

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 March 2024

DOCKET NUMBER: AR20230006538

APPLICANT REQUESTS: an honorable physical disability discharge in lieu of her general, under honorable conditions discharge for pattern of misconduct in the Army National Guard.

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

- ARBA online application in lieu of DD Form 149 (Application for Correction of Military Record)
- Award of the Army Reserve Component Achievement Medal
- NGB Form 22 (National Guard Report of Separation and Record of Service), 14 July 2018
- Verification of Military Experience and Training
- Department of Veterans Affairs (VA) service connected letter, 13 February 2023
- VA eBenefits Printout
- ANL letter of support
- VW letter of support
- LH letter of support
- VA administrative records (18 pages)
- medical records (53 pages)

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 she is an Army National Guard veteran suffering from post-traumatic stress disorder (PTSD), anxiety and depression. Throughout her service she suffered from unhealed hip injuries. Throughout her military career she did her best to maintain and improve her shortcomings by seeking help from her leadership, doctor, and research, with no progress. She was unable to pass any of her Army Physical Fitness Tests (APFT) due to the pain. She struggled with this physically and mentally for over 5 years since the beginning of her military career. She has documentation proving

her injuries. Medical professionals have recognized her service related injuries and awarded her a disability rating.

3. The applicant underwent a medical examination for enlistment purposes on 28 October 2013. Her DD Form 2808 (Report of Medical Examination) shows she was found qualified for service without significant defect and was assigned a physical profile of 111111.

A physical profile, as reflected on a DA Form 3349 (Physical Profile) or DD Form 2808, is derived using six body systems: "P" = physical capacity or stamina; "U" = upper extremities; "L" = lower extremities; "H" = hearing; "E" = eyes; and "S" = psychiatric (abbreviated as PULHES). Each body system has a numerical designation: 1 meaning a high level of fitness; 2 indicates some activity limitations are warranted, 3 reflects significant limitations, and 4 reflects one or more medical conditions of such a severity that performance of military duties must be drastically limited. Physical profile ratings can be either permanent or temporary.

4. The applicant enlisted in Arkansas Army National Guard (ARARNG) on 28 October 2013. She completed initial active duty for training (IADT) from 27 May 2017 to 16 December 2014.

5. A Patient Intake/Screening Record, dated 12 December 2016, indicates the applicant was screened for enrollment in Alcohol and other Drug Abuse Prevention Training (ADAPT) due to a positive urine analysis. She was not enrolled because she did not meet diagnostic criteria for substance abuse.

6. The applicant was awarded the Army Reserve Component Achievement Medal for her service from 28 October 2013 to 27 October 2016.

7. A NGB 602 (Army National Guard Bar to Reenlistment, Immediate Reenlistment or Extension (Certificate)), 6 May 2017, was issued because the applicant initially failed to meet APFT standards beginning 2 May 2015. She had repeatedly failed to make progress and sustain compliance with standards. She has an extensive history of failing to comply or respond to rehabilitation measures. Her inability to maintain fitness standards has resulted in her decertification as a Soldier in the ARARNG..

8. A Report to Suspend Favorable Personnel Actions (FLAG) was initiated on 22 December 2017 for drug abuse.

9. A memorandum to the applicant, subjected: Memorandum of Instruction for Intent to Separate, dated 20 December 2017, shows her commanding officer's intent to separate her for misconduct.

10. A memorandum to the applicant, subjected: Notification of Separation Proceedings under AR 135-178, Chapter 12, dated 20 December 2017, shows the reason for the proposed actin is that on 2 December 2017 she tested positive for THC, the psychoactive compound in marijuana. He recommended an under other than honorable conditions character of service. She was advised of her right to consult with counsel, obtain copies of documents used as basis of the proposed separation, to request a hearing before an administrative separation board, present written statements on her own behalf, and that she may waive these rights.

11. On 7 January 2018, the applicant was counseled concerning her positive urinalysis administered on 2 December 2017. She was advised she may enroll in a treatment plan within 30 days or be administratively separated. The applicant acknowledged the counseling and elected to get an appointment to obtain the recommended treatment.

12. The applicant acknowledged the Notification of Separation Proceedings on 7 January 2018. She waived her right to consult with counsel and a hearing before and administrative separation board. She requested copies of the documents used in the proceedings and elected to submit a statement.

13. The Battalion Commander's Report for Separation shows this is the second positive for the applicant and retention is outside of policy and she had not demonstrated potential for retention and continued service.

