

IN THE CASE OF: ██████████

BOARD DATE: 21 February 2024

DOCKET NUMBER: AR20230008187

APPLICANT REQUESTS: an upgrade of his under other than honorable conditions (UOTH) character of service to a more favorable discharge.

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

- DD Form 149 (Application for Correction of Military Record), 6 April 2023
- legal counsel brief, date unknown

- Exhibit A – declaration from the applicant, 6 April 2023
- Exhibit B – Report of Medical Examination, 11 August 1967
- Exhibit C – Record of Induction, 11 August 1967
- Exhibit D – Statement of the applicant, 23 October 2012
- Exhibit E – Statement of the applicant, 27 February 1970
- Exhibit F – Record of Proceedings under Article 15, Uniform Code of Military Justice (UCMJ), 24 October 1969
- Exhibit G – Record of Proceedings under Article 15, UCMJ, 20 March 1969
- Exhibit H – Record of Proceedings under Article 15, UCMJ, 17 May 1969
- Exhibit I – Special Court Martial Order Number 20, 5 December 1968
- Exhibit J – Action of the Commanding General, 10 April 1970
- Exhibit K – DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), 14 April 1970
- Exhibit L – DA Form 20 (Enlisted Qualification Record)
- Exhibit M – Report of Psychiatric Evaluation, 11 December 1969
- Exhibit N – Relevant Electronic Records from Milwaukee Veterans Affairs (VA) Medical Center
- Exhibit O – character reference, ██████████, 11 October 2012
- Exhibit P – character reference, Pastor ██████████, date unknown
- Exhibit Q – character reference, Mr. ██████████, 6 January 1989
- Exhibit R – 10-year service recognition from employer, 1998-2008
- Exhibit S – Case, AC-87-08762
- Exhibit T – Case, AR20120021014
- Exhibit U – Hagel Memorandum, Kurta Memorandum, Wilkie Memorandum, and Carson Memorandum

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AC87-08762 on 31 August 1988.

2. The applicant states his request is based on the impact that his mental health conditions had on his misconduct. He is requesting the Board consider his application by recognizing the totality of his life and circumstances to include his extensive service to his family and community.

a. He was a troubled teen, who got drafted. When he received his draft paperwork he hoped the Army would turn his life around. He deployed to Vietnam around August 1968, where he was assigned as a 76Y (Unit and Organization Supply Clerk); however, he served in combat as a rifleman and went out on numerous search and destroy missions. He had difficulty adjusting to life in Vietnam, he feared for his life, saw numerous dead bodies, was exposed to long stretches of gunfire and smells of smoke, gunpowder, and death. He experienced sleep deprivation regularly, being exposed to elements of heat, humidity, and insects while being in positions ready in case of an attack. These experiences accumulated and affected him, making his mental health worsen, he turned to alcohol to relieve his stress and tried to numb himself.

b. When he returned from Vietnam, he had trouble re-assimilating and struggled with mental illness. He was nervous, irritable, and continued to have vivid nightmares. He continued to self-medicate with alcohol. Shortly, his mother became severely ill, and he stayed there longer than he had been permitted to help care for her.

c. When he went under a psychiatric evaluation, in connection with the difficulties he had with drinking, he was diagnosed with passive-aggressive personality disorder, despite his drinking, the examiner found him capable of fulfilling his military obligation and recommended he should have to do so. He was concerned with his ability to serve considering his mental health conditions, but he deferred to the opinion of the psychiatrist and returned to his duties.

d. Days after his psychiatric evaluation, he ended up arguing with another Soldier to whom he had been drinking with, the other Soldier called him a racial slur, and he threw a whiskey bottle at him. He would not have reacted this way, had he not been drinking heavily to self-medicate for his mental health conditions. He has regret for the harm he caused to the fellow Soldier and would be honored to apologize. The military police responded to this incident, who he states were white, and violently kicked him while he was on the floor. He was told if he did not request a discharge in lieu of trial by court-martial he would be sent to Leavenworth prison, so he made the request.

e. After his discharge, his symptoms continued and he sought treatment from a psychiatrist, who prescribed him Valium, which he became addicted to. His mental health continued to struggle because of his service in Vietnam. Through the 70's, 80's, and 90's the treatment he sought out continued to be unsuccessful. In 1996, he was finally able to overcome his substance abuse issues and has not used since then. He met his wife, helped her raise her four children, one of which was lost by suicide. He and his spouse became the legal guardians of two girls with special needs, they are active in the local church, and he has had multiple long-term jobs to support his family.

f. He has worked hard and continues to work hard for his family, he has had some medical issues with prostate cancer, a torn quadricep tendon, and his on-going mental health symptoms. He and his counsel request a discharge upgrade due to the undiagnosed post-traumatic stress disorder (PTSD) and other related mental health conditions.

