

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 January 2024

DOCKET NUMBER: AR20230006730

APPLICANT REQUESTS: an upgrade of his character of service from under other than honorable conditions (general) to honorable, and correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show:

- he was discharged for medical reasons
- change his narrative reason for separation to Secretarial Authority

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

- DD Form 149 (Application for Correction of Military Record)
- Medical documents (5 pages)
- Counsel brief (10 pages)
- DD Form 214, 18 September 1998
- Affidavit in support of petition
- Compensation & Pension (C&P) Neurological disorders Disability Benefits Questionnaire (DBQ), 20 April 2023
- Veterans Affairs (VA) rating decision, 21 April 2023
- NeuroRehab Service Interdisciplinary Evaluation (8 pages)
- Statement in support of claim for service connection for post-traumatic stress disorder (PTSD)
- Medical documents (3 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 he entered the military with pre-existing traumatic brain injury (TBI). He kept having physical problems exasperated by a second TBI received at Fort Hood, TX. He had severe PTSD from a training death at Fort Benning, GA.

a. In an affidavit in support of the petition the applicant states while still a student, he was involved in a serious car accident resulting in a fractured skull. He was life-flighted to a local hospital where he was in a coma for 3 days. Despite his injury, he made full recovery and enlisted in the Army after graduating high school.

b. After completing his training, he continued his training at Fort Benning, where he was involved in an accident that left him with a TBI. While riding in a Bradley, the driver lost control and tipped the vehicle on its side. He was struck on his head by a piece of equipment, which left him feeling nauseous and woozy. He reported his injury to his training officer, but he ignored his complaint and told him to get back to training. As a result of his injury, he suffered cognitive difficulties including distractibility, forgetfulness, difficulties with planning and problem solving, difficulties with word finding, and increasing anxiety and depression.

c. Despite his symptoms, he continued to train and was involved in a live fire training exercise which resulted in the death of a friend and fellow Soldier. While crawling in a trench under barbed wire, Private R\_\_ was struck in the head with live ammunition and was killed instantly. He was at most only several feet away and he was covered in human remains due to his proximity.

d. As a result, he began suffering from severe mental health symptoms including almost daily flashbacks to this incident. Initially, he tried to self-medicate through alcohol but was quickly overwhelmed. Feeling unable to handle all the symptoms of his TBI and PTSD, he felt he had no choice but to leave base without authorization. He knew that he would get in trouble for leaving, but he felt like staying on base was only making his conditions worse.

e. Since his discharge, he has worked hard to have a normal life, but his physical and mental health conditions often stood in the way. He is the sole provider for his son but has been unable to maintain employment both because of his conditions but also because of the amount of time he spends traveling to and from and attending rehabilitation appointments. He is seeking a discharge upgrade because he does not believe his discharge status fairly characterizes his time in service. He believes that the actions that led to his discharge were all directly related to his physical and mental health conditions.

3. The applicant's counsel provides a 10-page brief, wherein he restates the portion of the applicant's above statement pertaining to his first TBI incident, his military service, his second TBI, his PTSD, and the events leading him to and the events which eventually led him to go absent without leave (AWOL). Counsel's argument and contentions are provided in summary; however, the entire 10-page brief is attached in documents for the board's review.

a. Counsel references the 2014 Hagel Memorandum, the 2016 Caron Memorandum, the 2017 Kurta Memorandum, and the 2018 Wilkie Memorandum, and respectfully requests this Board grant liberal consideration to his contention that the behavior that led to his discharge was a direct result of his TBI and PTSD.

a. The applicant and counsel request the Board consider their contentions that the Army failed to acknowledge the applicant's behavior was symptomatic of TBI and PTSD and in light of his faithful and dutiful service, and his mental health conditions, an Other Than Honorable discharge is an inequity.

b. Counsel argues the applicant's TBI and Mental Health condition excuses and mitigates the misconduct, evidenced by diagnoses and service-connection. The applicant's mental health conditions existed during service. His conditions excuse and mitigate the discharge because the misconduct was a direct result of his mental health condition. The applicant's conditions outweigh his misconduct because the misconduct was an attempt to alleviate his severe symptoms.

4. The applicant enlisted in the Regular Army on 31 July 1997.

5. His record reflects the following changes in his duty status:

a. He was reported AWOL on 6 January 1998 and his duty status was changed from AWOL to dropped from rolls (DFR) on 30 January 1998.

b. He was apprehended by civilian authorities on 17 February 1998 for the civilian charge of rolling stop and subsequently confined in a county jail pending disposition of charge.

c. On 20 March 1998, he was released to military authorities/returned to military control with the understanding he will appear in court at a later date.

