DEPARTMENT OF THE NAVY
SECRETARY OF THE NAVY COUNCIL OF REVIEW BOARDS
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IN REPLY REFER TO:
1000
CORB: 003
10 Aug 18

SECNAVCORB POLICY LETTER 2018-5

From: Director, Secretary of the Navy Council of Review Boards

Subj: PERMISSIBLE USE OF INFORMATION OUTSIDE THE OFFICIAL RECORD IN CASE ADJUDICATION

Ref: (a) SECNAVINST 5420.174C
(b) SECNAVINST 1850.4E

1. Per references (a) and (b), the Naval Discharge Review Board(NDRB) and Physical Evaluation Board (PEB) consider all relevant and necessary information in adjudication of cases.

2. To ensure a fair and impartial outcome, NDRB and PEB adjudicators may find it necessary to review relevant information not contained in the service member's official records (e.g., social or news media) when adjudicating cases. References (a) and (b) provide guidance concerning information contained in a service member's official records. Review and reliance on information not contained in the official record shall be limited to cases where such information is appropriately relevant for adjudication of a case. In cases where adjudicators find it relevant to review and rely on outside information, the accuracy and reliability of the information must be considered carefully. Any questions, doubt, or concerns regarding the reliability of outside information should be brought to the attention of the NDRB or PEB President. If the reliability of the information is not able to be confirmed, it shall not be used.

3. Relevant information may be obtained at any time during the NDRB or PEB adjudication process. It is required, however, that the Service member have the opportunity to review and comment upon any information relied upon by the NDRB or PEB not contained in the official record, prior to any and all adjudications of their case. Specific procedures to be followed concerning notification to the service member and opportunity to comment, will be issued separately by the NDRB and PEB in accordance with this guidance.

4. Unless the outside information obtained is relevant to a board's decision (i.e., the decision would not have been made without the information), this policy does not apply to an adjudicator's review of medical treatises, textbooks, or references that are available to the public and consulted for the purpose of obtaining additional knowledge/information regarding a member's condition(s) either before or after a document review or personal appearance hearing.

5. The above policy is to ensure the integrity of the NDRB and PEB decisions. Additionally, this process protects due process rights by providing the Service member the opportunity to rebut evidence at every stage of the process. Once again, information not contained in the official record must be used with extreme caution, always considering its relevance and reliability.

J. A. RIEHL

Copy to:
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SECNAVCORB Counsel
SECNAVCORB Senior Medical Advisor
SECNAVCORB Office Administrator