14. The applicant submitted a request for conditional waiver wherein she voluntarily waived her right to a hearing before and administrative separation board on the condition that her service would be characterized as general, under honorable conditions in lieu of under other than honorable conditions.

15. On 1 February 2018, a memorandum for record, subject: Substance Abuse Referral Failure to Rehab, states the applicant was referred for an assessment at an approved facility by the State Substance Abuse Prevention Coordinator on 6 January 2018 and to two other facilities on 11 January 2018. As of this date she has failed to follow through with the referral.

16. A legal review of the applicant's separation package was completed on 19 March 2018, recommending the applicant be notified that an Administrative Separation board will convene.

17. A memorandum, subject: Victim of Sexual Assault Statement for Administrative Separation, dated 1 July 2018, shows the applicant indicated she had not filed an unrestricted report of a sexual assault and her separation was not related to a sexual assault or filing of such a report.

18. The Summary of Board Proceedings, dated 14 July 2018, shows the applicant did not participate in the proceedings. The Board determined the applicant should be separated with a general, under honorable conditions characterization of service.

19. The applicant was discharged on 14 July 2018 under the provisions of National Guard Regulation (NGR) 600-200 (Enlisted Personnel Management), paragraph 6-35i(1) for acts or patters of misconduct. Her NGB Form 22 shows she completed 4 years 8 months 17 days total service with a character of service of General.

20. The applicant provided the following pertinent documents:

a. A 13 February 2023 VA service-connected disability letter show a combined evaluation of 100 percent.

b. A printout from the VA website showing her service connected disabilities and ratings:

- 0 percent - female sexual arousal disorder (FSAD) with depression
- 20 percent - left ankle lateral collateral ligament sprain
- 0 percent - residual of left femoral neck stress fracture
- 10 percent - limitation of flexion, left hip
- 0 percent - limitation of extension, left hip
- 10 percent - residuals of right femoral neck stress fracture
- 0 percent - limitation of flexion, right hip
- 70 percent - major depressive disorder with generalized anxiety disorder
- 0 percent - limitation of extension, right hip
- 10 percent - gastroesophageal reflux disease (GERD)
- 50 percent - migraine
- 10 percent - lumbosacral strain
- 10 percent - right lower extremity radiculopathy
- 0 percent - dysmenorrhea with menorrhagia
- 20 percent - left should strain
- 20 percent - right ankle lateral collateral ligament sprain
- 10 percent - right knee strain

c. ANL's letter of support states, in pertinent part, she is the applicant's sister and witnessed the applicant's issues with sleep and muscle pain due to injuries resulting from her service. The applicant began to complain of hip pain after a long drill weekend sometime between 2016 and 2017. The pain affected her mental stability, shifting her mood and behavior. Her lack of sleep led to isolation.

d. VW's letter of support states, in pertinent part, she is the applicant's sister and they served together. The applicant used to be outgoing, energetic and joyful prior to service with no mental health concerns. During service the applicant's mental health changed for the worse and she suffers with depression, anxiety and PTSD. She was chronically injuring during training and did not seek help for fear of retaliation or reprisal.

e. LH's letter of support states, in pertinent part, she served with the applicant from 2014 to 2018. The applicant was always an outgoing person and helpful Soldier. The applicant complained about hip and back problems and struggled to pass her APFT. These issues hindered her military career, and the applicant self-medicated although it is against Army regulations.

21. The Army rates only conditions determined to be physically unfitting at the time of discharge, which disqualify the Soldier from further military service. The Army disability rating is to compensate the individual for the loss of a military career. The VA does not have authority or responsibility for determining physical fitness for military service. The VA may compensate the individual for loss of civilian employability.

## 22. 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 (AHLTA), the VA electronic medical record (JLV), the electronic Physical Evaluation Board (ePEB), the Medical Electronic Data Care History and Readiness Tracking (MEDCHART) application, the Army Aeromedical Resource Office (AERO), and/or 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 under honorable conditions (general) discharge and, in essence, a referral to the Disability Evaluation System (DES) for PTSD. He states:

"I am an Army National Guard veteran who suffers from PTSD extreme anxiety and depression. Throughout my service, I suffered from unhealed hip injuries. Throughout my military career I have been doing my best to maintain and improve my shortcomings. Seeking help from my leadership, my doctor, and my own research, with no progress. I was unable to pass any of my PT [Army Physical Fitness Test, or APFT] test due to the pain and inability to succeed. Letting my superiors down and myself.

