

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 1 March 2024

DOCKET NUMBER: AR20230007322

APPLICANT REQUESTS:

- an upgrade of the characterization of his service from Under Honorable Conditions (General) to Honorable
- removal of negative verbiage from Block 18 (Remarks) of his DD Form 214 (Certificate of Release or Discharge from Active Duty)
- to appear before the Board

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Extract from his "My Healthvet Personal Information Report" (Page 5 of 5)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), 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 his commanding entity at the time, expressed acceptance of the corrective action he endured while in service after the infractions were committed. One of the infractions was done in malice in response to the commanding unit initially excusing the adverse action by the incoming commanding unit. There was an injustice regarding the accusation of fraternization. He was justly administered a reprimand for the Driving While Impaired (DWI) charge he received in the service after the passing of his mother in 2016. The fraternization accusation was unjust and the reprimand for this action was imposed maliciously. The applicant indicates on his DD Form 149 that post-traumatic stress disorder (PTSD) is related to his request.
3. The applicant served in the Georgia Army National Guard from 10 July 2002 until 9 January 2009 when he was honorably released and transferred to U.S. Army Reserve (USAR) Control Group. He enlisted in the Regular Army on 1 July 2014.

4. Upon completion of Officer Candidate School, the applicant was honorably discharged for the purpose of accepting a commission in the Regular Army on 18 February 2015.
5. He was appointed as a commissioned officer in the Regular Army on 19 February 2015 and ordered to active duty for a period of 3 years.
6. A Military Police Report shows he was arrested on 30 May 2016 and charged with DWI.
7. On 30 August 2016, the applicant received a General Officer Memorandum of Reprimand (GOMOR) from the Commanding General (CG) of Fort Bragg, NC, for his DWI offense. The CG advised the applicant that he was considering whether to direct the GOMOR be filed permanently in his Army Military Human Resource Record (AMHRR) and afforded him an opportunity to present matters in his own behalf prior to deciding. The applicant acknowledged receipt of the notification and submitted a written response wherein he accepted full responsibility for his misconduct, provided the CG a summary of his military career prior to the incident, and requested the GOMOR be filed in his local file. The applicant's battery, regiment, and brigade-level commanders each recommended filing the GOMOR in the applicant's AMHRR.
8. On 30 August 2016, a Headquarters, Department of the Army (HQDA) flag was imposed on the applicant to prevent favorable personnel actions. The catalyst for this action was the fact that he was being considered for delay or removal from a Selection List.
9. On 18 October 2016, after carefully considering all matters presented, the CG directed the GOMOR be filed permanently in the applicant's AMHRR.
10. On 30 November 2016, a local flag was imposed on the applicant to prevent favorable personnel actions. The catalyst for this action was the fact that he was being considered for involuntary separation/discharge.
11. The applicant underwent a command-directed mental status evaluation on 7 December 2016 and was determined to be fit for duty. It was determined he could understand and participate in administrative proceedings, appreciate the difference between right and wrong, and met medical retention requirements.
12. The applicant underwent a pre-separation medical examination on 14 December 2016 and was determined to be qualified for service.
13. On 24 January 2017, the CG notified the applicant that he was required to show cause for retention on active duty under the provisions of Army Regulation 600-8-24

(Officer Transfers and Discharges), Chapter 4, due to his personal acts of misconduct, conduct unbecoming an officer, and due to derogatory information filed in his AMHRR. The CG advised him that he was recommending he be discharged with an Honorable discharge, but the final decision on the type of discharge would be determined by HQDA. The applicant acknowledged receipt of the notification on 31 January 2017.

14. On 1 March 2017, the applicant submitted a written response to the CG; wherein, he accepted full responsibility for his misconduct, provided the CG a summary of his military career prior to the incident, and requested the CG consider retaining him on active duty. The applicant's regiment and brigade-level commanders each recommended retaining the applicant on active duty. On 30 March 2017, the CG approved the applicant's request for retention on active duty and closed the elimination action.

