



PERSONNEL AND  
READINESS

## OFFICE OF THE UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

Ms. Sara Darehshori  
Senior Counsel, US Program  
Human Rights Watch  
350 Fifth Avenue, 34th Floor  
New York, New York 10118-3299

Dear Ms. Darehshori:

Thank you for your recent letter to Secretary Carter regarding the discharges of Servicemembers asserting that they were victims of sexual assault. Since Department of Defense (DoD) policy for the Discharge Review Boards (DRBs) and Boards for Correction of Military/Naval Records (BCM/NRs) is under my purview, I have been asked to respond.

As you know, a number of Veterans have asked the Boards to upgrade their other than honorable conditions discharges based on conduct which may be attributable to Post-Traumatic Stress Disorder (PTSD). In response to these and other related concerns, and after a comprehensive and coordinated effort within DoD and in consultation with the Department of Veterans Affairs, then-Secretary Hagel issued broad guidance addressing the medical requirements, mitigating factors, and review protocols applicable to the petitions of Veterans asserting PTSD or related conditions. Recently, in February 2016, the Acting Under Secretary of Defense for Personnel and Readiness provided supplemental guidance to the Boards regarding waiver of the time limits for consideration of requests related to PTSD or related mental health conditions, and required, upon request, de novo review for any petitions that were previously considered prior to the implementation of the September 2014 guidelines. Additionally, as of December 2014, Congress amended the governing statutes for the Boards to require a psychologist or psychiatrist on DRB cases, and a medical opinion from a psychologist or psychiatrist in BCMR/NR cases asserting mental health issues. All of these changes in the last 18 months provide liberal consideration to every Veteran, including sexual assault victims, who asserts PTSD or mental health issues as a basis for relief at these Boards.

The Department regularly reviews its procedures and will continue to do so, always placing emphasis on serving Service members, Veterans, and their families with justice, equity, and compassion.

These effort reflects our shared commitment to those who served our great Nation during times of war. Thank you for your continued support of our current and former Service members, and we look forward to reviewing your report.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul E. Kantwill".

Paul E. Kantwill  
Director, Office of Legal Policy