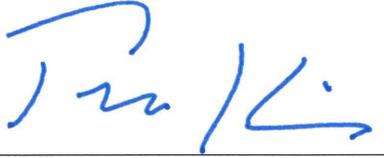
Robert P. Casey, Jr.
United States Senator



Gary C. Peters
United States Senator



Kirsten Gillibrand
United States Senator



Tim Kaine
United States Senator