15. On 17 July 2018, an Investigating Officer (IO) was appointed to investigate allegations that, in part, the applicant and two other commissioned officers violated the Army's fraternization policy. Upon completion of the investigation, the IO provided his findings and recommendations to the appointing authority on 9 August 2018. The IO determined, in part, the allegation that the applicant violated the Army's fraternization policy as defined in Army Regulation 600-20 (Army Command Policy), paragraph 4-14 was substantiated. The IO further found the applicant made numerous false official statements during the course of this and previous investigations, in violation of Article 107 of the Uniform Code of Military Justice (UCMJ). The IO also found the applicant exhibited conduct unbecoming an officer, in violation of Article 133, UCMJ. The IO recommended the applicant receive a GOMOR and be transferred from his unit for engaging in fraternization, conduct unbecoming an officer, and for making false official statements. The investigation was determined to be legally sufficient on 10 August 2018.

16. On 16 August 2018, the intermediate commander agreed with the findings and recommended the applicant receive a GOMOR, to be filed in his AMHRR. Additionally, he recommended the applicant be transferred to another unit as soon as possible for engaging in fraternization, conduct unbecoming of an officer, and providing false official statements.

17. On 22 August 2018, the applicant received a GOMOR for violating the Army's fraternization policy, making numerous false official statements, and conduct unbecoming of an officer. The CG indicated the reprimand was imposed as an administrative action and not as punishment under Article 15 of the UCMJ. He was considering filing the reprimand in the applicant's AMHRR and afforded him an opportunity to present matters in his own behalf prior to deciding. The applicant's battery, regiment, and brigade-level commanders each recommended filing the GOMOR in the applicant's AMHRR and initiating separation proceedings. On

26 September 2018, after carefully considering all matters presented, the CG directed the GOMOR be filed in the AMHRR.

18. On 3 October 2018, the applicant was notified that he was required to show cause for retention on active duty under the provisions of Army Regulation 600-8-24, Chapter 4, due to his misconduct and moral or professional dereliction. The CG advised him of his options for initiating voluntary separation in lieu of elimination and that he was recommending he be discharged with a General, Under Honorable Conditions discharge, but the final decision on the type of discharge would be determined by HQDA.

19. On 30 October 2018, the applicant voluntarily tendered his resignation from the Army, under the provisions of Army Regulation 600-8-24, Chapter 4, in lieu of elimination proceedings. He elected to waive his right to submit matters of explanation, rebuttal, or defense concerning allegations in his case. He acknowledged his understanding that if his resignation were accepted, he would be furnished a General or an Honorable discharge, as determined by HQDA. He submitted a statement along with his resignation wherein he expressed his belief that his leadership made decisions regarding his career in the military to his detriment without any basis, objectivity, or fairness.

20. The applicant's chain of command and CG recommended approval of his resignation with a General, Under Honorable Conditions characterization of service.

21. The applicant underwent a pre-separation medical examination on 13 November 2018 and was determined to be qualified for service.

22. A DA Form 3822 (Report of Mental Status Evaluation), dated 29 November 2018, shows the applicant had no Behavioral Health (BH) diagnoses at the time. It also shows a credentialed BH provider reviewed the criteria set forth in the Office of the Surgeon General Policy Memorandum 16-118 and determined that a mandatory BH evaluation was not required. The applicant was offered the opportunity to complete a voluntary/optional evaluation. Consultation with the applicant's commander determined that the applicant declined to participate.

23. On 7 December 2018, the applicant was removed from the Fiscal Year 2016 1LT, Promotion Eligibility List.

24. On 1 March 2019, the Department of the Army Suitability Evaluation Board deliberated on the petition to remove or transfer the applicant's GOMOR for DWI to the restricted portion of his AMHRR. The Board voted to approve transfer. This action was neither retroactive, nor did it constitute a basis for promotion reconsideration.

25. On 10 June 2019, the Deputy Assistant Secretary Army (Review Boards) (DASA (RB)) rendered a memorandum informing the Commander, U.S. Army Human Resources Command (AHRC), that the Department of the Army Ad Hoc Review Board had reviewed the applicant's Probationary Officer Elimination Case based on misconduct, moral, or professional dereliction and determined the applicant would be separated from the Army with a General (Under Honorable Conditions) discharge. As a result, the applicant's resignation was accepted.