3. The applicant's counsel provides a legal brief, which states in pertinent part:

a. The applicant's service in the earliest parts of his induction, to include his completion of basic combat training had no disciplinary incidents. Counsel details the applicant's service in Vietnam, referencing his difficulty adjusting in Vietnam due to the horrors he experienced, which caused his mental health issues.

b. Counsel argues the applicant had conditions which may excuse or mitigate his discharge, it did occur during military service, it does excuse or mitigate his other than honorable discharge and his condition and experience outweighs the discharge.

c. Counsel notes the applicant's misconduct was caused by his mental health conditions and the applicant would have been diagnosed with PTSD rather than passive aggressive personality disorder. The applicant experienced nightmares, flashbacks, persistent avoidance of stimuli associated with traumatic events, negative changes in cognitions and mood, changes in arousal and reactivity (such as reckless or self-destructive behavior, angry outbursts, and sleep disturbance).

d. Counsel asserts that the applicant is seeking upgrade of his discharge to correct his characterization of service to honorable or in the alternative, under honorable conditions (general), giving the applicant consideration in accordance with Hagel, Kurta, Wilkie, and Carson memorandums.

4. The applicant received an approved waiver for his civil offenses on 17 October 1967, and was inducted in the Army on 20 March 1968 for a period of 2 years.

5. He was awarded military occupational specialty (MOS) 76Y (Unit and Organization Supply Clerk) and the highest rank he attained was private first class/E-3. He served in the Republic of Vietnam from 22 August 1968 to 21 August 1969.

6. Before a special court-martial adjudged on 3 December 1968, the applicant was arraigned and tried for the following charge(s) and specification(s):

a. Charge I, violating Article 92 of the Uniform Code of Military Justice (UCMJ).

(1) Specification I: by violating a lawful general regulation on or about 12 October 1968, by entering Laio Khe Village, an off-limits area.

(2) Specification II: by violating a lawful general regulation on or about 27 October 1968, by entering Lai Khe Village, an off-limits area.

b. Charge II, violating Article 86 of the UCMJ, by leaving his post before he was properly relieved on or about 20 October 1968.

c. He pled and was found guilty of the specifications and charges. He was sentenced to confinement at hard labor for 6 months, forfeiture of \$73.00 per month for 6 months, and reduction to the grade of private/E-1.

d. On 5 December 1968 the sentence was approved and ordered to be duly executed.

7. The applicant accepted nonjudicial punishment under the provisions of Article 15 of the UCMJ:

a. On 20 March 1969, for being drunk and disorderly on or about 19 March 1969.

b. On 17 May 1969, for willfully violating a lawful general order by entering the Village of Lai Khe on or about 30 April 1969. His punishment imposed was reduction to the E-1 and forfeiture of \$58.00 for a period of one month.

c. On 24 October 1969, for failing to go to his appointed place of duty on or about 22 October 1969. His punishment imposed was forfeiture of \$10.00 pay for one month.

8. The applicant underwent psychiatric evaluation on 11 December 1969, the Report of Psychiatric Evaluation shows he was diagnosed with passive-aggressive personality disorder, moderate and psychiatrically cleared for any action deemed appropriate by command.

