

IN THE CASE OF: ██████████

BOARD DATE: 21 March 2024

DOCKET NUMBER: AR20230008680

APPLICANT REQUESTS: an upgrade of her characterization of service from under honorable conditions (general) to honorable.

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

- DD Form 149 (Application for Correction of Military Record)
- Report of Mental Status Evaluation, undated
- Character Letter from ██████████ 11 December 2012
- Character Letter from Sergeant First Class (SFC) ██████████ 4 January 2013
- Department of Veterans Affairs (VA) Disability Ratings, undated
- VA Summary of Benefits Letter, 1 May 2023

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, in effect, she is requesting that her characterization of service be upgraded from general, under honorable conditions to fully honorable. In September 2005, she was forced to sign and agree to a discharge from the Army under patterns of misconduct by her commanding officer and first sergeant (1SG). In August 2004, she had been hospitalized in the psychiatric ward at Tripler Army Medical Center (TAMC) for attempted suicide. She was being seen by Dr. ██████████ for adjustment disorder and severe depression. Dr. ██████████ made several requests for a rehabilitative transfer to a new duty station and a medical evaluation board (MED) based on her psychiatric condition, but the requests were denied.

3. The applicant provides the following:

a. A Report of Mental Status Evaluation, which shows the applicant was evaluated at Community Mental Health Service (CMHS) on 28 October 2004. The doctor stated

the applicant needed to be further evaluated with a full mental health work-up, including psychological testing. It was the strong opinion of CMHS that the applicant be considered for a MEB based on her psychiatric condition. This was based on the review of her mental health history from CMHS, TAMC, and from her interview that day. There was no evidence of a psychiatric condition that would prevent her from participating in any legal or administrative actions. However, Dr. ██████ stated the applicant was suffering from a depressive disorder that was being treated with medications. The medications made her sleepy, which could impair her ability to perform to her fullest ability.

b. A character letter from ██████, dated 11 December 2012, which states he served with the applicant, and he was her squad leader. He has been in steady contact with the applicant since her discharge from the military and she has continued to improve as a person.

c. A character letter from SFC ██████ dated 4 January 2013, which states he had worked with and known the applicant for approximately 9 years. He states that the applicant requested to be transferred to another unit in hopes of rehabilitation, but the command would not authorize it. He believes with the right leadership and mentorship, not only would she still be in the Army today, but she would have also had a successful and prosperous career. She is doing all she can to better herself personally so that she can be a better example and role model for her children. She has grown a lot and taken responsibility for herself and her children. He would recommend that she have her discharge upgraded so she may be able to further her education and establish a better future for her family.

d. VA summary of benefits letter dated 1 May 2023, which states the applicant has one or more service-connected disabilities. Her combined service-connected evaluation is 100 percent, and she is considered totally and permanently disabled due solely to her service-connected disabilities. She became totally and permanently disabled due her service-connected disabilities on 21 August 2019.

e. VA disability ratings, which shows her combined disability rating as 100 percent. Her individual ratings consist of:

- 100 percent for bipolar disorder – service connected.
- 30 percent for right knee strain – service connected.
- 30 percent for left knee strain – service connected.
- 0 percent for limitation of flexion, left knee – service connected.

4. A review of the applicant's service record shows:

a. She enlisted in the Regular Army on 20 August 2002.

b. She received developmental counseling's (DA Form 4856) for the following:

- 14 November 2003 – Initial counseling from her team leader outlining her duties and responsibilities.
- 15 November 2003 – Performance/Professional Growth
- 22 November 2003 – Personal issues outside of work; she was informed that her noncommissioned officer (NCO) and other members in the company were there to help her.
- 27 December 2003 – Sleeping on duty.

c. On an illegible date, she accepted non-judicial punishment (NJP) under summarized Article 15, Uniform Code of Military Justice (UCMJ), for the following misconduct:

