

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 May 2024

DOCKET NUMBER: AR20230011249

APPLICANT REQUESTS: an upgrade of his discharge 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), 25 July 2023
- self-authored statement
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), 29 November 1966
- DD Form 214, 29 May 1969
- Bronze Star Medal Certificate, 12 November 1966
- Bronze Star Medal Certificate, 5 April 1968
- Silver Star Certificate, 21 June 2016
- Department of Veterans Affairs (VA) summary of benefits, 8 May 2023

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 AR1999026697 on 9 November 1999.

2. The applicant states, in effect, he volunteered for and served three tours in Vietnam, which made him unfit to serve and led to his discharge.

a. Due to his service in Vietnam, he had post-traumatic stress disorder (PTSD) which led to insomnia and alcoholism. He ended up not caring about life or death, he wanted and needed to be alone. He was not offered any help and he was "too messed up" to ask for help, he was told to resign or be boarded out.

b. He has been dealing with issues from his service in Vietnam, where he served December 1964 to May 1965, all of 1966, and half of 1967 to 1968. He states he just deals with his issues, but they never go away. Being a highly decorated servicemember, he is ashamed of his discharge.

c. He is requesting his DD Form 214 be corrected to show he served honorably and to properly reflect his awards and decorations so they can be displayed on his tombstone since he is now 78 years old.

d. On his DD Form 149, the applicant references post-traumatic stress disorder (PTSD) is related to his request.

3. A review of the applicant's record and governing regulations shows he meets the regulatory criteria for additional awards not currently listed on his DD Form 214 for the period ending on 29 November 1966 and for the period ending on 29 May 1969. Therefore, the Board will not consider the applicant's request for issuance or awards. See Administrative Notes.

4. The applicant enlisted in the Regular Army on 30 March 1963 for a period of 3 years. He was awarded the military occupational specialty (MOS) of 11B (Light Weapons Infantryman).

5. He was sent to his first unit in Hawaii and then to Vietnam. He was awarded the Air Medal twice for his service in the Republic of Vietnam from 24 December 1964 to 7 February 1965 and from 8 February 1965 to 8 March 1965, both awards stating during these times he actively participated in more than twenty-five (fifty total) aerial missions over hostile territory in support of counterinsurgency operations. During these missions he displayed the highest order of air discipline and acted in accordance with the best traditions of the service. By his determination to accomplish his mission in spite of the hazards inherent in repeated aerial flights over hostile territory and by his outstanding degree of professionalism and devotion to duty, he had brought credit upon himself, his organization, and the military service.

6. His DA Form 20 (Enlisted Qualification Record) shows he received all excellent conduct and efficiency ratings while serving in Vietnam and the highest rank he attained was staff sergeant (SSG)/E-6.

7. A DA Form 1695 (Oath of Extension of Enlistment) shows on 5 January 1966, while serving in Vietnam, he voluntarily extended his 3-year enlistment for an additional 11 months.

8. While serving in Vietnam, he was honorably discharged on 29 November 1966 for the purpose of immediate reenlistment. His DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) confirms he served 3 years, 8 months of net active service this period with 3 years 5 months, and 5 days of foreign and/or sea service in Hawaii and Vietnam. He was awarded or authorized the following decorations, medals, badges, commendations, citations, and campaign ribbons:

- National Defense Service Medal
- Vietnam Service Medal
- Republic of Vietnam Campaign Medal with Device (1960)
- Combat Infantryman Badge
- Aircraft Crewman Badge
- Armed Forces Expeditionary Medal (Vietnam)
- Air Medal
- Air Medal (with 1st and 2nd cluster)

9. On 30 November 1966, he reenlisted for an additional 6-year period while serving in Cu Chi, South Vietnam with the 3rd Armored Cavalry Regiment.

10. The applicant accepted nonjudicial punishment, under the provisions of Article 15, of the Uniform Code of Military Justice (UCMJ) the specific details are illegible.

11. Special Orders Number 85, with an issuance date of 19 April 1967, shows the applicant was reduced from the grade of staff sergeant/E-6 to sergeant/E-5 effective 15 April 1967, due to misconduct.

12. Special Orders Number 277, issued on 4 October 1967, shows the applicant was to complete a consecutive tour to Vietnam with an arrival on 8 October 1967.

13. Special Orders Number 335, issued on 1 December 1967, shows the applicant was promoted to the rank of SSG/E-6.

14. General Orders Number 187, dated 13 January 1968, shows the applicant was awarded the Purple Heart while serving in Vietnam for wounds received in connection with military operations against a hostile force.