9. The applicant consulted with legal counsel on 20 February 1970. After consulting with counsel, the applicant executed a written request for discharge for the good of the service under the provisions of Army Regulation (AR) 635-200 (Personnel Separations-Enlisted Personnel), Chapter 10 (Discharge for the Good of the Service in Lieu of Trial by Court-Martial). He acknowledged his understanding of the following in his request:

a. He understood that he could request discharge for the good of the service because the charges preferred against him could result in the imposition of a punitive discharge.

b. Prior to completing this request, he was afforded the opportunity to consult with appointed counsel, who fully advised him of the basis for his contemplated trial by court-martial, the maximum punishment authorized under the UCMJ, of the possible effects of an under other than honorable conditions character of service, and of the procedures and rights available to him.

c. He acknowledged that he was making this request of his own free will and had not been subjected to any coercion by any person. Although counsel furnished him legal advice, this decision was his own. Additionally, he elected to submit a statement in his own behalf, which states, in effect, he was caught in an off-limits area when in Vietnam. He came back and was more nervous and irritable than he had been before he went to Vietnam. He started drinking, which led him into trouble. He claims despite his isolated incidents of difficulty in Vietnam, his conduct and efficiency ratings had been excellent.

10. The applicant's immediate and intermediate commanders recommended approval of the request for discharge for the good of the service, further recommending an undesirable discharge.

11. The separation authority approved the applicant's request for discharge for the good of the service on 10 April 1970, and further directed the applicant be reduced to the lowest enlisted grade and furnished an undesirable discharge.

12. The applicant was discharged on 14 April 1970, under the provisions of Army Regulation 635-200, Chapter 10, in the grade of E-1. His DD Form 214 confirms his character of service was under conditions other than honorable with separation program number 246 (for the good of the service) and reenlistment code RE 3 and RE 3B. He was credited with 2 years and 23 days of net active service with 1 year of foreign and/or sea service. He had 2 days of time lost. He was awarded or authorized the following decorations, medals, badges, commendations, citations, and campaign ribbons:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal with 60 Device

- Overseas Service Bars (2)
- Vietnam Gallantry Cross with Palm Ribbon

13. The Army Board for Correction of Military Records (ABCMR) reviewed the applicant's petition on 31 August 1988 and determined the applicant did not present and the records did not contain sufficient justification to conclude that it would be in the interest of justice to excuse the failure to file within the time prescribed by law. His request for relief was denied.

14. The applicant and counsel provide the following:

a. Multiple reports of medical examinations summarizing the applicant's medical history while serving.

b. A civilian arrest report showing his disorderly conduct charges were dismissed and moral waiver approving the applicant for induction into the Army.

c. A statement from the applicant, dated 23 October 2012, stating in effect, his request for a discharge upgrade was because he was young and served in a time of war in Vietnam.

d. Multiple orders varying from MOS orders, ETS orders, basic rifle marksmanship order, and assignment orders.

e. Relevant electronic records from the VA Medical Center, showing his medical history of sleeping issues, therapy sessions, depression, PTSD, and other medical issues such as prostate cancer.

f. A character reference from Ms. [REDACTED], stating in effect, the applicant and his spouse are gracious, loving, and have raised their two daughters as their own. The two young ladies, who have special needs, have been given unconditional love by the applicant and his spouse. The applicant is a loving caregiver and has gone above and beyond to advocate for his family.

g. A character reference from Pastor [REDACTED], stating in effect, the applicant is a spiritual leader and a shining example of God's grace. The applicant is reliable, trustworthy, dependent, and often shares his testimony about his past life and how God can turn a person's life around.

h. A character reference from Mr. [REDACTED], stating in effect, the applicant who previously worked for him, was respected for his accuracy, thoroughness and capacity for hard work, and got along with others.

i. Ten-year recognition award designating the applicant a member of the founders' circle, recognizing him for contributions and achievements and thanking the applicant for his hard work, dedication and commitment to the organization.

15. Discharges under the provisions of Army Regulation 635-200, Chapter 10, are voluntary requests for discharge for the good of the service, in lieu of a trial by court-martial. An under other than honorable conditions characterization of service is normally considered appropriate.

16. In reaching its determination, the Board can consider the applicant's petition, service record, and statements in light of the published guidance on equity, injustice, or clemency.