- failing to go at the time prescribed to her appointed place of duty, to wit: Personnel Asset Inventory (PAI) at 1600, on or about 22 June 2004
- disrespectful in deportment toward staff sergeant (SSG) ■, an NCO, then known to her to be an NCO, who was then in the execution of his office by not standing at parade rest when addressing him, on or about 11 April 2004
- failing to go at the time prescribed to her appointed place of duty, to wit: physical training (PT) formation at 0530, on or about 30 April 2004
- failing to go at the time prescribed to her appointed place of duty, to wit: work call at 1150, on or about 1 May 2004
- failing to go at the time prescribed to her appointed place of duty, to wit: work call at 1150, on or about 2 May 2004

d. A memorandum dated 22 September 2004, which states the applicant was seen by various individuals on the watch floor and in her work section, writing non-professional related materials while sitting rack. In accordance with the regulations stipulated by the watch floor joint chain of command, writing and reading non-professional related materials while at work was not allowed. The applicant signed an agreement upon arriving in her watch floor section stating she understood.

e. DA Form 4856, dated 26 September 2004, shows she was counseled for arriving late to work.

f. A memorandum from the senior watch officer to the company commander, dated 27 September 2004, which states the memorandum was submitted as a last resort to officially document the on-going poor performance and total lack of military bearing of the applicant. The applicant struggled with tardiness, sleeping on watch, and failing to render the proper respect to senior members in her operational and administrative chains of command.

g. The applicant received developmental counseling for the following:

- 28 September 2004 – informing the applicant that she was being considered for separation from the Army.
- 30 September 2004 – failure to follow orders given by an NCO. The applicant was asked to wait in the hallway but did not do so.
- 30 September 2004 – failure to report at assigned time and failure to obey a direct order.
- 18 October 2004 – not showing to PT at appointed time.
- 18 October 2004 – not showing to PT at appointed time on 12 October 2004.

h. On 18 October 2004, she accepted NJP under the provisions of Article 15, UCMJ, for the following misconduct on 26 September 2004:

- found sleeping upon her post
- failing to go to her appointed place of duty at the time prescribed, to wit: work call at 1940.
- willfully disobeying a lawful order from an NCO
- behaving with disrespect toward a superior commissioned officer, then known by her to be a superior commissioned officer, by rolling her eyes and walking away

i. After being afforded the opportunity to consult with counsel, she demanded trial by court-martial. The company commander advised the applicant of her right to appeal to the battalion commander within 5 calendar days. She was informed that an appeal made after that time may be rejected as untimely. The applicant's records do not contain an appeal or a denial of an appeal.

j. She received developmental counseling for the following:

- 10 November 2004 – failure to obey an order
- 16 November 2004 – no show for PT formation
- 16 November 2004 – not having her identification card at the time of checking in for her phase 2 physical
- 9 December 2004 – no show to PT formation
- 14 April 2005 – Army Physical Fitness Test (APFT), continued lateness, failure to attend SAAT training, and company transfer
- 18 April 2005 – late for PT formation
- 22 April 2005 – weekly performance review
- 22 April 2005 – failure to sign back in from leave and not showing up for work on time
- 28 April 2005 – late for PT formation.

- 29 April 2005 – weekly performance review due to unsatisfactory performance
- 3 May 2005 – failed to comply with corrective training

k. DA Form 268 (Report to Suspend Favorable Personnel Actions (FLAG)), shows she was flagged on 12 May 2005 for AFPT failure.

l. On 17 May 2005, she accepted NJP under the provisions of Article 15, UCMJ, for failing to go to her prescribed place of duty, to wit: Company PT formation, on or about 18 April 2005, 22 April 2005, and 27 April 2005, and for dereliction in the performance of her duties in that she willfully failed to complete and turn in a 3,000-word essay, as part of her corrective training. Her punishment consisted of reduction to the rank/grade of private (PV2)/E-2), forfeiture of \$323.00, and 14 days of extra duty. The applicant appealed; however, her appeal was denied.

