

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 January 2024

DOCKET NUMBER: AR20230006261

APPLICANT REQUESTS:

- upgrade of her under honorable conditions (general) discharge
- change of narrative reason for separation to medical retirement
- change in separation code
- promotion to sergeant (SGT)/E-5
- personal appearance before the Board

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Self-authored letter
- Various Department of Defense memorandums
- Various Veterans Affairs (VA) correspondence
- In-service personnel records

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, Section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states her discharge was not proper, was in error and inequitable for several reasons. She provides a lengthy letter that outlines her contentions and details the military sexual trauma (MST) she experienced, her mental health, her service in the Army and the circumstances surrounding her discharge.
3. On her DD Form 149, the applicant notes post-traumatic stress disorder (PTSD), other mental health, sexual assault/harassment, and reprisal/whistleblower issues are related to her request.
4. On 28 February 1991, the applicant enlisted in the Regular Army. Upon completion of training, she was awarded military occupational specialty 71D (Legal Specialist).

5. A Chronological Record of Medical Care shows that in September 1993, the applicant received treatment for trouble running due to loss of breath. The examining physician noted that the applicant had asthma like conditions and an inhaler did little to help.
6. A letter, dated 22 August 1994, from the applicant's officer in charge (OIC) to the on-post housing department, requested that the applicant be furnished temporary quarters as an exception to policy. The OIC noted the applicant was a single parent and that her parents could no longer take care of her 2-year old daughter.
7. The applicant received formal counseling on 12 January 1995, for poor behavior and her work performance. She was informed that she would not be recommended for promotion. In her rebuttal, the applicant stated the counseling was totally bogus and her supervisor had been degrading her and lecturing her on her personal life.
8. The applicant received formal counseling on 4 April 1995, for being disrespectful in language towards a noncommissioned officer (NCO); her immediate supervisor. In her rebuttal, the applicant stated she tried to talk to her supervisor regarding the events; however, he told her "don't argue with me, sign it." She then circled non-concur and nothing was discussed further.
9. DA Form 3349 (Physical Profile), dated 7 July 1995, shows the applicant was given a permanent profile to do physical training at her own pace due to asthma.
10. On 11 August 1995, the applicant wrote a memorandum for record (MFR), stating that she received harassment from two NCOs who commented that they wanted to see her in a bathing suit.
11. By MFR, on 28 August 1995, the applicant stated she again received harassment from two NCOs who commented that they couldn't wait to see what was "hidden" under her uniform.
12. By MFR, on 15 September 1995, the applicant stated she was asked by an NCO if he could come over to her house. She stated that she did not want to be hit on at work or at her home anymore.
13. Physical profile, dated 13 October 1995, shows the applicant was given a permanent profile to walk and run at her own pace and distance due to asthma.
14. By MFR, on 22 November 1995, the applicant detailed a workplace event where she received conflicting orders from her immediate leadership.

15. On 19 December 1995, the applicant was formally counseled for inappropriate behavior; complaining and substandard work. In response, the applicant wrote two MFRs. She stated her OIC told her that he likes to tell people bad things in their face, and he asked her if she had seen his statement regarding the Equal Opportunity (EO) complaint she submitted. Additionally, she added that an NCO told her that she needed to see a psychiatrist because members of the office thought she had deep-rooted personal problems.

16. A Medical Record - Narrative Summary (Clinical Resume) indicates on 8 April 1996, the applicant was given an examination due to difficulty breathing. The examining physician noted that the applicant was initially diagnosed with asthma; and had been admitted to the hospital on several occasions. Additionally, she had a positive Methacholine challenge test, and she required daily medications for her asthma.

17. Medical statement, dated 12 April 1996, shows that an internal medicine physician noted the applicant had a known history of moderately severe asthma. She met the criteria for a Medical Evaluation Board (MEB) under the provisions of Army Regulation (AR) 40-501 (Medical Services – Standards of Medical Fitness) and her profile would be upgraded to P3 (Physical Capacity - unable to perform full effort except for brief or moderate periods commensurate with that process).

18. On 22 April 1996, the applicant underwent a mental status evaluation. The examining psychiatrist diagnosed the applicant with depressive disorder not otherwise specified. She was deemed mentally responsible and needed further examination.

19. On an unspecified date, the applicant's commander notified her that he was initiating actions to separate her under the provisions of AR 635-200 (Personnel Separations – Enlisted Personnel), Chapter 14-12b, for a pattern of misconduct. As the specific reasons, her commander cited the applicant had made many false official statements; been disrespectful in language and deportment towards NCOs; and failed to follow instructions.

