

seeking corrective action by the Army Review Boards Agency, the Department of the Air Force Review Boards Agency, or the Board for Correction of Naval Records, as the case may be, is provided a copy of all correspondence and communications (including summaries of verbal communications) to or from the agency or board, or a member of the staff of the agency or board, with an entity or person outside the agency or board that pertain directly to the applicant's case or have a material effect on the applicant's case.

(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

- (1) Classified information.
- (2) Information the release of which is otherwise prohibited by law or regulation.
- (3) Any record previously provided to the applicant or known to be possessed by the applicant.
- (4) Any correspondence that is purely administrative in nature.
- (5) Any military record that is (or may be) provided to the applicant by the Secretary of the military department or other source.

(Added Pub. L. 105-261, div. A, title V, §543(a)(1), Oct. 17, 1998, 112 Stat. 2020; amended Pub. L. 118-31, div. A, title XVII, §1722(j)(2)(B), Dec. 22, 2023, 137 Stat. 673.)

**Editorial Notes**

AMENDMENTS

2023—Subsec. (a). Pub. L. 118-31 inserted “the Department of” after “the Army Review Boards Agency.”

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE

Pub. L. 105-261, div. A, title V, §543(b), Oct. 17, 1998, 112 Stat. 2021, provided that: “Section 1556 of title 10, United States Code, as added by subsection (a), shall apply with respect to correspondence and communications made 60 days or more after the date of the enactment of this Act [Oct. 17, 1998].”

**§ 1557. Timeliness standards for disposition of applications before Corrections Boards**

(a) TEN-MONTH CLEARANCE PERCENTAGE.—Of the applications received by a Corrections Board during a period specified in the following table, the percentage on which final action by the Corrections Board must be completed within 10 months of receipt (other than for those applications considered suitable for administrative correction) is as follows:

<b>For applications received during—</b>	<b>The percentage on which final Correction Board action must be completed within 10 months of receipt is—</b>
the period of fiscal years 2001 and 2002 .....	50
the period of fiscal years 2003 and 2004 .....	60
the period of fiscal years 2005, 2006, and 2007 .....	70
the period of fiscal years 2008, 2009, and 2010 .....	80

**The percentage on which final Correction Board action must be completed within 10 months of receipt is—**

**For applications received during—**

the period of any fiscal year after fiscal year 2010 .....	90.
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(b) CLEARANCE DEADLINE FOR ALL APPLICATIONS.—Final action by a Corrections Board on all applications received by the Corrections Board (other than those applications considered suitable for administrative correction) shall be completed within 18 months of receipt.

(c) WAIVER AUTHORITY.—The Secretary of the military department concerned may exclude an individual application from the timeliness standards prescribed in subsections (a) and (b) if the Secretary determines that the application warrants a longer period of consideration. The authority of the Secretary of a military department under this subsection may not be delegated.

(d) FAILURE TO MEET TIMELINESS STANDARDS NOT TO AFFECT ANY INDIVIDUAL APPLICATION.—Failure of a Corrections Board to meet the applicable timeliness standard for any period of time under subsection (a) or (b) does not confer any presumption or advantage with respect to consideration by the board of any application.

(e) REPORTS ON FAILURE TO MEET TIMELINESS STANDARDS.—The Secretary of the military department concerned shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report not later than June 1 following any fiscal year during which the Corrections Board of that Secretary's military department was unable to meet the applicable timeliness standard for that fiscal year under subsections (a) and (b). The report shall specify the reasons why the standard could not be met and the corrective actions initiated to ensure compliance in the future. The report shall also specify the number of waivers granted under subsection (c) during that fiscal year.

(f) CORRECTIONS BOARD DEFINED.—In this section, the term “Corrections Board” means—

- (1) with respect to the Department of the Army, the Army Board for Correction of Military Records;
- (2) with respect to the Department of the Navy, the Board for Correction of Naval Records; and
- (3) with respect to the Department of the Air Force, the Department of the Air Force Board for Correction of Military Records.

(Added Pub. L. 105-261, div. A, title V, §544(a), Oct. 17, 1998, 112 Stat. 2021; amended Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 108-375, div. A, title X, §1084(d)(12), Oct. 28, 2004, 118 Stat. 2062; Pub. L. 118-31, div. A, title XVII, §1722(j)(2)(A), Dec. 22, 2023, 137 Stat. 673.)

**Editorial Notes**

AMENDMENTS

2023—Subsec. (f)(3). Pub. L. 118-31 inserted “the Department of” after “Air Force.”

2004—Subsec. (b). Pub. L. 108-375 substituted “Final” for “Effective October 1, 2002, final”.