26. Headquarters, Department of the Army (HQDA), Army Human Resources Command (AHRC) Message, Subject: Officer Elimination, dated 11 June 2018, advised the CG, Fort Bragg, NC that the DASA (RB) had accepted the applicant's resignation and requested the issuance of orders effecting his discharge from the service with a General (Under Honorable Conditions) characterization of service. The DD Form 214 would be prepared in accordance with Army Regulation 635-5 (Separation Documents). The authority for his separation will cite this message and Chapter 4, Army Regulation 600-8-24, 4-2B for misconduct and moral or professional dereliction.

27. Orders and his DD Form 214 show he was discharged accordingly on 25 June 2019. He was credited with completion of 4 years, 4 months, and 7 days of net active service this period. His characterization of service was Under Honorable Conditions (General). The authority for separation was Army Regulation 600-8-24, paragraph 4-2, and paragraph 4-24, with Separation Code "BNC," by reason of "Unacceptable Conduct." Block 18 states: "AUTHORITY FOR SEPARATION IS HRC MESSAGE, SUBJECT: OFFICER ELIMINATION, DATED: 11 JUNE 2019 AND CHAP 4 AR 600-8-24, 4-2B FOR MISCONDUCT AND MORAL OF PROFESSIONAL DERELICTION."

28. The applicant provides a redacted one page extract from his "My Healthvet Information Report" which shows the following problems were entered on the dates shown:

- 22 June 2020 – Chronic PTSD following military combat (SCT 699241002) Location: Atlanta, GA Department of Veterans Affairs (VA) Medical Center
- 30 September 2020 – Mild traumatic brain injury (SCT 110030002) Location: VA Connecticut Health Care System

29. By regulation, an applicant is not entitled to a hearing before the Board. Hearings may be authorized by a panel of the Board or by the Director of the ABCMR.

30. In reaching its determination, the Board shall consider the applicant's petition, available record, and/or submitted documents in support of the petition.

MEDICAL REVIEW:

1. The applicant requests an upgrade of his under honorable conditions, general, discharge to honorable. He contends his misconduct was related to PTSD.
2. The specific facts and circumstances of the case can be found in the ABCMR Record of Proceedings (ROP). Pertinent to this advisory are the following: 1) The applicant was appointed as a commissioned officer in the Regular Army on 19 February 2015; 2) On 30 August 2016, the applicant received a General Officer Memorandum of Reprimand (GOMOR) from the Commanding General (CG) of Fort Bragg, NC, for his DWI offense; 4) On 30 November 2016, a local flag was imposed on the applicant to prevent favorable personnel actions. The catalyst for this action was the fact that he was being considered for involuntary separation/discharge; 5) On 1 March 2017, the applicant submitted a written response to the CG, wherein he accepted full responsibility for his misconduct, provided the CG a summary of his military career prior to the incident, and requested the CG consider retaining him on active duty. On 30 March 2017, the CG approved the applicant's request for retention on active duty and closed the elimination action; 6) As detailed in the ROP, on 17 July 2018, an Investigating Officer (IO) was appointed to investigate allegations that, in part, the applicant and two other commissioned officers violated the Army's fraternization policy. Upon completion of the investigation, the IO provided his findings and recommendations to the appointing authority on 9 August 2018. The IO recommended the applicant receive a GOMOR and be transferred from his unit for engaging in fraternization, conduct unbecoming an officer, and for making false official statements. The investigation was determined to be legally sufficient on 10 August 2018; 7) On 22 August 2018, the applicant received a GOMOR for violating the Army's fraternization policy, making numerous false official statements, and conduct unbecoming of an officer; 8) On 3 October 2018, the applicant was notified that he was required to show cause for retention on active duty under the provisions of Army Regulation 600-8-24, Chapter 4, due to his misconduct and moral or professional dereliction. The CG advised him of his options for initiating voluntary separation in lieu of elimination and that he was recommending he be discharged with a General, Under Honorable Conditions discharge, but the final decision on the type of discharge would be determined by HQDA; 9) On 30 October 2018, the applicant voluntarily tendered his resignation from the Army, under the provisions of Army Regulation 600-8-24, Chapter 4, in lieu of elimination proceedings; 10) Orders and his DD Form 214 show he was discharged on 25 June 2019.
3. The military electronic medical record, AHLTA, VA electronic medical record (JLV), ROP, and casefiles were reviewed. A review of AHLTA shows the applicant initial military BH-related encounter occurred on 6 December 2007 whereby the applicant