20. The applicant's record is void of an election of rights memorandum acknowledging she had been advised by counsel of the contemplated separation action, the possible effects of the discharge, and the rights available to her.

21. The applicant's commander formally recommended her separation under the provisions of AR 635-200, Chapter 14, for misconduct. The commander noted the applicant had made false official statements on a number of occasions. Specifically, upon her transfer to Germany she falsely stated that she did not know that concurrent travel was approved based on a "friend's/relatives" private rental address. She attempted to collect temporary lodging allowance and obtain government quarters, both of which she knew she was not entitled. She falsely stated that she was on a profile,

when in fact she was not on any profile for most of the time. She was disrespectful in language and or deportment on three occasions, each documented in the attached counseling statements. There are a number of other instances where she simply lied. She has submitted numerous complaints through various agencies, culminating in a review by the Army Standards of Conduct Office. This review states that all of her allegations are unsupported by anything other than assertions previously found by the EO and Inspector General offices to be unsubstantiated.

22. On 2 May 1996, the applicant's defense counsel recommended that her pending Chapter 14 separation action being held in abeyance until the medical board rendered findings regarding the applicant's medical status.

23. MEB proceedings, dated 6 May 1996, show the applicant underwent a MEB to determine whether her medical conditions met medical retention standards. The Board determined that the applicant had a chronic history of asthma with a positive medical test confirming the diagnosis. Further, the Board recommended that the applicant be referred to a Physical Evaluation Board (PEB).

24. On 11 June 1996, the applicant acknowledged that she had been informed of and that she agreed with the MEB's findings and recommendation.

25. On 11 July 1996, the applicant's defense counsel noted the applicant's MEB had been approved and would be sent to the PEB for their action. Additionally, he stated that he was told that in accordance with AR 635-40 (Disability Evaluation for Retention, Retirement, or Separation), the applicant's administrative separation board must be held in abeyance until the medical authorities acted on her PEB.

26. By legal review on 22 July 1996, the applicant's Chapter 14, separation action was found to be legally sufficient for further processing in lieu of physical evaluation processing. Because her separation was initiated under a regulatory provision which authorizes a characterization of service of Under Other than Honorable Conditions, the applicant may not be referred for or continue physical disability processing.

27. Consistent with the chain of command's recommendation, the separation authority approved the recommended discharge on 29 July 1996, with her service characterized as under honorable conditions (general).

28. The applicant was discharged on 2 August 1996, in the rank/grade of specialist/E-4. She was credited with 5 years, 5 months, and 3 days of net active service this period. Her DD Form 214 (Certificate of Release or Discharge from Active Duty) contains the following entries in:

- Item 24 (Character of Service) – Under Honorable Conditions (General)

- item 25 (Separation Authority) – AR [Army Regulation] 635-200, Chapter 14
- item 26 (Separation Code) – JKB
- item 27 (Reentry Code) – RE-4
- item 28 (Narrative Reason for Separation) – Misconduct

29. Additionally her DD Form 214 shows she was awarded or authorized the:

- Army Achievement Medal
- Good Conduct Medal (2nd Award)
- National Defense Service Medal
- Army Service Ribbon
- Army Superior Unit Award
- Sharpshooter Marksmanship Badge (Rifle M-16)

30. In the processing of this case, a Criminal Investigation Division Report of Investigation (ROI) was obtained on 25 July 2023. The ROI noted that on or about 19 November 1989, the applicant, a dependent spouse at the time, was assaulted by a Soldier. He broke into her quarters, grabbed her, and kissed her on the mouth by forcing her onto the couch. Further investigation disclosed that on or about 21 October 1989 or 28 October 1989, the same Soldier sexually assaulted the applicant by kissing her and touching her breasts and buttocks.

31. The applicant provides the following (provided in entirety for the Board):

- a. A self-authored statement detailing her experiences and MST she suffered.
- b. VA correspondence that shows she has a total combined 100% disability rating for various medical issues, to include PTSD, and depression.
- c. Several monthly/performance formal counselings that are her immediate supervisor's expectations of her, their reflection of her performance, and recommended actions needed for her personal and professional development. Several counselings reference her outstanding work performance.
- d. In-service personnel records that detail her professional accomplishments, achievements, accolades, and medical history.

