

**NOT FOR PUBLICATION UNTIL
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COMMITTEE ON ARMED SERVICES**

**STATEMENT OF
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(MANPOWER & RESERVE AFFAIRS)
BEFORE THE
MILITARY PERSONNEL SUBCOMMITTEE
HOUSE COMMITTEE ON ARMED SERVICES
ON
REVIEW BOARD AGENCY**

SEPTEMBER 27, 2018

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Good morning Chairman Coffman, Ranking Member Speier and distinguished members of the House Armed Services Military Personnel Subcommittee. I am Robert Woods, the Principal Deputy Assistant Secretary of the Navy for Manpower and Reserve Affairs. On behalf of the Secretary of the Navy, the Assistant Secretary of the Navy (Manpower & Reserve Affairs), and the Board for Correction of Naval Records (BCNR), I thank you for the opportunity to appear before you today.

Let me start by assuring you that the leadership of the Department of the Navy remains committed to assisting our present and former Sailors and Marines with fair and open processes that allow for appropriate corrections to their military service record, and we appreciate your legislative efforts, which have enhanced the resources available to us to streamline and modernize our processes. With the additional resources, we have developed a more comprehensive training plan for our Board members and staff, improved our business processes, and undertaken an effort to replace our legacy case management system. All these efforts are geared towards transparency, quality, and efficiency in the adjudication of matters presented to the BCNR.

Overview of the BCNR

Aligned with the Secretary of the Navy's priorities, which focus on People, Capabilities and Processes, the Assistant Secretary of the Navy (Manpower and Reserve Affairs) directed the BCNR to conduct a comprehensive transformation effort. The goal is to modernize the Board's processes and legacy systems, while providing more transparency and accountability in the procedures we use to consider and adjudicate requests for corrections of Naval records.

In Fiscal Year (FY) 2017, leadership recognized the need to transform the BCNR into a more modern highly functioning organization by investing more than \$2M in a Business Process Re-engineering effort. Additionally, the Department of the Navy funded 14 additional full-time civilian positions, doubled the number of Board members, and approved \$500K for a new case management system. With the additional \$1M in appropriations this fiscal year, the BCNR began efforts to digitize existing records, migrate data systems, modernize IT systems, and

increase manpower. Although these enhancements will significantly improve the BCNR's execution of its mission, there is more that needs to be done to improve compliance with statutory timeliness and offer exceptional customer service to our current and former Sailors and Marines.

Overview of the BCNR Board Process

Pursuant to 10 U.S.C. § 1552 the BCNR corrects military records for present and former Sailors and Marines when it determines that an error or injustice warrants such a change. More than 12,000 individuals petition the Board for corrections each year, and of those applications, 50 percent relate issues involving pay, performance or disability affecting current Sailors and Marines. The remaining applications involve discharges from service.

The BCNR processes all discharge applications that are more than 15-years old or when the petitioner has not received the relief sought from the Naval Discharge Review Board (NDRB). In accordance with 10 U.S.C. § 1553, the NDRB is the Board of first resort for all discharges issued less than 15 years ago. Both the NDRB and the BCNR apply the same review standards for discharge upgrades and follow similar procedures for reviewing these petitions. Although it is the applicant's responsibility to present all relevant evidence in support of their petitions, the staffs of both Boards go to considerable lengths to assist petitioners, especially in securing military service records and military and Department of Veterans Affairs (DVA) medical records.

BCNR Processing Timelines

10 U.S.C. § 1557 requires the BCNR finalize 90% of cases within ten months of receipt, and 100 percent of cases within 18 months of receipt. BCNR is making steady progress and our compliance rates are trending upwards, although our current backlog of more than 5,000 cases hinders our ability to successfully comply with these mandated timeframes. In FY 15, we achieved a 62 percent compliance rate for cases boarded within ten months, and in FY 16, our compliance rate increased to 68 percent. Of note, in FY 15 and FY 16, the BCNR slated all

cases for review within 18 months of receipt as required by law. We have improved our timeliness through staff training and by revising our internal procedures. Should we successfully eliminate our backlog of 5,000 cases, we anticipate full compliance with the mandated processing times.

The BCNR case lifecycle includes five phases: case workup; triage; adjudication preparation and Board review; post-Board adjudication and final decision; and case closure. The current lifecycle averages 14 months from the receipt of the application to delivery of a decision to the applicant. The timelines for each phase varies depending on the complexity of the case, the information provided by the applicant, and the ability to retrieve records. Recent legislative and policy changes regarding cases that involve invisible wound contentions have been very beneficial to the Service member. Often, these cases are complex in nature, involve multiple contentions, may lack supporting information and may require expert medical opinions. As a result, in order for the boards to fully consider the issues presented in such petitions, processing timelines are impacted.