m. In her appeal letter to the battalion commander, she stated that due to her current bills and financial situation, the monetary portion of the punishment would make for an economic hardship on her. She requested that the chaplain's assistant speak on her behalf, but he was unable to attend so he spoke with her commander and 1SG about considering a lighter punishment due to different things going on in her life. She had been suffering from depression and anxiety for over a year and had documentation in her medical records to prove it. Most of the symptoms came from several different issues dealing with work and her unit. She entirely admitted her faults. She allowed her personal life, along with stress, anxiety, and depression get the best of her. She stated that she was on new medication and getting the proper assistance that she was not getting before. She also stated that she wrote the 3,000-word essay on "Discipline" and turned it in. Her desire was to remain in the Army, successfully accomplish the mission she was given, move up in the ranks, and try to get her personal life together and move forward.

n. DA Form 4856, dated 20 May 2005, shows she was counseled for bar to reenlistment. She was informed that due to the previous offenses she would be barred to reenlist in the U.S. Army. The counseling explained that the bar would be reviewed by the commander every 90 days to assess her progress. If no progress was recorded at 180 days after the bar is initiated the commander would initiate chapter procedures.

o. DA Form 4126-R (Bar to Reenlistment Certificate) shows the applicant was barred from reenlistment. The applicant initialed she was furnished with a copy of the bar to reenlistment, she was counseled and advised of the basis for the action and did desire to submit a statement on her own behalf. On 3 June 2005, she signed a statement that she did not wish to submit a sworn statement to appeal to the bar to reenlist.

p. On 3 June 2005, the applicant was counseled for failing to show up for work and her commander counseled her on the same day on the specific reasons for the bar to reenlistment and laid out the plan of action and leader's responsibilities.

q. The applicant underwent a mental status evaluation on 5 August 2005 for the purpose of being discharged because of misconduct. The mental health evaluator noted that the applicant met the retention requirements of Army Regulation (AR) 40-501 (Standards of Medical Fitness), chapter 3, and did not meet the criteria for a MEB. There was no evidence of an emotional or mental condition of sufficient severity to warrant disposition through medical channels. There was no evidence of a psychiatric condition, which would prevent her from participating in any legal or administrative actions.

r. On 9 August 2005, she accepted NJP under the provisions of Article 15, UCMJ, for on or about 12 July 2005, failing to go at the time prescribed to her appointed place of duty, to wit: PT formation. Her punishment consisted of reduction to the rank/grade of private (PVT)/E-1, forfeiture of \$617.00 pay per month for two months, suspended, to be remitted if not vacated before 9 February 2006, 45 days of extra duty, in which 31 days were suspended, to be remitted if not vacated before 9 February 2006, and restriction for 45 days.

s. On 1 September 2005, the applicant's immediate commander notified the applicant of his intent to initiate separation actions against her under the provisions AR 635-200 (Personnel Separations - Enlisted Personnel), chapter 14-12b, for various acts of misconduct. The commander listed the following reasons for the proposed action: refusal to conduct herself in accordance with good order and discipline as a member of the U.S. Army, refusing on various occasions to report on time to her appointed places of duty and on other occasions she refused outright to report to duty, and displaying a total lack of regard for military orders, customs, and courtesies. The commander informed the applicant he was recommending she receive an under honorable conditions (general) characterization of service and explained her rights.

t. On 8 September 2005, the applicant acknowledged receipt of the notification and after being advised by her consulting counsel of the basis for the contemplated action to separate her for a pattern of misconduct under AR 635-200, chapter 14-12b, and its effects; of the rights available to her; and the effect of any action she took in waiving her rights. She understood if she had less than 6 years of total active and Reserve military service at the time of separation and was being considered for separation under AR 635-200, Chapter 14, she was not entitled to have her case heard by an administrative separation board unless she was being considered for a discharge under other than honorable conditions.