I struggled with this physically and mentally for over 5 years since the beginning of my military career. I have documentation proving my injuries and military and

doctor professionals who also have recognized this and awarded me disability because of my physical and mental disabilities.”

c. The Record of Proceedings details the applicant’s military service and the circumstances of the case. A DD 214 shows the applicant attended Initial Entry Training for 27 May 2014 thru 16 December 2014 and was awarded the MOS [military occupational specialty] of 91B – Wheeled vehicle mechanic.

d. The applicant’s Report of Separation and Record of Service (NGB Form 22) for the period of Service under consideration shows he enlisted in the Army National Guard on 28 October 2013 and was discharged from the Arkansas Army National Guard (AKARNG) on 14 July 2018 under the provisions in paragraph 6-35i(1) of NGR 600-200, Enlisted Personnel Management (31 July 2009): Patterns of Misconduct Under UCMJ. Her Enlisted Record Brief contains no overseas deployments or combat duty.

e. Paragraph 6-35i(1) of NGR 600-200:

“Acts or patterns of misconduct under the UCMJ, State Military Code or similar laws. Administrative separation board procedures per paragraph 6-32 are required. This includes abuse of illegal drugs. All Soldiers identified as abusers of illegal drugs will be referred for treatment as appropriate regardless of the commander's intent to take administrative, nonjudicial or judicial actions.

Commanders must initiate separation action within 45 days of the act or referral, regardless of the commander’s recommendation. Forward recommendations for retention or separation through command channels to the separation authority. See AR 135-178, chapter 11 when the discharge authority decides to retain and as a condition of retention, enroll in a rehabilitation program as soon as possible, but within 90 days of notification.

Enrollment and participation will be at no expense to the government.

Commanders will immediately begin discharge actions for Soldiers who refuse or fail to enroll in a rehabilitation program as a result of committing a drug offense.”

f. The applicant’s pre-entrance Report of Medical History and Report of Medical Examination, completed in October 2013, show the applicant to have been in good health, without any significant medial history or conditions.

g. AHLTA shows the applicant sustained and was successfully treated for a right femoral neck stress fracture during IET as evidenced by her graduating with an MOS.

The next clinical entry in the EMR is her 23 September 2019 VA Hip and Thigh Conditions Disability Benefits Questionnaire (aka "VA C&P).

h. APFT Score Cards (DA Form 705) show she failed seven consecutive APFTs from 2 May 2015 thru 16 October 2016. There were no successes.

i. The applicant's company commander barred her from reenlisting on 16 May 2017:

"SM [Service Member] initially failed to meet APFT standards beginning 02 May 2015. She has repeatedly failed to make progress and sustain compliance with the standards of FM 7-22. SM has an extensive history of failing to comply or respond to rehabilitation measures. SM has an extensive history of failing to comply or respond to rehabilitation measures. SM's inability to maintain fitness standards has resulted in his decertification as a Soldier in the Arkansas Army National Guard."

j. The applicant tested positive for tetrahydrocannabinol (THC) in a random urine drug test collected on 2 December 2017. In a 20 December 2017 memorandum, her brigade commander notified her of his intent to separate her with a characterization of service of Under Other Than Honorable Conditions.

In his recommendation to The Adjutant General that she be separated with an under than honorable characterization of service, the battalion wrote:

- This is the second positive for this Soldier.
- It is outside of policy to recommend retention of this Soldier.
- This Soldier has not demonstrated potential for retention and continued service.

k. The applicant requested a general discharge in her application for a conditional waiver. In her written statement, she requested another chance to stay in the ARNG while both acknowledging and accepting responsibility for her mistakes. The two-page statement does not mention of a mental health condition but she did state "I admit I had a problem with this substance prior to joining the service, when I was in high school."

l. In a 1 February 2018 memorandum for record the State Alcohol and Drug Control Officer stated the applicant had failed to enter substance abuse treatment as required in paragraph 6-35i(1) of NGR 600-200:

"PFC [Applicant] was provided a referral for an assessment at Recovery Centers of Arkansas, North Little Rock, AR by the State Substance Abuse Prevention

Coordinator on 1/06/2018. She was also provided referrals to two other facilities on 1/11/2018. As of this date she has failed to follow through with the referral.”

m. Review of her records in JLV shows she has numerous VA service-connected disability ratings, including a 70% for major depressive disorder. Review of her mental health encounters did not reveal a military (combat or sexual) associate trauma. From her 23 Mar 2021 VA mental health diagnostic assessment:

“24 yo AAF w/ past history of adjustment disorder appearing for initial intake for low mood starting around age 19, worsening in the last year with no apparent stressors. Previously treated by primary care provider in 20s and started sertraline for 1 week but stopped due to feeling less focused on the medication.