15. General Orders Number 2678, dated 6 April 1968, shows the applicant was awarded the Bronze Star Medal with "V" Device while serving in Vietnam for his heroism in connection with military operations against a hostile force. The applicant distinguished himself by heroic actions on 17 February 1968, while serving as a platoon sergeant with Company C, 1st Battalion, 5th Infantry on a combat operation in the Republic of Vietnam. When the company encountered intense small arms, automatic weapons, and anti-tank rocket fire the applicant fearlessly advanced through the hostile fire to assault the enemy positions. He led his men in destroying several emplacements and provided cover fire, with complete disregard for his own safety, for the extraction of wounded personnel. His valorous actions contributed immeasurably to the success of the mission. The applicant's personal bravery, aggressiveness, and devotion to duty are in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, the 25th Infantry Division, and the United States.

16. General Orders Number 4495, dated 22 June 1968, shows the applicant was awarded the Silver Star while serving in Vietnam for his gallantry in action. The applicant distinguished himself by heroic actions on 19 February 1968, while serving with Company C, 1st Battalion, 5th Infantry on a combat operation in the Republic of Vietnam. In order to get into position to help a platoon pinned down by enemy fires, the applicant had to maneuver parts of his element across an open field covered by hostile machine gun fire. Before attempting this he fearlessly exposed himself to the intense fire to move to the supporting tanks and adjust covering fire for his element. He exposed himself to the enemy machine gun fire to personally aid in the extraction of three wounded personnel to the rear for medical treatment. His sound judgement and quick action saved the platoon from becoming disorganized and enabled it to help extract the pinned down platoon. The applicant's personal bravery, aggressiveness, and devotion to duty are in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, the 25th Infantry Division and the United States Army.

17. Before a special court-martial, while in Vietnam,

a. The applicant was arraigned and tried on 8 July 1968 for violations of the UCMJ, for the following:

- disobeying a lawful order issued by Specialist Four L.J.O. a Military Police, to not leave Camp Cu Chi Base Camp on or about 2120 hours on or about 30 April 1968
- wrongfully appropriating a 1/4 ton truck, the property of the United States Government, on or about 2120 hours on or about 30 April 1968
- wrongfully and willfully discharging a firearm, under circumstance such as to endanger human life on or about 2130 hours on or about 31 May 1968
- wrongfully communicate to Captain T.M.B., a threat to kill on or about 31 May 1968

b. He pled guilty to and was found guilty of all specifications and charges.

c. His sentence of reduction to the grade of corporal/E-4 and forfeiture of \$150.00 per month for six months was adjudged on 13 July 1968.

d. On 13 July 1968, his sentence was approved and ordered to be duly executed.

18. The applicant accepted nonjudicial punishment, under the provisions of Article 15, UCMJ, on 20 August 1968 for going absent without leave (AWOL) while in Vietnam, at Cu Chi Base Camp on or about 7 August 1968 and remaining AWOL until on or about 13 August 1968. His punishment consisted of reduction to the rank of private first class/E-3.

19. The applicant returned to the U.S. at Fort Campbell Kentucky on 21 November 1968.

20. A DA Form 2496 (Disposition Form) shows the applicant's command requested a time in grade waiver for the applicant to be appointed to the grade of specialist four/E-4. Specially noting, the applicant receiving excellent conduct and efficiency ratings and stating in comparison with other members of the command, of similar grade and service the commander would evaluate the applicant as the most outstanding and most deserving of appointment. Additionally stating, the applicant "is ambitious and a good Soldier, and he performs all of his duties in an exceptional manner and justly deserves promotion to the next higher grade."

21. On 24 March 1969, the applicant was reported AWOL as of 14 March 1969. Stating interviews with close associates of the applicant indicate that the most probably reason for his absenting himself without leave was his dislike for the service.

22. A DA Form 268 (Report for Suspension of Favorable Personnel Actions) show the applicant returned to military control from being AWOL on or about 17 April 1969.

23. Court-martial charges were preferred against the applicant on 17 April 1969, for violations of the UCMJ. The relevant DD Form 458 (Charge Sheet) shows he was charged with one specification of being AWOL from on or about 14 March 1969 and remaining AWOL until on or about 17 April 1969.

24. The applicant consulted with legal counsel on 17 April 1969, and 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 conditions other than honorable 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 not to submit a statement in his own behalf.

25. On 30 April 1969, the applicant's immediate commander recommended approval of the applicant's request for separation and further recommended the applicant receive an undesirable discharge.

26. On 1 May 1969, the applicant's intermediate commander recommended approval of the applicant's request for separation and further recommended the applicant receive an Undesirable Discharge Certificate.

27. The separation authority approved the applicant's request for discharge for the good of the service on 27 May 1969. He also directed the issuance of an Undesirable Discharge Certificate and reduction to the lowest enlisted grade of private (PV1)/E-1.