32. In reaching its determination, the Board can consider the applicant's petition, arguments and assertions, and service record in accordance with the published equity, injustice, or clemency guidance.

33. MEDICAL REVIEW:

a. The Army Review Boards Agency (ARBA) Medical Advisor was asked to review this case. Documentation reviewed included the applicant's ABCMR application and accompanying documentation, the military electronic medical record (EMR – AHLTA and/or MHS Genesis), the VA electronic medical record (JLV), the electronic Physical Evaluation Board (ePEB), the Medical Electronic Data Care History and Readiness Tracking (MEDCHART) application, and the Interactive Personnel Electronic Records Management System (iPERMS). The ARBA Medical Advisor made the following findings and recommendations:

b. The applicant is applying to the ABCMR requesting an upgrade of her 2 August 1996 discharge characterized as under honorable conditions (general), and, in essence, a referral to the Disability Evaluation System (DES). On her DD 149, she notes that PTSD, Other mental health issues, Sexual assault/harassment, and Reprisal/whistleblower are issues related to her requests. She states in part:

“I was a great service member until I was assigned as the only female enlisted member in the JAG office in Bamberg, Germany during my last year of service. During this time, I suffered from trauma from sexual assault and sexual harassment which caused me to try to regain some semblance of myself by going to EO [Equal Opportunity], IG [Inspector General] and acting out. None of which worked causing my depression and PTSD to get worse ...

Now I am a 100% disabled veteran (due to PTSD for Sexual Assault/Harassment and Asthma) and a federal employee with 23 years of credited service - 17 years plush 5.5 years military buyback ...

I was already going through an MEB [medical evaluation board] (Attachment F) when I was told I was being chaptered. My discharge paperwork should have been held in abeyance pending the results of the MEB. After MEB results, the separation packet and MEB results should have been forwarded to the GCMCA [General Court Martial Convening Authority] for a decision to determine whether I should be Chaptered or continue with the PEB.

This did not happen, causing an INJUSTICE, IMPROPRIETY, and INEQUITY towards me regarding my potential medical retirement. Enclosed are the following documents and Regulations which give support to the evidence:”

c. The Record of Proceedings details the applicant's military service and the circumstances of the case. Her DD 214 shows she entered the regular Army on 28 February 1991 and was discharged under honorable conditions (general) on 2 August 1996 under provisions provided in 14-12b of AR 635-200, Active Duty Enlisted Administrative Separations (17 September 1990): Pattern of Misconduct. There are no

imminent danger pay deployments listed on the DD 214. A 25 April 1990 CID Report of Investigation found she was sexually assaulted by a Soldier while a civilian at Ft. Polk.

d. There are no encounters in the EMR.

e. The applicant was placed on a duty limiting permanent physical profile for Asthma on 12 April 1996. She was referred to a medical evaluation board (MEB). On 6 May 1996, the MEB determined her asthma failed medical retentions standards and recommended her case be referred to a physical evaluation board (PEB). She concurred with the board's findings and recommendation on 11 June 1996.

f. The applicant had undergone a mental status evaluation on 22 April 1996 at the request of her commander. He had stated she did not get along with other Soldiers of Supervisors and that "Soldier has very limited potential for retention in the Army." The provider noted she was passive, fully alert and oriented with fair memory and normal thought content but was depressed and confused. He opined:

"1. Soldier reports symptoms of significant depression over the past 10 months, with severe insomnia, frequent crying spells, decreased energy, feelings of discouragement and despair.

2. Her Psychiatric Diagnosis is: Depressive Disorder not otherwise specified.

3. She was started on an anti-depressant, Prozac 4,0 mg daily, and scheduled for a follow-up appointment in one week.

4. Her depression, and accompanying feelings of discouragement and hopelessness, have impaired her capacity to cooperate effectively with counsel.

g. In an undated memorandum, her company commander informed her of the initiation of action to separate her under paragraph 14-12b of AR 635-200:

"The reasons for my proposed action are: Since your arrival in Germany, you have made many false official statements; you have been disrespectful in language and deportment towards noncommissioned officers; and you have failed to follow instructions."

h. Her actions and pending discharge for misconduct made her ineligible for further DES processing, in this case referral to the PEB. Paragraph 4-1a of AR 635-40, Physical Evaluation for Retention, Retirement, or Separation (1 September 1990) states:

"Uniform Code of Military Justice (UCMJ) action. The case of a soldier charged with an offense under the UCMJ or who is under investigation for an offense

chargeable under the UCMJ which could result in dismissal or punitive discharge, may not be referred for, or continue, disability processing unless

- (1) The investigation ends without charges.
- (2) The officer exercising proper court-martial jurisdiction dismisses the charges:
- (3) The officer exercising proper court-martial jurisdiction refers the charge for trial to a court-martial that cannot adjudge such sentence.”

i. There is no evidence any of these criteria was met which would have enabled her to continue DES processing.