- 1) She was advised of her right to submit a conditional waiver of her rights to have her case considered by an administrative separation board.
- 2) She waived consideration of her case by an administrative separation board.
- 3) She did state that future statements were forthcoming and would be submitted within the next five days but did not submit statements on her own behalf.
- 4) She understood that she may expect to encounter substantial prejudice in civilian life if a general discharge under honorable conditions was issued to her.
- 5) She understood that if she received a discharge/character of service that is less than honorable, she may make application to the Army Discharge Review Board (ADRB) or the ABCMR for upgrading; however, that an act of consideration by either Board did not imply that her discharge would be upgraded.
- 6) She understood that she would be ineligible to apply for enlistment in the U.S. Army for a period of 2 years after discharge.
- 7) She understood that up until the date the separation authority approves the separation, she may withdraw the waiver of any rights.
  - u. DA Form 2627-2 (Record of Supplementary Action Under Article 15, UCMJ), dated 12 September 2005, shows:
    - 1) The suspension of the punishments of \$617.00 pay per month for two months and 31 days of extra duty imposed on the applicant on 9 August 2005 were vacated. The unexecuted portion of the punishment would be duly executed.
    - 2) The vacation was based on the following offenses: the applicant was charged on 11 September 2005 with assault and was caught operating a vehicle without a license. She also broke restriction by leaving the A Quad area, a punishment which was imposed by the Article 15.
      - v. On 14 September 2005, the immediate commander recommended approval of the separation under the provisions of AR 635-200, chapter 14-12b, patterns of misconduct, with a general, under honorable conditions discharge.
      - w. On 14 September 2005, the intermediate commander recommended approval and recommended that further rehabilitative efforts be waived.
      - x. On 15 September 2005, the separation authority approved the discharge and directed the applicant be issued an under honorable conditions (general) discharge.

y. The applicant was discharged on 12 October 2005. Her DD Form 214 shows she was discharged under the provisions of AR 635-200, paragraph 14-12b, by reason of pattern of misconduct, in the rank/grade of private (PVT)/E-1, and her service was characterized as under honorable conditions (general). She completed 3 years, 1 month, and 23 days of net active service during the covered period. Additionally, her DD Form 214 shows in:

- Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): National Defense Service Medal, the Army Service Ribbon, Overseas Service Ribbon, and the Global War on Terrorism Service Medal.
- Item 18 (Remarks): Member has not completed first full term of service.

5. On 11 March 2009, the ADRB denied the applicant's request for an upgrade of her discharge. The ADRB determined that she was properly and equitably discharged.

6. Regulatory guidance states when an individual is discharged under the provisions of Chapter 14, AR 635-200 for misconduct, an under other than honorable conditions characterization of service is normally appropriate. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

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

8. MEDICAL REVIEW:

a. Background: The applicant is requesting an upgrade of her under honorable conditions (general) discharge to honorable. She contends PTSD and other mental health condition mitigates her 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 20 August 2002.
- Applicant was repeatedly formally counseled and accepted non-judicial punishment under Article 15 of the Uniform Code of Military Justice on at least four separate occasions.
- On 1 September 2005, the applicant's immediate commander notified the applicant of his intent to initiate separation actions against her under the provisions AR 635-200 (Personnel Separations - Enlisted Personnel), chapter 14-12b, for various acts of misconduct. The commander listed the following reasons for the proposed action: refusal to conduct herself in accordance with



good order and discipline as a member of the U.S. Army, refusing on various occasions to report on time to her appointed places of duty and on other occasions she refused outright to report to duty, and displaying a total lack of regard for military orders, customs, and courtesies. The commander informed the applicant he was recommending she receive an under honorable conditions (general) characterization of service and explained her rights.

- Applicant was discharged on 12 October 2005. Her DD Form 214 shows she was discharged under the provisions of AR 635-200, paragraph 14-12b, by reason of pattern of misconduct, in the rank/grade of private (PVT)/E-1, and her service was characterized as under honorable conditions (general).
- On 11 March 2009, the ADRB denied the applicant's request for an upgrade of her discharge. The ADRB determined that she was properly and equitably discharged.

c. The Army Review Boards Agency (ARBA) Behavioral Health (BH) Advisor reviewed this case. Documentation reviewed included the applicant's completed DD Form 149, her ABCMR Record of Proceedings (ROP), DD Form 214, character letters, VA disability rating, and documents from her service record and separation. 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 she is requesting her characterization of service be upgraded from general, under honorable conditions to honorable. In September 2005, she was forced to sign and agree to a discharge from the Army under patterns of misconduct by her commanding officer and first sergeant (1SG). In August 2004, she had been hospitalized in the psychiatric ward at Tripler Army Medical Center (TAMC) for attempted suicide. She was being seen for adjustment disorder and severe depression. She reports her treating provider made several requests for a rehabilitative transfer to a new duty station and a medical evaluation board (MEB) based on her psychiatric condition, but the requests were denied.