28. The applicant was discharged accordingly on 29 May 1969, under the provisions of AR 635-200, Chapter 10, in the rank of PV1/E-1. His DD Form 214 confirms his service was characterized as under conditions other than honorable, with separation program number of 246 and reenlistment code RE-3B and 4. He was credited with 2 years, 4 months, and 12 days of net active service this period, with 1 year, 7 months, and 24 days of foreign service in Vietnam. He had 3 years and 8 months of other service, giving him a total of 6 years and 12 days of total active service. He had 48 days of time lost.

29. On 28 June 1973, after reviewing the findings and conclusion of the Army Discharge Review Board, the Secretary of the Army directed the applicant be informed his discharge had been changed from under conditions other than honorable to under honorable conditions (general).

30. The applicant's corrected issuance of DD Form 214 with a period ending on 29 May 1969, shows his characterization of service was upgraded to under honorable conditions (general), he was issued a DD Form 257A (General Discharge Certificate), and his decorations, medals, badges, commendation, citations and campaign ribbons awarded or authorized reflected issuance of the Purple Heart and two overseas service ribbons.

31. The ABCMR, denied the applicant's request on 9 November 1999, stating the applicant had failed to submit sufficient relevant evidence to demonstrate the existence of probable error or injustice.

32. The applicant provided his documents showing he was awarded two Bronze Star Medals and the Silver Star Medal. He also provided medical documentation from the

Department of Veterans Affairs showing he was awarded a 100 percent disability rating for service-connected disability, effective 1 December 2022.

33. The applicant's record shows he had all "excellent" conduct and efficiency ratings and he received an honorable characterization of service for his service ending on 29 November 1966. Additionally, his record does not contain any evidence of convictions by a court-martial or a commander's statement of disqualification for award of the Army Good Conduct Medal.

34. Discharges under the provisions of AR 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 conditions other than honorable characterization of service is normally considered appropriate.

35. 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.

36. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting an upgrade of his under honorable conditions (general) to honorable. He contends he experienced PTSD that mitigates his misconduct. 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 enlisted in the Regular Army on 30 March 1963; 2) The applicant deployed to Vietnam for more than one year; 3) Court-martial charges were preferred against the applicant on 17 April 1969 for being AWOL from 14 March-17 April 1969; 4) The applicant was discharged on 29 May 1969, Chapter 10. His service was characterized as under conditions other than honorable; 4) On 28 June 1973, after reviewing the findings and conclusion of the Army Discharge Review Board, the Secretary of the Army directed the applicant be informed his discharge had been changed from under conditions other than honorable to under honorable conditions (general).

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the supporting documents and the applicant's available military service records. The VA's Joint Legacy Viewer (JLV) and VA documentation provided by the applicant were also examined. No additional medical documentation was provided by the applicant.

c. The applicant asserts he was experiencing PTSD while on active service, which mitigates his misconduct. There is insufficient evidence the applicant reported or was diagnosed with a mental health condition including PTSD while on active service.

d. A review of JLV provided evidence the applicant has been evaluated and diagnosed with service-connected PTSD in 1992. He has been actively engaged in behavioral health treatment at the VA. Currently, the applicant has been found to be 100% disabled due to his service-connected PTSD.

e. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is sufficient evidence to support the applicant had a condition or experience that mitigates his misconduct which led to his discharge.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant asserts he experienced PTSD that mitigates his misconduct. There is evidence the applicant has been diagnosed by the VA with service-connected PTSD.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts he experienced PTSD that mitigates his misconduct while on active service. The VA has diagnosed the applicant with service-connected PTSD.

(3) Does the condition experience actually excuse or mitigate the discharge? Yes, there is sufficient evidence beyond self-report the applicant was experiencing PTSD while on active service. The applicant did go AWOL after extensive combat exposure. Going AWOL can be avoidant behavior, which is a natural sequelae to PTSD. Therefore, per Liberal Consideration, the applicant's misconduct, which led to his discharge is mitigable.

#### 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 advisory the Board concurred with the advising official findings sufficient evidence to support the applicant had a condition or experience that mitigates his misconduct which led to his discharge. The opine noted there is sufficient evidence beyond self-report the applicant was experiencing PTSD while on active service.

2. The Board determined there is sufficient evidence that warrants clemency under liberal consideration. The Board noted, the applicant's three deployments and his



combat service awards. The Board recognized the applicant did go AWOL after extensive combat exposure however, going AWOL can be avoidant behavior, which is a natural sequelae to PTSD. The Board agreed there is sufficient evidence beyond self-report the applicant was experiencing PTSD while on active service. During deliberation, the Board determined the applicant's service record did not reflect he was awarded the Army Good Conduct Medal (1st Award) and his record shows he received "excellent" conduct and efficiency ratings throughout his service for the period of his service ending on 29 November 1966. Based on this the Board granted relief to upgrade the applicant's discharge to honorable and award him the Army Good Conduct Medal.

3. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction be completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), 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 honorable and awarding him the Army Good Conduct Medal (1st Award) for exemplary service from 30 March 1963 to 29 November 1966 and adding the medal to his DD Form 214 for the period ending 29 November 1966.

[Redacted Signature]

[Redacted Title]

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[Redacted Name]

[Redacted Title]

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.

ADMINISTRATIVE NOTE(S):

Review of the applicant's record and Army regulations show he meets the regulatory guidance for additional awards not currently listed on his DD Form 214; for the period ending 29 November 1966.

The applicant served in Vietnam in the 1st Battalion, 27th Infantry Division from 6 January 1966 to 12 December 1966. The 27th Infantry Division, 1st Battalion was awarded the following:

- Department of the Army General Order Number (DAGO) 20, 1967 awarded the 27th Infantry, 1st Battalion the Valorous Unit Award from January to April 1966.
- DAGO 48, 1971 awarded the 27th Infantry Division, 1st Battalion, the Republic of Vietnam Gallantry Cross with Palm Unit Citation
- DAGO 51, 1971 awarded the 27th Infantry Division, 1st Battalion, the Republic of Vietnam Civil Actions Honor Medal

Add the following in Item 26 - Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized:

- Bronze Star Medal

- Valorous Unit Award
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Civil Actions Honor Medal
- 1st Class Gunner (Expert) Marksmanship Qualification Badge with Machine Gun Bar (M-60)

Review of the applicant's record and Army regulations show he meets the regulatory guidance for additional awards not currently listed on his DD Form 214; for the period ending 29 May 1969.

The applicant served with the 5th Infantry Division, 1st Battalion from 6 October 1967 to 4 October 1968. The unit was awarded the following:

- DAGO 82, 1969, awarded the 5th Infantry Division, 1st Battalion the Presidential Unit Citation
- DAGO 48, 1971, awarded the 5th Infantry Division, 1st Battalion the Republic of Vietnam Cross with Palm Unit Citation
- DAGO 9, 1979, awarded the 5th Infantry Division, 1st Battalion the Republic of Vietnam Civil Actions Honor Medal

Add the following in Item 26 - Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized:

- Silver Star
- Bronze Star Medal with "V" Device
- Vietnam Service Medal with one silver service star and 1 bronze service star
- Presidential Unit Citation
- Republic of Vietnam Civil Actions Honor Medal
- Republic of Vietnam Gallantry Cross with Palm Unit Citation
- Republic of Vietnam Campaign Medal with Device (1960)

#### 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. Section 1556 of Title 10, U.S. Code, 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.

3. AR 600-8-22 (Military Awards) states a silver service star is worn instead of five bronze service stars and will be awarded for wear on the Vietnam Service Medal for participation in each campaign. During the applicant's service in Vietnam, he participated in the following six campaigns:

- Vietnam Advisory Campaign, 15 March 1964 to 7 March 1965
- Vietnam Defense Campaign, 8 March 1965 to 24 December 1965
- Vietnam Counteroffensive, Phase III, 1 June 1967 to 29 January 1968
- TET Counteroffensive, 30 January 1968 to 1 April 1968
- Vietnam Counteroffensive, Phase IV, 2 April 1968 to 30 June 1968
- Vietnam Counteroffensive, Phase V, 1 July 1968 to 1 November 1968

4. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the unit awards received by units serving in Vietnam. This pamphlet shows the 27th Infantry, 1st Battalion was awarded:

- Department of the Army General Order Number (DAGO) 20, 1967 awarded the 27th Infantry, 1st Battalion the Valorous Unit Award from January to April 1966.
- DAGO 48, 1971 awarded the 27th Infantry Division, 1st Battalion, the Republic of Vietnam Gallantry Cross with Palm Unit Citation
- DAGO 51, 1971 awarded the 27th Infantry Division, 1st Battalion, the Republic of Vietnam Civil Actions Honor Medal

5. Department of the Army Pamphlet 672-3 (Unit Citation and Campaign Participation Credit Register) lists the unit awards received by units serving in Vietnam. This pamphlet shows the 5th Infantry, 1st Battalion was awarded:

- DAGO 82, 1969, awarded the 5th Infantry Division, 1st Battalion the Presidential Unit Citation
- DAGO 48, 1971, awarded the 5th Infantry Division, 1st Battalion the Republic of Vietnam Cross with Palm Unit Citation
- DAGO 9, 1979, awarded the 5th Infantry Division, 1st Battalion the Republic of Vietnam Civil Actions Honor Medal

6. 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.

7. 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 post-traumatic stress disorder; 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.

8. 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//