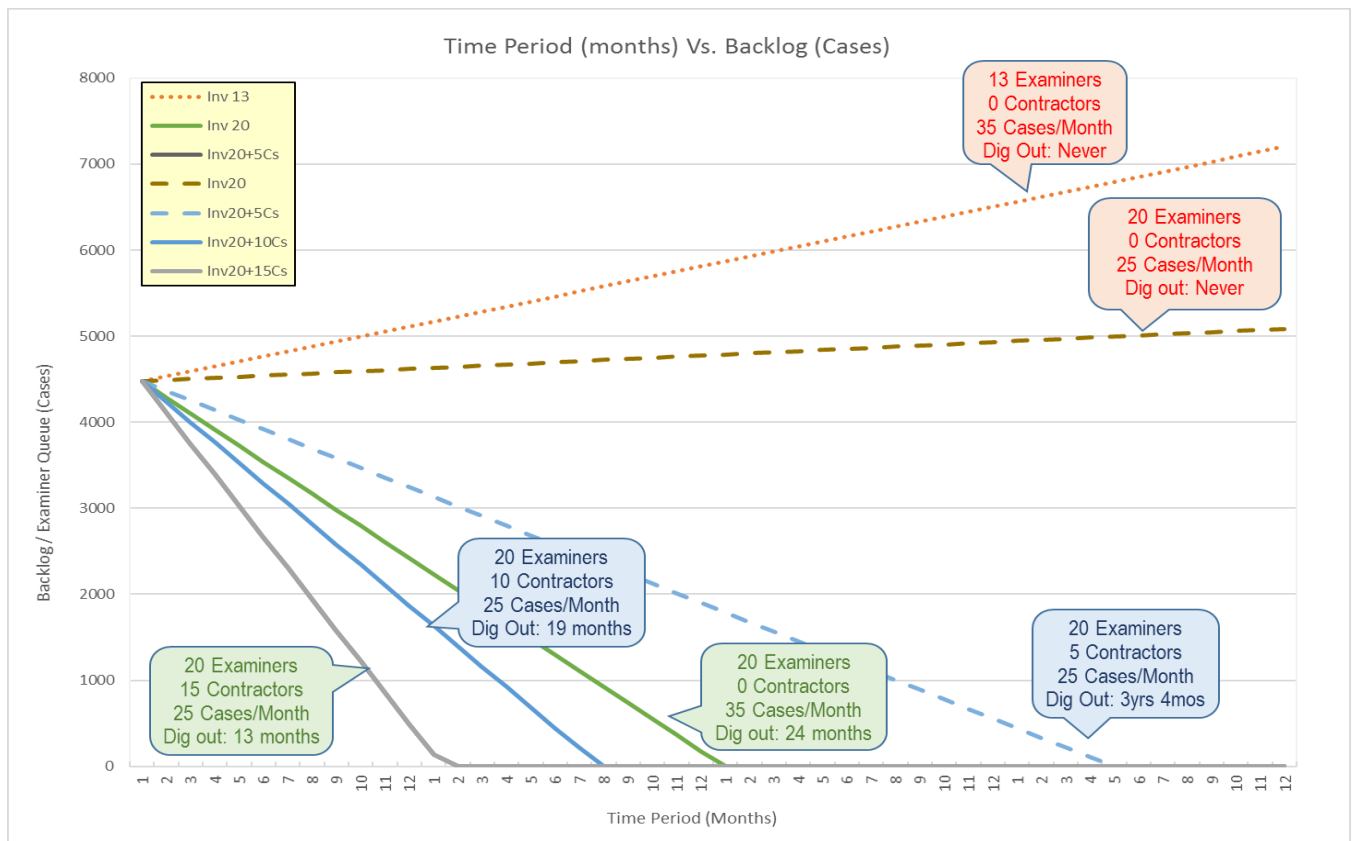
The case workup phase averages three months, which consists of validating whether BCNR or another forum is appropriate for addressing the petition, docketing the matter in the BCNR case management system, and ordering the relevant service and medical records. The triage phase averages three months, and involves identifying whether an advisory opinion is required and whether any additional information is necessary for Board review. BCNR requests advisory opinions from subject matter experts only if an applicable regulation is unclear or a medical opinion is needed. Additionally, the BCNR triages and prioritizes all cases involving invisible wounds, such as Post-Traumatic Stress Disorder, Military Sexual Trauma, or mental health issues, and requests advisory opinions from a licensed psychiatrist. The Board review and adjudication phase averages four months. The examiner prepares the record of proceedings, including a timeline of the applicant's service relevant to the matter presented, any advisory opinions, and any evidence offered by the applicant. The examiner then presents the case to the Board for adjudication. The post-Board adjudication and final decision phase averages three months and includes drafting the Board's decision, obtaining administrative and legal reviews, as well as final approval at the appropriate level. The case closure phase averages one month,

which involves updating the case management system, notifying the applicant, and redaction of final decision for posting to the Department of Defense (DoD) Reading Room.

Volume and Resource Constraints:

As of September 2018, the current BCNR backlog of more than 5,000 cases includes 1,200 matters that are more than ten-months old. Today, the BCNR receives approximately 1,000 applications per month and adjudicates more than 450 cases a month. The BCNR is in the process of hiring the 14 additional full-time civilians for FY 19, these employees would only enable the BCNR to keep up with the monthly intake of cases and would not address the case backlog, which continues to grow (see graph below).

We appreciate the tremendous support from congress and are confident that the BCNR is headed in the right direction in providing our active duty, reserve, and veterans a timelier and transparent board experience.



Summary:

Mr. Chairman, the Department of the Navy is committed to providing our present and former Sailors and Marines with a full and fair consideration of their petition in as timely a manner as possible. The Navy continues to invest time, money, and resources to help the BCNR improve customer service, provide more thorough records of proceedings, and increase their timeliness compliance rates.

Once again, I appreciate the opportunity to discuss the Department of the Navy's views on ensuring our present and former Sailors and Marines receive the recognition and benefits they deserve both while in service and upon discharge. This concludes my statement.