6. Court martial charges were preferred against the applicant on 27 March 1998. He was charged with being AWOL from on or about 30 January 1998 until on or about 20 March 1998.

7. On 27 March 1998, the applicant voluntarily requested discharge in lieu of trial by court-martial under the provision of Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), chapter 10.

8. On 20 July 1998, his chain of command recommended approval of his request for discharge under AR 635-200, chapter 10 and recommended an under other than honorable conditions discharge. He acknowledged understanding/indicated:

a. He was making this request of his own free will and had not been subjected to any coercion whatsoever by any person. He was advised of the implications that are attached to it. By submitting this request for discharge, he acknowledged that he understood the elements of the offense(s) charged and he was guilty of the charge(s) against him or of (a) lesser included offense(s) therein contained which also authorized the imposition of a bad conduct or dishonorable discharge. Moreover, he stated that under no circumstances did he desire further rehabilitation, for he have no desire to perform further military service.

b. Prior to completing this form, he was afforded the opportunity to consult with appointed counsel for consultation. He had consulted with counsel for consultation who fully advised him of the nature of his rights under the Uniform Code of Military Justice, the elements of the offense(s) with which he was charged, any relevant lesser included offense(s) thereto, and the facts that must be established by competent evidence beyond a reasonable doubt to sustain a finding of guilty; the possible defenses which appear to be available at this time; and the maximum permissible punishment if he was found guilty. Although he was furnished legal advice, this decision was his own.

c. He understood that, if his request for discharge was accepted, he may be discharged under conditions which are other than honorable and furnished an Under Other Than Honorable Discharge Certificate. He was advised and understood the possible effects of an Under Other Than Honorable Discharge and that as a result of the issuance of such discharge, he would be deprived of many or all Army benefits, that he may be ineligible for many or all benefits administered by the Veteran's Administration, and that he may be deprived of his rights and benefits as a veteran under both Federal and State law. He also understood that he may expect to encounter substantial prejudice in civilian life because of an Under Other Than Honorable Discharge.

d. The applicant elected to make a statement in his own behalf, dated 27 March 1998, wherein he states he went AWOL for the following reasons:

(1) Number 1 - He had not received any pay for 3 months.

(2) Number 2 - He was being harassed for not having his uniforms pressed. He did not have them pressed because he had no money. Instead of having them pressed, he was using spray starch and an iron. Apparently, that was not good enough. He was getting smoked and getting extra duty because his uniforms were not pressed.

(3) Also, he was refused access to finance to get it straightened out or to get his signup bonus.

(4) He got tired of being harassed for reasons beyond his control, so he went AWOL.

9. On 6 August 1998, in accordance with the recommendations of his chain of command, the separation authority approved the request for discharge in lieu of trial by court-martial and directed his character of service be under other than honorable conditions and that he be reduced to private E-1.

10. Accordingly, he was discharged under other than honorable conditions on 18 September 1998, in the rank of private. He completed 11 months and 5 days net active service this period. His DD Form 214 shows:

- Item 25 (Separation Authority): AR 635-200, chapter 10
- Item 26 (Separation Code): KFS
- Item 27 (Reentry Code): 3
- Item 28 (Narrative Reason from Separation): In Lieu of Trial by Court Martial
- Item 29 (Date of Time Lost During This Period): 19980106-19980319 (6 January 1998 – 19 March 1998)

11. The applicant provides:

a. Medical documents (4 pages) in support of his claim. (Provided in full for the board's review).

b. VA rating decision, 21 April 2023, showing service connection for treatment purposes only under 38 USC chapter 17 for TBI is granted. (Provided in full for the board's review).

c. Compensation and Pension Neurological disorders Disability Benefits Questionnaire, 20 April 2023, in support of claim. (Provided in full for the board's review).

d. NeuroRehab Service Interdisciplinary Evaluation (8 pages) showing a diagnosis(s) of:

- Diffuse traumatic brain injury with loss of consciousness of unspecified duration subsequent encounter
- Cognitive communication deficit
- Frontal lobe and executive function deficit
- Chronic pain due to trauma
- Abnormality of gait
- (Provided in full for the board's review)

e. Statement in support of claim for service connection for PTSD in support of his claim. (Provided in full for the board's review).

f. Medial documents (3 pages) showing a social work comprehensive assessment in support of his claim. (Provided in full for the board's review).