1999—Subsec. (e). Pub. L. 106-65 substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

#### Statutory Notes and Related Subsidiaries

##### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions in subsec. (e) of this section requiring submittal of report to Congress, see section 1061 of Pub. L. 114-328, set out as a note under section 111 of this title.

#### § 1558. Review of actions of selection boards: correction of military records by special boards; judicial review

(a) CORRECTION OF MILITARY RECORDS.—The Secretary of a military department may correct a person’s military records in accordance with a recommendation made by a special board. Any such correction may be made effective as of the effective date of the action taken on a report of a previous selection board that resulted in the action corrected in the person’s military records.

(b) DEFINITIONS.—In this section:

(1) SPECIAL BOARD.—(A) The term “special board” means a board that the Secretary of a military department convenes under any authority to consider whether to recommend a person for appointment, enlistment, reenlistment, assignment, promotion, retention, separation, retirement, or transfer to inactive status in a reserve component, or the Space Force, instead of referring the records of that person for consideration by a previously convened selection board which considered or should have considered that person.

(B) Such term includes a board for the correction of military records convened under section 1552 of this title, if designated as a special board by the Secretary concerned.

(C) Such term does not include a promotion special selection board convened under section 628, 14502, or 20252 of this title.

(2) SELECTION BOARD.—(A) The term “selection board” means a selection board convened under section 573(c), 580, 580a, 581, 611(b), 637, 638, 638a, 14101(b), 14701, 14701a, 14704, 14705, or 20403 of this title, and any other board convened by the Secretary of a military department under any authority to recommend persons for appointment, enlistment, reenlistment, assignment, promotion, or retention in the armed forces or for separation, retirement, or transfer to inactive status in a reserve component, or the Space Force, for the purpose of reducing the number of persons serving in the armed forces.

(B) Such term does not include any of the following:

(i) A promotion board convened under section 573(a), 611(a), 14101(a), or 20211 of this title.

(ii) A special board.

(iii) A special selection board convened under section 628 of this title.

(iv) A board for the correction of military records convened under section 1552 of this title.

(3) INVOLUNTARILY BOARD-SEPARATED.—The term “involuntarily board-separated” means

separated or retired from an armed force, or transferred to the Retired Reserve or to inactive status in a reserve component, or the Space Force, as a result of a recommendation of a selection board.

(c) RELIEF ASSOCIATED WITH CORRECTION OF CERTAIN ACTIONS.—(1) The Secretary of the military department concerned shall ensure that an involuntarily board-separated person receives relief under paragraph (2) or under paragraph (3) if the person, as a result of a correction of the person’s military records under subsection (a), becomes entitled to retention on or restoration to active duty or to active status in a reserve component, or the Space Force.<sup>1</sup>

(2)(A) A person referred to in paragraph (1) shall, with that person’s consent, be restored to the same status, rights, and entitlements (less appropriate offsets against back pay and allowances) in that person’s armed force as the person would have had if the person had not been selected to be involuntarily board-separated as a result of an action the record of which is corrected under subsection (a). An action under this subparagraph is subject to subparagraph (B).

(B) Nothing in subparagraph (A) may be construed to permit a person to be on active duty or in an active status in a reserve component, or the Space Force, after the date on which the person would have been separated, retired, or transferred to the Retired Reserve or to inactive status in a reserve component, or the Space Force, if the person had not been selected to be involuntarily board-separated in an action of a selection board the record of which is corrected under subsection (a).

(3) If an involuntarily board-separated person referred to in paragraph (1) does not consent to a restoration of status, rights, and entitlements under paragraph (2), the Secretary concerned shall pay that person back pay and allowances (less appropriate offsets), and shall provide that person service credit, for the period—

(A) beginning on the date of the person’s separation, retirement, or transfer to the Retired Reserve or to inactive status in a reserve component, or the Space Force, as the case may be; and

(B) ending on the earlier of—

(i) the date on which the person would have been so restored under paragraph (2), as determined by the Secretary concerned; or

(ii) the date on which the person would otherwise have been separated, retired, or transferred to the Retired Reserve or to inactive status in a reserve component, or the Space Force, as the case may be.

(d) FINALITY OF UNFAVORABLE ACTION.—If a special board makes a recommendation not to correct the military records of a person regarding action taken in the case of that person on the basis of a previous report of a selection board, the action previously taken on that report shall be considered as final as of the date of the action taken on that report.

(e) REGULATIONS.—(1) The Secretary of each military department shall prescribe regulations to carry out this section. Regulations under this

<sup>1</sup> So in original.