available at sites selected for regional
Boards for such periods as the DRB is
present and in operation. An applicant
who has requested a regional board re-
view shall be advised in the notice of
scheduled hearings.
(3) The Armed Forces Discharge Re-
view/Correction Board Reading Room
shall publish indexes quarterly for the
DRB. The DRB shall be responsible for
timely submission to the Reading
Room of individual case information
required for update of indexes. These
indexes shall be available for public in-
spection or purchase (or both) at the
Reading Room. This information will
be provided to applicants in the notice
of acceptance of the application.
(4) Correspondence relating to mat-
ters under the cognizance of the Read-
ing Room (including request for pur-
chase of indexes) shall be addressed to:
DA Military Review Board Agency, Atten-
tion: SFBA (Reading Room), Room 1E520,
The Pentagon, Washington DC 20310
§ 865.119 Privacy Act information.
Information protected under the Pri-
vacy Act is involved in discharge re-
view functions. The provisions of 32
CFR part 286a will be observed
throughout the processing of a request
for review of discharge or dismissal.
§ 865.120 Discharge review standards.
(a) Objective of review. The objective
of a discharge review is to examine the
propriety and equity of the applicant’s
discharge and to effect changes, if nec-
essary. The standards of review and the
underlying factors which aid in deter-
mining whether the standards are met
shall be historically consistent with
criteria for determining honorable
service. No factors shall be established
which require automatic change or de-
nial of a change in a discharge. Neither
the DRB nor the Secretary of the Air
Force shall be bound by any method-
ology of weighing of the factors in
reaching a determination. In each case,
the DRB or Secretary of the Air Force
shall give full, fair, and impartial con-
sideration to all applicable factors
prior to reaching a decision. An appli-
cant may not receive a less favorable
discharge than that issued at the time of
separation. This does not preclude correction of clerical errors.
(b) Propriety. A discharge shall be
deemed to be proper unless in the
course of discharge review, it is deter-
mined that:
(1) There exists an error of fact, law,
procedures, or discretion associated
with the discharge at the time of
issuance; and that the rights of the ap-
plicant were prejudiced thereby (such
error shall constitute prejudicial error,
if there is substantial doubt that the
discharge would have remained the
same if the error had not been made); or
(2) A change in policy by the Air
Force made expressly retroactive to
the type of discharge under consid-
eration, requires a change in the dis-
charge.
(c) When a record associated with the
discharge at the time of issuance in-
volves a matter in which the primary
responsibility for corrective action
rests with another organization (for ex-
ample, another Board, agency, or
court), the DRB will recognize an error
only to the extent that the error has
been corrected by the organization
with primary responsibility for cor-
recting the record.
(d) The primary function of the DRB
is to exercise its discretion on issues of
equity by reviewing the individual
merits of each application on a case-
by-case basis. Prior decisions in which
the DRB exercised its discretion to
change a discharge based on issues of
equity (including the factors cited in
such decisions or the weight given to
factors in such decisions) do not blind
the DRB in its review of subsequent
cases because no two cases present the
same issues of equity.
(e) The following applies to appli-
cants who received less than fully hon-
orable administrative discharges be-
cause of their civilian misconduct
while in an inactive reserve component
and who were discharged or had their
discharge reviewed on or after April 20,
1971: the DRB shall either recharac-
terize the discharge to honorable with-
out any additional proceedings or addi-
tional proceedings shall be conducted
in accordance with the Court’s Order of
December 3, 1981, in Wood v. Secretary
of Defense to determine whether proper
grounds exist for the issuance of a less