Currently endorses tearfulness, isolation, irritability, insomnia, anhedonia, low appetite with weight loss in last 6 months, difficulty focusing on things that customers are saying, worrying about being fired, no hope about positive things in the future, frequent passive SI (w/o plan or intent). No prior suicide attempts. No access to firearms. Will Hit self in the head when feeling very overwhelmed.”

n. There is insufficient probative evidence the applicant had any duty incurred medical condition which would have failed the medical retention standards of chapter 3 of AR 40-501, Standards of Medical Fitness, prior to his discharge. Thus, there was no cause for referral to the Disability Evaluation System. Furthermore, there is no evidence that any medical condition prevented the applicant from being able to reasonably perform the duties of his office, grade, rank, or rating prior to his discharge.

o. The DES compensates an individual only for service incurred medical condition(s) which have been determined to disqualify him or her from further military service. The DES has neither the role nor the authority to compensate service members for anticipated future severity or potential complications of conditions which were incurred or permanently aggravated during their military service; or which did not cause or contribute to the termination of their military career. These roles and authorities are granted by Congress to the Department of Veterans Affairs and executed under a different set of laws.

Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, Major Depressive Disorder (MDD)

(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 MDD is associated with self-medicating with illicit drugs, the condition mitigates her marijuana use. However, the condition does not affect one's ability to differentiate right from wrong and adhere to the right and therefore it does her failures to enter one of the three offered substance abuse programs.

BOARD DISCUSSION:

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 applicant was discharged from the ARNG under the provisions of NGR 600-200 for acts or patterns of misconduct with a general discharge. The Board considered the medical records, any VA documents provided by the applicant and the review and conclusions of the medical official. The Board concurred with the medical reviewer's finding insufficient evidence to support the applicant had condition or experience that mitigated her misconduct. Also, the applicant provided no evidence of post-service achievements or letters of reference of a persuasive nature in support of a clemency determination. 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. The Board also agreed that there is insufficient probative evidence the applicant had any duty incurred medical condition which would have failed medical retention standards of AR 40-501, Standards of Medical Fitness, prior to her discharge. Furthermore, there is no evidence that any medical condition prevented the applicant from being able to reasonably perform the duties of her office, grade, rank, or rating prior to his discharge. Thus, there was no cause for referral to the Disability Evaluation System.

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.

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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. Army Regulation (AR) 135-178 (Army National Guard and Army Reserve - Enlisted Administrative Separations) establishes policies, standards, and procedures governing the administrative separation of certain enlisted soldiers of the Army National Guard of the United States and the United States Army Reserve as directed by Department of

Defense Directive 1332.14, December 1993 Subject: Enlisted Administrative Separations.

3. National Guard Regulation (NGR) 600-200 (Enlisted Personnel Management) established standards, policies, and procedures for the management of Army National Guard (ARNG) enlisted Soldiers in several the functional areas, including Discharge. Chapter 6 (Enlisted Separations) sets the policies, standards, and procedures for the separation of enlisted Soldiers from the ARNG/ARNGUS.

a. Paragraph 6-8.a.(1): An honorable characterization may only be awarded a Soldier upon completion of his or her service obligation, or where required under specific reasons for separation, unless an uncharacterized description is warranted.

b. Paragraph 6-8.b.: Characterization of service as general (under honorable conditions) is warranted when significant negative aspect of the Soldiers conduct, or performance of duty outweighs positive aspects of the Soldiers military record.

c. Paragraph 6-35.i.(1): Acts or patterns of misconduct under the UCMJ, State Military Code or similar laws. Administrative separation board procedures per paragraph 6-32 are required. This includes abuse of illegal drugs. All Soldiers identified as abusers of illegal drugs will be referred for treatment as appropriate regardless of the commander's intent to take administrative, nonjudicial or judicial actions. Commanders must initiate separation action within 45 days of the act or referral, regardless of the commander's recommendation. Forward recommendations for retention or separation through command channels to the separation authority. See AR 135-178, chapter 11 when the discharge authority decides to retain and as a condition of retention, enroll in a rehabilitation program as soon as possible, but within 90 days of notification. Enrollment and participation will be at no expense to the government. Commanders will immediately begin discharge actions for Soldiers who refuse or fail to enroll in a rehabilitation program as a result of committing a drug offense. RE 3 or RE 4.