arrived 90 minutes late for a 120-minute evaluation. Given his tardiness, the session only consisted of the applicant completing a patient information sheet and undergoing a safety check. The provider also noted the applicant had PTSD notes from his civilian provider. No diagnosis was rendered during the session, and the applicant was rescheduled. Records are void of documentation showing the applicant returned for evaluation. The applicant next BH encounter appears to have occurred on 31 May 2016 whereby he was seen for a triage at ASAP secondary to receiving a DUI with a BAC of .11. He was released without limitation and scheduled for intake. The applicant presented for ASAP intake on 21 June 2016, as a command referral, and was diagnosed with Alcohol Use Unspecified with Unspecified Alcohol Induced Disorder. The note was sparse on encounter details. The applicant, provider, and command met for an RTM on 7 July 2016 whereby it was decided the applicant would attend prime for life classes and engage in two outpatient ASAP session. The applicant completed all ASAP requirement on 29 July 2016. The applicant was command referred to BH for a safety check on 8 December 2016 secondary to reported depressed mood and suicidal thinking. The applicant endorsed guilt regarding his actions related to DUI and concerns of potentially being separated from the Army. He denied any history of BH treatment, denied current SI, plan or intent, and reporting feeling supported by command and others. He also acknowledged a history of moderate drinking but stated the DUI and decision related to driving drunk was out of character for him. He was diagnosed with Alcohol Use Disorder unspecified and scheduled for follow-up. Encounter documentation dated 12 December 2016 shows the provider documented the applicant failed to show for the scheduled encounter.

4. On 18 October 2018 the applicant was command referred for a Command Directed Behavioral Health Evaluation due to confrontational behavior with peers and superiors secondary to receiving a GOMOR for fraternization and providing false official statements. The command reportedly had concerns that the applicant was acting "paranoid," "delusional", and did not feel "safe" in his unit. The applicant acknowledged not feeling safe at work and that he was facing possible separation. The provider noted the applicant did not present with altered mental status, delusional thinking, or other perceptual disturbances. He also noted the applicant denied any current or past homicidal ideation or threats of violence toward others. The applicant's brief ASAP and BH history was noted, and the applicant was deemed fit for duty and was returned to duty; his diagnosis reflected Other Problems Related to Employment. Encounter note date 29 November 2018 shows the provider conducted a BH records review in order to complete a DA Form 3822 Report of Mental Status Evaluation on the applicant, after the applicant declined to participate in the evaluation. The provider noted that "a review [of the records] did not reveal the presence of a BH condition that would cause the officer to fail medical retention standards IAW AR 40-501. Further, there is no clear indication of any BH diagnosis in the electronic medical record that would constitute matters in extenuation relating to the basis for administrative separation. This opinion is based on

the clinical judgment of the undersigned provider after record review only.” AHLTA was void of any additional BH related records subsequent the records review.

5. A review of JLV shows the applicant 70 percent SC for PTSD. Initial PTSD DBQ dated 17 November 2021 shows the applicant was diagnosed with PTSD and MDD recurrent moderate. The applicant reported traumatic experiences during his deployment to Iraq, to include going on raids as an intel guy, being confined to the desert and only receiving food and water a few times per month, engaging in direct and indirect fire, and witnessing multiple deaths. He reported initially not being bothered much by the experiences, but as time went on, he began developing symptoms of PTSD. The examiner deemed the applicant endorsed sufficient symptoms to meet PTSD related to combat. The applicant reported onset of depressive symptoms in 2016, apparently secondary to the death of his mother in 2015. He reported the period was among the darkest times of his life, noting he was “silently suicidal” during the period. Records suggest the applicant’s initial BH engagement at the VA occurred in February 2020 with complaints of PTSD related symptoms. The applicant reported recent flashbacks and being flooded with deployment related memories after watching a movie with combat scenes. Additional memories included the death of his mother in 2015 and witnessing his brother hit by a car during childhood. He reported a history of depressive symptoms from 2015 to 2019 and now noticing himself slipping back into depression. He reported currently feeling disconnected from others, isolative, easily overwhelmed, being physically inactive, and having intrusive memories. He was diagnosed with Trauma and Stress-related Disorder and scheduled for outpatient treatment. Records show the applicant’s diagnosis was amended to reflect PTSD on 17 March 2020 and he continued engaging in outpatient treatment for PTSD and MDD, on an intermittent basis, through October 2022.