17. MEDICAL REVIEW:

a. Background: The applicant is requesting a reconsideration of his previous request for an upgrade of his under other than honorable conditions (UOTHC) discharge to honorable. He contends PTSD mitigates 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 was inducted in the Army on 20 March 1968.
- Applicant served in the Republic of Vietnam from 22 August 1968 to 21 August 1969.
- Before a special court-martial adjudged on 3 December 1968, the applicant was arraigned and tried for the following charge(s) and specification(s):
- Charge I, violating Article 92 of the Uniform Code of Military Justice (UCMJ).
- Specification I: by violating a lawful general regulation on or about 12 October 1968, by entering Laio Khe Village, an off-limits area.
- Specification II: by violating a lawful general regulation on or about 27 October 1968, by entering Lai Khe Village, an off-limits area.
- Charge II, violating Article 86 of the UCMJ, by leaving his post before he was properly relieved on or about 20 October 1968.
- He pled and was found guilty of the specifications and charges.
- Applicant accepted nonjudicial punishment under the provisions of Article 15 of the UCMJ:
- On 20 March 1969, for being drunk and disorderly on or about 19 March 1969.
- On 17 May 1969, for willfully violating a lawful general order by entering the Village of Lai Khe on or about 30 April 1969.
- On 24 October 1969, for failing to go to his appointed place of duty on or about 22 October 1969.

- Applicant was discharged on 14 April 1970, under the provisions of Army Regulation 635-200, Chapter 10 (Discharge for the Good of the Service in Lieu of Trial by Court-Martial). His DD Form 214 confirms his character of service was under conditions other than honorable with separation program number 246 and reenlistment code RE 3 and RE 3B. He was credited with 2 years and 23 days of net active service with 1 year of foreign and/or sea service.

c. The Army Review Boards Agency (ARBA) Behavioral Health (BH) Advisor reviewed this case. Documentation reviewed included the applicant's completed DD Form 149, DD Form 214, legal counsel brief, medical documentation, character reference letters, his ABCMR Record of Proceedings (ROP), and documents from his service record and separation packet. 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.

d. The applicant states his request is based on the impact that his mental health conditions had on his misconduct. He is requesting the Board consider his application by recognizing the totality of his life and circumstances to include his extensive service to his family and community. He reports being a troubled teen, who got drafted. When he received his draft paperwork, he hoped the Army would turn his life around. He deployed to Vietnam around August 1968, where he was assigned as a 76Y (Unit and Organization Supply Clerk); however, he served in combat as a rifleman and went out on numerous search and destroy missions. He had difficulty adjusting to life in Vietnam, he feared for his life, saw numerous dead bodies, was exposed to long stretches of gunfire and smells of smoke, gunpowder, and death. He experienced sleep deprivation regularly, being exposed to elements of heat, humidity, and insects while being in positions ready in case of an attack. These experiences accumulated and affected him, making his mental health worsen, he turned to alcohol to relieve his stress and tried to numb himself. When he returned from Vietnam, he had trouble re-assimilating and struggled with mental illness. He was nervous, irritable, and continued to have vivid nightmares. He continued to self-medicate with alcohol. Shortly, his mother became severely ill, and he stayed there longer than he had been permitted to help care for her. When he went under a psychiatric evaluation, in connection with the difficulties he had with drinking, he was diagnosed with passive-aggressive personality disorder, despite his drinking, the examiner found him capable of fulfilling his military obligation and recommended he should have to do so. He was concerned with his ability to serve considering his mental health conditions, but he deferred to the opinion of the psychiatrist and returned to his duties. Days after his psychiatric evaluation, he ended up arguing with another Soldier whom he had been drinking with, the other Soldier called him a racial slur, and he threw a whiskey bottle at him. He would not have reacted this way, had he not been drinking heavily to self-medicate for his mental health conditions. He has regret for the harm he caused to the fellow Soldier and would be honored to apologize. The military police responded to this incident, who he states were white, and violently kicked him while he was on the floor. He was told if he did not

request a discharge in lieu of trial by court-martial he would be sent to Leavenworth prison, so he made the request. After his discharge, his symptoms continued and he sought treatment from a psychiatrist, who prescribed Valium, which he became addicted to. His mental health continued to struggle because of his service in Vietnam. Through the 70's, 80's, and 90's the treatment he sought out continued to be unsuccessful. In 1996, he was finally able to overcome his substance abuse issues and he has not used since then. He met his wife, helped her raise her four children, one of which was lost by suicide. He and his spouse became the legal guardians of two girls with special needs, they are active in the local church, and he has had multiple long-term jobs to support his family. He has worked hard and continues to work hard for his family, he has had some medical issues with prostate cancer, a torn quadricep tendon, and his on-going mental health symptoms. He and his counsel request a discharge upgrade due to the undiagnosed post-traumatic stress disorder (PTSD) and other related mental health conditions.