4. Title 10, USC, chapter 61, provides the Secretaries of the Military Departments with authority to retire or discharge a member if they find the member unfit to perform military duties because of physical disability. The U.S. Army Physical Disability Agency is responsible for administering the Army physical disability evaluation system and executes Secretary of the Army decision-making authority as directed by Congress in chapter 61 and in accordance with DOD Directive 1332.18 and Army Regulation 635-40 (Physical Evaluation for Retention, Retirement, or Separation).

a. Soldiers are referred to the disability system when they no longer meet medical retention standards in accordance with Army Regulation 40-501 (Standards of Medical Fitness), chapter 3, as evidenced in an MEB; when they receive a permanent medical

profile rating of 3 or 4 in any factor and are referred by an MOS Medical Retention Board; and/or they are command-referred for a fitness-for-duty medical examination.

b. The mere presence of a medical impairment does not in and of itself justify a finding of unfitness. In each case, it is necessary to compare the nature and degree of physical disability present with the requirements of the duties the Soldier may reasonably be expected to perform because of his or her office, grade, rank, or rating. Reasonable performance of the preponderance of duties will invariably result in a finding of fitness for continued duty. A Soldier is physically unfit when a medical impairment prevents reasonable performance of the duties required of the Soldier's office, grade, rank, or rating.

5. Title 38 USC, section 1110 (General - Basic Entitlement) states for disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, or air service, during a period of war, the United States will pay to any veteran thus disabled and who was discharged or released under conditions other than dishonorable from the period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, compensation as provided in this subchapter, but no compensation shall be paid if the disability is a result of the veteran's own willful misconduct or abuse of alcohol or drugs.

6. Title 38 USC, section 1131 (Peacetime Disability Compensation - Basic Entitlement) states for disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, or air service, during other than a period of war, the United States will pay to any veteran thus disabled and who was discharged or released under conditions other than dishonorable from the period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, compensation as provided in this subchapter, but no compensation shall be paid if the disability is a result of the veteran's own willful misconduct or abuse of alcohol or drugs.

7. AR 635-40 (Personnel Separations-Disability Evaluation for Retention, Retirement, or Separation) establishes the Army Disability Evaluation System and sets forth policies, responsibilities, and procedures that apply in determining whether a Soldier is unfit because of physical disability to reasonably perform the duties of his office, grade, rank, or rating. Only the unfitting conditions or defects and those which contribute to unfitness will be considered in arriving at the rated degree of incapacity warranting retirement or separation for disability.

8. AR 40-501 (Standards of Medical Fitness) governs medical fitness standards for enlistment, induction, appointment (including officer procurement programs), retention, and separation (including retirement). The Department of Veterans Affairs Schedule for

Rating Disabilities (VASRD). VASRD is used by the Army and the VA as part of the process of adjudicating disability claims. It is a guide for evaluating the severity of disabilities resulting from all types of diseases and injuries encountered as a result of or incident to military service. This degree of severity is expressed as a percentage rating which determines the amount of monthly compensation.

9. Section 1556 of Title 10, USC, requires the Secretary of the Army to ensure that an applicant seeking corrective action by the Army Review Boards Agency (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.

10. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records (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 court-martial forum. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to any other corrections, including changes in a discharge, which may be warranted on equity or relief from injustice grounds. This guidance does not mandate relief, but rather provides standards and principles to guide BCM/NRs in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, BCM/NRs 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. (Kurta Memo)

11. Title 38, U.S. Code, Sections 1110 and 1131, permit the VA to award compensation for disabilities which were incurred in or aggravated by active military service. However, an award of a VA rating does not establish an error or injustice on the part of the Army.

12. Title 38, CFR, Part IV is the VA's schedule for rating disabilities. The VA awards disability ratings to veterans for service-connected conditions, including those conditions detected after discharge. As a result, the VA, operating under different policies, may award a disability rating where the Army did not find the member to be unfit to perform his duties. Unlike the Army, the VA can evaluate a veteran throughout his or her

lifetime, adjusting the percentage of disability based upon that agency's examinations and findings.

//NOTHING FOLLOWS//