Paragraph 4-3a-b of AR 635-40, Physical Evaluation for Retention, Retirement, or Separation (1 September 1990) states:

“a. Except as provided below, an enlisted soldier may not be referred for, or continue, physical disability processing when action has been started under any regulatory provision which authorizes a characterization, of service of under, other than honorable, conditions.

b. If the case comes within the limitations above, the commander exercising general court-martial jurisdiction over the soldier may abate the administrative separation. This authority may not be delegated. A copy of the decision, signed by the general court-martial convening authority (GCMCA), must be forwarded with the disability case file to the PEB. A case file may be referred in this way if the GCMCA finds the following:

(1) The disability is the cause, or a substantial contributing cause, of the misconduct that might result in a discharge under other than honorable conditions.

(2) Other circumstances warrant disability processing instead of alternate administrative separation.”

j. Because her case could only be forwarded to the PEB with the approval of the GCMCA, the 11 July 1996 memorandum from MAJ T.R, Senior Defense Counsel, is thus in error when he stated in part:

“SPC [Applicant]'s administrative separation board under Chapt. 14-12(b), AR 635-200, must be held in abeyance until the medical authorities have acted on her PEB.

k. In a 22 July 1996 memorandum, the Chief of the Civil Law Division for the 1st Infantry Division advised the Commander of the Division Support Command (DISCOM), 1st Infantry Division, regarding the continuation her disability processing:

“IAW AR 635-40, paragraph 4-3a, the separation of SPC [Applicant] UP AR 635-200, Chapter 14-12b , Patterns of Misconduct, may proceed in lieu of physical evaluation processing. Because this separation was initiated under a regulatory provision which authorizes a characterization of services of Under Other than Honorable Conditions, SPC [Applicant] may not be referred for or continue physical disability processing.”

l. On 29 July 1996, the DISCOM commander approved her separation for misconduct:

“The recommendation for separation of SPC [Applicant], [SSN], Headquarters and Headquarters Company, 1st Infantry Division, APO AE 09036, under the provisions of AR 635-200, Chapter 14, paragraph 14-12b, for a pattern of misconduct, is approved.”

m. JLV shows she has been awarded multiple VA service-connected disability ratings, including a 30% rating for asthma originally effective 3 August 1996 and increased to 60% effective 1 April 1998, and a 70% rating for PTSD originally effective 22 July 2010.

n. It is the opinion of the ARBA medical advisor that referral of her case to the DES is unwarranted.

Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? YES: PTSD due to Military Sexual Trauma (MST)

(2) Did the condition exist or experience occur during military service? YES

(3) Does the condition or experience actually excuse or mitigate the discharge? Partially: As PTSD is associated with resistance to authority, the condition fully mitigates her disrespect toward commissioned and noncommissioned officers as well as her failure to follow orders. However, the condition does not affect ones ability to differentiate right from wrong and adhere to the right and thus cannot mitigate her multiple false official statements.

o. Given the history of MST, the medical advisor recommends the board consider upgrading the applicant’s discharge to Honorable with narrative reason changed to Secretarial Authority.

BOARD DISCUSSION:

1. The Board determined the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

2. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's request, supporting documents, evidence in the records, and published DoD guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, the applicant's record of service, the frequency and nature of the applicant's misconduct and the reason for separation. The applicant was discharged from active duty due to a pattern of misconduct with a general, under honorable conditions discharge.

a. The Board considered the medical records, any VA documents provided by the applicant and the review and conclusions of the advising official. The Board concurred with the medical advisory opinion finding partial mitigation, as PTSD is associated with resistance to authority, the condition mitigates her disrespect toward commissioned and NCOs as well as her failure to follow orders. Although the Board noted the partial mitigation, the Board also noted and agreed that the condition did not affect her ability to differentiate right from wrong and adhere to the right and thus cannot mitigate her multiple false official statements. Additionally, the Board also noted that the applicant did receive a general discharge. Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was not in error or unjust.