12. There is no evidence within his available records nor did the applicant provide any evidence that he was issued a permanent physical profile or that he was entered into Disability Evaluation System.

13. Regulatory guidance provided an under other than honorable conditions characterization of service is normally considered appropriate for Soldiers discharged under the provisions of Army Regulation 635-200, chapter 10.

14. The Board should consider the applicant's submission in accordance with the published equity, injustice, and clemency determination guidance.

15. MEDICAL REVIEW:

a. Background: The applicant is requesting an upgrade of his under other than honorable conditions (UOTHC) discharge to honorable, and a correction of his DD Form 214 to show he was discharged for medical reasons, and a change of his narrative reason for separation to Secretarial Authority. The applicant contends that a preexisting TBI, additional head trauma, and PTSD were mitigating factors in his discharge.

b. The specific facts and circumstances of the case can be found in the ABCMR Record of Proceedings (ROP). Below is a summary of information pertinent to this advisory:

- Applicant enlisted in the RA on 31 July 1997.
- He was reported AWOL on 6 January 1998 and his duty status was changed from AWOL to dropped from rolls (DFR) on 30 January 1998. He was apprehended by civilian authorities on 17 February 1998 for the civilian charge of rolling stop and subsequently confined in a county jail pending disposition of charge. On 20 March 1998, he was released to military authorities/returned to military control with the understanding he will appear in court at a later date.
- Court martial charges were preferred against the applicant on 27 March 1998. He was charged with being AWOL from on or about 30 January 1998 until on or about 20 March 1998.
- On 27 March 1998, the applicant voluntarily requested discharge under AR 635-200, Chapter 10, in lieu of trial by court-martial. It was approved.
- The applicant was discharged on 18 September 1998 with an UOTHC characterization of service.

c. Review of Available Records Including Medical:

d. The Army Review Boards Agency (ARBA) Behavioral Health (BH) Advisor reviewed this case. Documentation reviewed included the applicant's completed DD Form 149, his ABCMR Record of Proceedings (ROP), his DD Form 214, documents from his service record and separation as well as counsel brief, medical documents and an evaluation, compensation and pension (C&P) Neurological Disorders Disability Benefits Questionnaire (DBQ), VA rating decision letter, affidavit in support of petition, and statement in support of claim (PTSD). The VA electronic medical record and DoD health record were reviewed through Joint Longitudinal View (JLV). Lack of citation or discussion in this section should not be interpreted as lack of consideration.

e. On his application, the applicant asserted that he entered the military with a pre-existing traumatic brain injury (TBI). He kept having physical problems exasperated by a second TBI received at Fort Hood, TX. He also reported severe PTSD from a training death at Fort Benning, GA. The applicant included an affidavit that stated he experienced a serious car accident while in high school, leading to a fractured skull, being life-flighted to the hospital, and being in a coma for three days. He reportedly made a full recovery and enlisted in the Army after graduation. He reported he experienced another accident at Fort Benning and reportedly experienced another TBI (Bradley tipped over and he was struck on the side of his head with a piece of equipment; he reported nausea and feeling woozy). He stated he reported the incident to his leadership but was ignored. He claimed he experienced cognitive difficulties including distractibility, forgetfulness, difficulties with planning and problem solving, difficulties with word finding, and increasing anxiety and depression. He noted he also experienced a live fire training accident where a friend and fellow soldier died. He asserted that he began suffering from severe mental health symptoms secondary to these incidents, to include flashbacks. He noted he tried to cope with alcohol but was quickly overwhelmed. He noted he felt he had no choice but to leave base without authorization. He does not believe his discharge status fairly characterizes his service. In sum, the counsel and applicant assert that TBI and PTSD mitigate his misconduct and his discharge.

f. In contrast to this narrative, the applicant elected to make a statement on his own behalf during his separation process, dated 27 March 1998. He stated that he went AWOL for several reasons. The first was that he had not received any pay for 3 months. The second was that he was being harassed for not having his uniforms pressed. He did not have them pressed because he had no money. Instead of having them pressed, he was using spray starch and an iron. Apparently, that was not good enough. He was getting smoked and getting extra duty because his uniforms were not pressed. Third, he was refused access to finance to get it straightened out or to get his signup bonus. And fourth, he got tired of being harassed for reasons beyond his control, so he went AWOL. As observed, this is a significantly different narrative for why he went AWOL.