6. The applicant requests an upgrade of his under honorable conditions, general, discharge to honorable. He contends his misconduct was related to PTSD. A review of the records shows the applicant 70 SC for PTSD secondary to combat exposure in Iraq and MDD with onset in 2016 secondary to the death of his mother. The applicant initial GOMOR was related to DUI and after submitting a show cause, he was retained on active duty. The misconduct characterized by DUI would have been mitigated by PTSD and/or MDD given the association between the disorders and comorbid substance abuse to self-medicate. The applicant’s misconduct characterized by wrongful fraternization, providing false official statements, and conduct unbecoming of an officer, associated with his second GOMOR is not natural sequelae of either PTSD or MDD as neither impacted his ability to differentiated between right and wrong and adhere to the right.

7. Based on the available information, it is the opinion of the Agency BH Advisor that there is sufficient evidence that the applicant had an experience or condition during his time in service that partially mitigated his misconduct.

8. Kurta Questions:

a. Does any evidence state that the applicant had a condition or experience that may excuse or mitigate a discharge? Yes. The applicant is 70 percent SC for PTSD.

b. Did the condition exist or experience occur during military service? Yes.

c. Does the condition or experience actually excuse or mitigate the discharge? Partially. A review of the records shows the applicant 70 SC for PTSD secondary to combat exposure in Iraq and MDD with onset in 2016 secondary to the death of his mother. The applicant's initial GOMOR was related to DUI and after submitting show caused was retained on active duty. The misconduct characterized by DUI would have been mitigated by PTSD and/or MDD given the association between the disorders and comorbid substance abuse to self-medicate. The applicant's misconduct characterized by wrongful fraternization, providing false official statements, and conduct unbecoming of an officer, associated with his second GOMOR is not natural sequelae of either PTSD or MDD as neither impacted his ability to differentiated between right and wrong and adhere to the right.

BOARD DISCUSSION:

1. The Board reviewed the applicant's request to upgrade his character of service to honorable and remove derogatory comments from block 18 of his DD Form 214, his supporting documents, his statement and the statements he provides, the evidence in the records, and published Department of Defense guidance for consideration of discharge upgrade requests based on liberal consideration or clemency and found that relief was not warranted.

2. The applicant's request for a personal appearance hearing was carefully considered. However, in this case, the evidence of record and independent evidence provided by the applicant 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.

3. The Board determined the applicant's receipt of an under honorable (general) characterization of service is appropriate given the reasons for his receipt of his second GOMOR (misconduct characterized by wrongful fraternization, providing false official statements, and conduct unbecoming of an officer) are not natural sequelae of either PTSD or MDD as neither impacted his ability to differentiated between right and wrong and adhere to the right. The misconduct for which the applicant received his second GOMOR is not mitigated by PTSD nor MDD.

4. The Board reviewed the applicant's request for removal of negative verbiage from Block 18. of his DD Form 214 and found that relief was not warranted. The Board found the entry, ""AUTHORITY FOR SEPARATION IS HRC MESSAGE, SUBJECT: OFFICER ELIMINATION, DATED: 11 JUNE 2019 AND CHAP 4, AR 600-8-24, 4-2B FOR MISCONDUCT AND MORAL OR PROFESSIONAL DERELECTION," was properly placed in item 18 of his DD FORM 214 based on:

a. Army Regulation 635-5 (Separation Documents) and Army Regulation 635-8 (Separation Processing and Documents), which states block 18 (Remarks) of DD Form 214 "is used for HQDA mandatory requirements when a separate block is not available."

b. HQDA, AHRC Message, Subject: Officer Elimination, dated 11 June 2018, which states the DD Form 214 would be prepared in accordance with Army Regulation 635-5 (Separation Documents), and that the authority for his separation will cite this message and Chapter 4, Army Regulation 600-8-24, 4-2B for misconduct and moral or professional dereliction.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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, USC, 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. Title 10, USC, Section 1556, provides the Secretary of the Army shall ensure that an applicant seeking corrective action by ARBA is provided a copy of all correspondence and communications, including summaries of verbal communications, with any agencies or persons external to agency or board, or a member of the staff of the agency or

Board, that directly pertains to or has material effect on the applicant's case, except as authorized by statute.