b. The Board noted that the applicant's narrative reason for separation was assigned based on the fact that she was discharged under AR 635-200, chapter 14-12b due to a pattern of misconduct. Absent her pattern of misconduct, there was no reason to initiate separation action against her. The underlying reason for her discharge was her misconduct. The only valid narrative reason for separation permitted under chapter 14-12b is "Misconduct" and the appropriate separation code associated with this discharge is JKQ which at the time had a corresponding RE Code of 4. Based on a preponderance of evidence, the Board determined that the narrative reason for separation and corresponding Separation and RE Codes the applicant received upon separation were not in error or unjust.

c. The evidence further shows the highest rank the applicant attained was that of SP4/E-4. There is no evidence she was recommended for promotion to SGT. Likewise, there is no evidence the applicant, even if she was recommended for promotion, she met the cut-off scores for promotion to SGT in her primary MOS. Since the DD Form 214 shows the rank held by the enlisted Soldier at the time of separation, the Board

determined that the rank/grade the applicant received upon separation was not in error or unjust.

d. The applicant's misconduct and resultant pending discharge for misconduct made the applicant ineligible for further disability processing. The Board thoroughly reviewed, and agreed with the medical advisor's finding that the applicant's disability was not the cause, or a substantial contributing cause, of the misconduct that might result in a discharge under other than honorable conditions and that there were no other circumstances that warranted disability processing instead of alternate administrative separation. The Board determined that disability processing is not warranted in the applicant's case.

BOARD VOTE:

| <u>Mbr 1</u> | <u>Mbr 2</u> | <u>Mbr 3</u> | |
|--------------|--------------|--------------|----------------------|
| : | : | : | GRANT FULL RELIEF |
| : | : | : | GRANT PARTIAL RELIEF |
| : | : | : | GRANT FORMAL HEARING |
| ■ | ■ | ■ | DENY APPLICATION |

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

[REDACTED]

[REDACTED]

[REDACTED]

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, U.S. Code, Section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Section 1556 of Title 10, U.S. Code, requires the Secretary of the Army to ensure that an applicant seeking corrective action by the ARBA be provided with a copy of any correspondence and communications (including summaries of verbal communications) to or from the Agency with anyone outside the Agency that directly pertains to or has material effect on the applicant's case, except as authorized by statute. ARBA medical advisory opinions and reviews are authored by ARBA civilian and military medical and behavioral health professionals and are therefore internal agency work product. Accordingly, ARBA does not routinely provide copies of ARBA Medical Office recommendations, opinions (including advisory opinions), and reviews to Army Board for Correction of Military Records applicants (and/or their counsel) prior to adjudication.
3. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR.
 - a. Paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
 - b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.
4. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides that separation codes are three-character alphabetic combinations that identify reasons for and types of separation from active duty. Separation code narrative reasons are aligned with applicable regulatory authority paragraphs. The separation code "JKB" is the appropriate code to assign Soldiers separated under the provisions of Army Regulation 635-200, by narrative reason of misconduct.
5. Army Regulation 635-200 sets forth the basic authority for the separation of enlisted personnel. The version in effect at the time provided that:
 - a. An honorable discharge is a separation with honor and entitles the recipient to benefits provided by law. The honorable characterization is appropriate when the quality

of the member's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

b. A general discharge is a separation from the Army under honorable conditions. When authorized, it is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

c. Chapter 14 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. It states that action will be initiated to separate a Soldier for misconduct when it was clearly established that rehabilitation was impracticable or unlikely to succeed.

6. The Secretary of Defense directed the Service Discharge Review Boards (DRB) and Service Boards for Correction of Military/Naval Records (BCM/NR), on 3 September 2014, to carefully consider the revised PTSD criteria, detailed medical considerations, and mitigating factors when taking action on applications from former service members administratively discharged under other than honorable conditions and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

7. The Under Secretary of Defense for Personnel and Readiness provided clarifying guidance to Service DRBs and Service BCM/NRs on 25 August 2017. The memorandum directed them to give liberal consideration to veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD, traumatic brain injury, sexual assault, or sexual harassment. Standards for review should rightly consider the unique nature of these cases and afford each veteran a reasonable opportunity for relief even if the mental health condition was not diagnosed until years later. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on those conditions or experiences.

8. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the type of court-martial. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

a. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining

whether to grant relief on the basis of equity, injustice, or clemency grounds, Boards shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

b. Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

//NOTHING FOLLOWS//