g. The applicant's time in service predates use of electronic health records (EHR) by the Army, hence no EHRs are available for review. His service record and supporting documents did not contain his service treatment records (STR) and no other records were provided to substantiate his claim.

h. The applicant has been engaged in care at the VA since February of 2023, to include mental health care. He has been diagnosed with concussion without loss of consciousness, personal history of TBI, and problems related to housing and economic circumstance, - unspecified. While PTSD was not listed as a diagnosis, it is repeatedly in his charts as an identified problem or reason for care. It does not appear like he has been fully assessed for PTSD, and it's instead being carried over a historical diagnosis. He has engaged in care with psychiatry and social work and appears to be getting involved with a polytrauma program.

i. Per the applicant's VA EHR, he is 0% service connected for traumatic brain disease. Per a VA rating decision letter (21 April 2023) he has been service connected, for treatment purposes only for a TBI. In addition, the applicant included several other supporting documents to include his compensation and pension (C&P) Neurological Disorders Disability Benefits Questionnaire (DBQ) dated 20 April 2023. The DBQ did highlight that there was no evidence of an in service TBI, though this is consistent with the applicant's report that his training officer did not allow him to get treatment and sent him back to training. The results indicated that it was at least as likely as not that the applicant's preexisting TBI condition was aggravated beyond it's natural progression by claimed head injury during service, with the aggravation found to be mild.

j. The applicant provided additional medical documentation. One medical document from his neurology provider supports that the applicant is on numerous prescription medications, to include medications that typically target mental health concerns. A social work consult/assessment dated 25 July 2023 lists TBI as the diagnosis and PTSD exacerbation as the active problem. He also included an evaluation from NueroRehab (dated 12/14/22 and 2/1/23) which shows he has been diagnosed with: Diffuse traumatic brain injury with loss of consciousness of unspecified duration subsequent encounter; cognitive communication deficit; frontal lobe and executive function deficit; chronic pain due to trauma; and abnormality of gait. From time of discharge until 2022, there is no other evidence of mental health treatment or diagnosis.

k. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is no evidence of a mitigating mental health condition from his time in service. However, the applicant has since been service connected for a TBI, hence per Liberal Consideration, it is at least as likely as not that the applicant experienced a TBI that exacerbated a preexisting TBI. There is no current evidence, outside of self-report, to support that the applicant experienced PTSD during his time in service.



## Kurta Questions:

(1) Does any evidence state that the applicant had a condition or experience that may excuse or mitigate a discharge? Yes. The applicant contends he had a TBI and PTSD during his time in service.

(2) Did the condition exist or experience occur during military service? Yes, he contends the TBI occurred during his time in service as well as a traumatic event that caused PTSD. The applicant is service connected, for treatment purposes only, for a TBI.

(3) Does the condition or experience actually excuse or mitigate the discharge? Yes. The applicant asserted experiencing a TBI and a traumatic event that caused PTSD during his time in service. The applicant and counsel assert that these conditions mitigate his misconduct and discharge and per Liberal Consideration, the applicant's contention warrants the board's consideration. That said, at the time of separation the applicant attributed his behavior to not having been paid for several months and receiving harassment for the condition of his uniforms. Hence, there are inconsistencies in the narrative provided across time. In addition, the symptoms described the day of his Bradley accident appear consistent with, at worst, a mild traumatic brain injury, though of note – there is no record of this injury. That said, given his history of a more significant brain injury in high school, it's ongoing affects, which typically would have resolved quickly, may have been more significant. There is also no evidence supporting his account of seeing a friend and fellow soldier killed during a training accident. However, the applicant has been service connected (treatment purposes only) for TBI. The applicant has not been service connected for PTSD and it's unclear if he's ever been fully assessed for PTSD, though his EHR and provided documents list exacerbated PTSD symptoms as a presenting concern described by the applicant.

I. Avoidance and/or difficulty with impulse control, as evidenced through going AWOL is consistent with the natural history and sequelae of a TBI, as well as PTSD. Hence, there is a nexus between his TBI and the misconduct that led to his discharge, as well as his self-reported experience of trauma related symptoms during his time in service. After applying Liberal Consideration, this advisor recommends mitigation and an upgrade of his discharge. However, there is insufficient evidence the applicant should have received a medical board or medical discharge while in the service, nor is there evidence he would be appropriate for a DES referral now. There is no evidence the applicant was ever diagnosed with a mental health condition nor any boardable conditions while in the service, he was not assessed as falling below retention standards, there is no indication he was ever on a permanent physical profile, nor is there evidence he was at the medical readiness decision point.