e. Active-duty electronic medical records available for review indicate the applicant had an extensive history of behavioral health services while in military service and was diagnosed with Adjustment Disorder and later Depressive Disorder. The applicant submitted a hardcopy Mental Status Evaluation, dated 28 October 2004, indicating the applicant needed to be further evaluated with a full mental health work-up, including psychological testing. It was the opinion of the clinician that the applicant should be considered for a MEB based on her psychiatric condition. The evaluation indicated the applicant was suffering from a depressive disorder that was being treated with psychotropic medications. The medications made her sleepy, which impaired her ability to perform to her fullest ability. The applicant participated in another Mental Status Evaluation, on 5 August 2005, that cleared her for separation. Following her separation,

the applicant continued to receive behavioral health services as a military dependent until April 2019 and was diagnosed with Bipolar Disorder.

f. The VA electronic medical record indicates the applicant is 100% service connected for Bipolar Disorder. She receives intensive treatment services via a specialized behavioral health team that coordinates her care.

g. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is sufficient evidence the applicant had a behavioral health condition during military service that mitigates her 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 is 100% service connected for Bipolar Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? Yes. The applicant was discharged for refusal to conduct herself in accordance with good order and discipline as a member of the U.S. Army, refusing on various occasions to report on time to her appointed places of duty and on other occasions she refused outright to report to duty, and displaying a total lack of regard for military orders, customs, and courtesies. The applicant is 100% service connected for Bipolar Disorder. Bipolar disorder is a mental illness that causes extreme mood swings, from high to low, that affect your energy, thinking, and behavior. The symptoms of the disorder interfere with daily functioning and makes managing work responsibilities challenging. Given the nexus between Bipolar Disorder and difficulty with work performance, the applicant's pattern of misconduct related to FTR; lacking in good order and discipline; and lacking in military orders, customs, and courtesies, is mitigated by her behavioral health condition.

#### BOARD DISCUSSION:

The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, her record of service, the frequency and nature of her misconduct, and the reason for her separation. The Board considered the applicant's mental health claim and the review and conclusions of the ARBA BH Advisor. The

Board found sufficient evidence of in-service mitigating factors and concurred with the conclusion of the medical advising official regarding her misconduct being mitigated by a mental health condition. Based on a preponderance of the evidence, the Board determined the applicant’s character of service should be changed to honorable.

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 her DD Form 214 to show her character of service as honorable.

6/27/2024

X [REDACTED]

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CHAIRPERSON  
[REDACTED]

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

REFERENCES:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

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

a. An honorable discharge is a separation with honor. The honorable characterization is appropriate when the quality of the Soldier'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 used for a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

c. Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense, conviction by civil authorities, desertion, or absences without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is unlikely to succeed. A discharge under other than honorable conditions is normally considered appropriate. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

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 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; TBI; sexual assault; sexual harassment. Boards were directed 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. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for that misconduct which led to the discharge.

4. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. Boards for Correction of Military/Naval Records 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. This guidance does not mandate relief but provides standards and principles to guide Boards in application of their equitable relief authority.

a. 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.

5. Section 1556 of Title 10, United States Code, requires the Secretary of the Army to ensure that an applicant seeking corrective action by the Army Review Boards Agency (ARBA) be provided with a copy of any correspondence and communications (including summaries of verbal communications) to or from the Agency with anyone outside the Agency that directly pertains to or has material effect on the applicant's case, except as authorized by statute. ARBA medical advisory opinions and reviews are authored by ARBA civilian and military medical and behavioral health professionals and are therefore internal agency work product. Accordingly, ARBA does not routinely provide copies of ARBA Medical Office recommendations, opinions (including advisory opinions), and reviews to Army Board for Correction of Military Records applicants (and/or their counsel) prior to adjudication.

6. 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 ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

//NOTHING FOLLOWS//