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. The regulation provides that 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. It is not an investigative body. The ABCMR may, in its discretion, hold a hearing. 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 600-8-24, in effect at the time of the applicant's service, prescribed policies and procedures governing transfer and discharge of all commissioned and warrant officers of the Active Army, The Army National Guard of the U.S., and the USAR when serving on active duty for a period of 30 or more consecutive days unless otherwise stated. This regulation included policy statements, operating tasks, rules in support of operating tasks, and sequential steps or each operating task. Chapter 4 (Eliminations), Paragraph 4-2b provided elimination action could be or would be initiated against an officer as a result of misconduct, moral or professional dereliction, or in the interests of national security:

- discreditable or intentional failure to meet personal financial obligations
- mismanagement of personal affairs that are unfavorably affecting performance of duty
- mismanagement of personal affairs to the discredit of the Army
- intentional omission or misstatement of fact in official statements or records for the purpose of misrepresentation
- acts of personal misconduct
- homosexual conduct
- intentional neglect of or failure to perform duties
- conduct unbecoming an officer
- conduct or actions that result in the loss of a professional status
- acts or behavior not clearly consistent with the interests of national security
- drug dependent or identified as having committed an act of personal misconduct involving drugs
- failure to respond in a reasonable length of time to rehabilitation efforts regarding repeated acts of child/spouse maltreatment or abuse and/or other acts of family violence
- failure of a course at a service school because of misconduct, moral or professional dereliction

5. Army Regulations 635-5 (Separation Documents) and ARMY Regulation 635-8 (Separation Processing and Documents), provide, in part, block 18 "REMARKS" of DD Form 214 is used for HQDA mandatory requirements when a separate block is not available.

6. Army Regulation 635-5-1 (Personnel Separations – Separation Program Designator Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the separation codes to be entered on the DD Form 214. It states that the separation code "BNC" is an appropriate code to assign to Soldiers separated under the provisions of Army Regulation 600-8-24, Paragraph 4-2 and Paragraph 4-24, by reason of unacceptable conduct in cases of voluntary resignation in lieu of elimination.

7. Army Regulation 600-8-104 (AMHRR Management) prescribes Army policy for the creation, utilization, administration, maintenance, and disposition of the AMHRR. It states the purpose of the AMHRR is to preserve permanent documents pertaining to enlistment, appointment, duty stations, assignments, training, qualifications, performance, awards, medals, disciplinary actions, insurance, emergency data, separation, retirement, casualty, administrative remarks, and any other personnel actions. This regulation and the USAHRC website provide a listing of documents authorized for filing and state to file letters of reprimand, censure, or admonition in the performance folder unless directed otherwise by the DASEB. Folders and documents previously authorized for filing in any part of the AMHRR will remain in the AMHRR. The AMHRR is an administrative record as well as the official permanent record of military Service belonging to a Soldier. The AMHRR is the historical and authoritative source for authentication of veteran or Service-related benefits, entitlements, and services.

8. Army Regulation 600-37 sets forth policies and procedures to authorize placement of unfavorable information about Army members in individual official personnel files; to ensure that unfavorable information that is unsubstantiated, irrelevant, untimely, or incomplete is not filed in individual official personnel files; and to ensure that the best interests of both the Army and the Soldiers are served by authorizing unfavorable information to be placed in and, when appropriate, removed from official personnel files.

9. On 3 September 2014, the Secretary of Defense directed the Service Discharge Review Boards (DRB) and Service Boards for Correction of Military/Naval Records (BCM/NR) 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.

10. On 25 August 2017, the Office of the Undersecretary of Defense for Personnel and Readiness issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to: mental health conditions, including PTSD; traumatic brain injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences.

11. 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//