**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, and published DoD guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, record of service, the frequency and nature of his misconduct, and the reason for separation. The Board noted numerous inconsistencies in the applicant's statement and insufficient evidence of a mental health condition that existed prior to and aggravated by his period of service or that was result of his service. The applicant provided no evidence of post-service achievements or letters of reference in support of a clemency determination. After due consideration of the applicant's request, the Board determined the evidence presented does not meet the burden of proof in determining the existence of an error or injustice and a recommendation for relief is not warranted.



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. Paragraph 5-3 (Secretarial plenary authority) provides separation under this paragraph is the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the best interest of the Army. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memorandums. Secretarial separation authority is normally exercised on a case-by-case basis.

d. Chapter 10 provided, in pertinent part, that a member who had committed an offense or offenses for which the authorized punishment included a punitive discharge, could submit a request for discharge for the good of the service in lieu of trial by court-martial. The request could be submitted at any time after charges had been preferred and must have included the individual's admission of guilt. Although an honorable or general discharge was authorized, an under other than honorable conditions discharge was normally considered appropriate.

3. The Secretary of Defense directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs), on 3 September 2014 [Hagel Memorandum], 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.

4. The Acting Principal Deputy Under Secretary of Defense (Personnel and Readiness) provided clarifying guidance to Service DRBs and Service BCM/NRs on 24 February 2016 [Carson Memorandum]. The memorandum directed the BCM/NRs to waive the statute of limitations. Fairness and equity demand, in cases of such magnitude that a Veteran's petition receives full and fair review, even if brought outside of the time limit. Similarly, cases considered previously, either by DRBs or BCM/NRs, but without benefit

of the application of the Supplemental Guidance, shall be, upon petition, granted de novo review utilizing the Supplemental Guidance.

5. The Under Secretary of Defense (Personnel and Readiness) provided clarifying guidance to Service DRBs and Service BCM/NRs on 25 August 2017 [Kurta Memorandum]. 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 (TBI), 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 sexual assault or sexual harassment was unreported, or 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. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

a. Guidance documents are not limited to under other than honorable conditions discharge characterizations but rather apply to any petition seeking discharge relief including requests to change the narrative reason, re-enlistment codes, and upgrades from general to honorable characterizations.

b. An honorable discharge characterization does not require flawless military service. Many veterans are separated with an honorable characterization despite some relatively minor or infrequent misconduct.

c. Liberal consideration does not mandate an upgrade. Relief may be appropriate, however, for minor misconduct commonly associated with mental health conditions, including PTSD; TBI; or behaviors commonly associated with sexual assault or sexual harassment; and some significant misconduct sufficiently justified or outweighed by the facts and circumstances.

6. The Under Secretary of Defense (Personnel and Readiness) issued guidance to Service DRBs and Service BCM/NRs on 25 July 2018 [Wilkie Memorandum], 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.

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.

7. AR 40-501 (Standards of Medical Fitness) governs medical fitness standards for enlistment; induction; appointment, including officer procurement programs; retention; and separation, including retirement. Once a determination of physical unfitness is made, the VA/DOD jointly rate all disabilities using the Veteran's Administration Schedule for Rating Disabilities (VASRD). Ratings can range from 0 to 100 percent, rising in increments of 10 percent.

8. AR 635-40 (Physical Evaluation for Retention, Retirements, or Separation), in effect at the time, set forth the policies for the disposition of Soldiers found unfit because of physical disability to reasonably perform the duties of his/her office, grade, rank, or rating.

a. 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. The Soldier will not be declared physically unfit for military service because of disabilities known to exist at the time of the Soldier's acceptance for military service that have remained essentially the same in degree since acceptance and have not interfered with the Soldier's performance of effective military service.

b. Disability compensation is not an entitlement acquired by reason of a service-incurred illness or injury; rather, it is provided to Soldiers whose service is interrupted and who can no longer continue to reasonably perform because of a physical disability incurred or aggravated in service.

9. Title 38 USC 1110 (General - Basic Entitlement): 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.

10. Title 38 USC 1131 (Peacetime Disability Compensation - Basic Entitlement): 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.

//NOTHING FOLLOWS//