e. Due to the period of service, no active-duty electronic medical records were available for review. The applicant submitted hardcopy documentation from his time in service. He underwent a psychiatric evaluation on 11 December 1969, the report shows he was diagnosed with passive-aggressive personality disorder and psychiatrically cleared for any action deemed appropriate by command. During his court-martial proceedings, the applicant elected to submit a statement on his own behalf in which he stated, that when he returned from Vietnam, he was more nervous and irritable than he had been before he left. He started drinking, apparently as a coping mechanism, which led him into trouble. In his statement, he further claimed that despite his isolated incidents of difficulty in Vietnam, his conduct and efficiency ratings had been excellent.

f. The applicant's VA electronic record indicates that he is not service connected, likely due to the characterization of his discharge. The applicant has been treated by the VA since October 2012. He initiated VA behavioral health services following his diagnosis of prostate cancer. He has received long-standing ongoing treatment for his symptoms of depression and attributes his symptoms as having started following his deployment to Vietnam. The applicant has been treated via individual and group therapy as well as medication management.

g. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is evidence the applicant had a behavioral health condition during military service that would mitigate his discharge.

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 asserts a mitigating condition.

(2) Did the condition exist or experience occur during military service? Yes, the applicant was deployed to Vietnam and asserts undiagnosed post-traumatic stress disorder (PTSD) and other related mental health conditions as a result of his deployment.

(3) Does the condition or experience actually excuse or mitigate the discharge? Yes. The applicant's VA record indicates he has been treated for symptoms of depression since 2012, that he attributes to his military service. The record indicates the applicant has reported symptoms of traumatic stressor including nightmares, night terrors, a previous history of self-medicating with substances, hyper startle response and social isolation. However, he did not meet full criteria for PTSD. Based on the available information, the applicant has a behavioral health condition, Major Depressive Disorder that mitigates his discharge. As there is an association between depression and avoidant behavior, there is a nexus between the applicant's condition and his failing to go to his appointed place of duty and leaving his post before he was properly relieved. There is also an association between depression and use of alcohol/illicit drugs to self-medicate symptoms, creating a nexus between his depression and his drunk and disorderly conduct. Finally, there is an association between depression and resistant, negative attitudes toward authority figures, therefore a nexus between his symptoms and his willfully violating a lawful general regulation.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation, and published Department of Defense guidance for liberal and clemency determinations requests for upgrade of his characterization of service. Upon review of the applicant's petition, available military records and the medical review, the Board concurred with the advising official finding sufficient evidence the applicant had a behavioral health condition during military service that would mitigate his discharge. The opine noted, there is an association between depression and resistant, negative attitudes toward authority figures, therefore a nexus between his symptoms and his willfully violating a lawful general regulation. The Board found the applicant reported symptoms of traumatic stressor including nightmares, night terrors, a previous history of self-medicating with substances, hyper startle response and social isolation.

2. The Board determined based on the opine, there is sufficient evidence of in-service mitigating factors to overcome the minor misconduct. The Board commends the applicant on his post service accomplishments and found his character letters of support attesting to his honorable conduct, integrity and community involvement

noteworthy. Under liberal consideration, the Board noted the applicant's deployment in the Republic of Vietnam and his excellent rating during his years of service The Board found based on the applicant's minor offenses and remorsefulness they agreed to upgrade his characterization to under honorable conditions (general) discharge. The Board noted that his misconduct does not warrant an upgrade to a fully honorable discharge. The Board agreed to grant clemency in the form of an under honorable conditions (general) discharge upgrade, separation code of JFF and narrative reason as Secretarial Authority.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

█	█	█	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by reissuing the applicant a DD Form 214 showing his characterization of service as under honorable conditions (general), separation code of JFF and the narrative reason as secretarial authority.

3/4/2024

X █

CHAIRPERSON

█

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. Section 1556 of Title 10, U.S. Code (USC), requires the Secretary of the Army to ensure that an applicant seeking corrective action by 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.

2. Army Regulation 635-200, in effect at the time, set forth the basic authority for the separation of enlisted personnel.

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

b. 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.

c. 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.

3. 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 Discharge Review Boards (DRB) and Boards for Correction of Military/Naval Records (BCM/NR) 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. 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.

4. 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//