

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 28 June 2024

DOCKET NUMBER: AR20230012890

APPLICANT REQUESTS:

- an upgrade of his under other than honorable conditions (UOTHC) discharge to honorable
- amendment of his narrative reason for separation to reflect disability or “Secretarial Authority”
- change to his separation code and reentry eligibility (RE) code
- reinstatement of his rank to specialist (SPC)/E-4

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

- DD Form 149 (Application for Correction of Military Record)
- Legal Brief in Support of Applicant
- Exhibit 1: DD Form 214 (Certificate of Release or Discharge from Active Duty)
- Exhibit 2: Commander Request for Mental-Health Evaluation, 3 May 2007
- Exhibit 3: Memorandum from Major General M_P_H_
- Exhibit 4: Veterans Affairs (VA) Administrative Decision re Character of Discharge Determination
- Exhibit 5: VA, Veterans Benefits Administration Ratings Decision
- Exhibit 6: VA Progress Notes from Mental Health Consult
- Exhibit 7: Memorandum - Clarifying Guidance to Military Discharge Review Boards (DRB) and Boards for the Correction of Military/Naval Records (BCM/NR) Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions; Traumatic Brain Injury (TBI); Sexual Assault; or Sexual Harassment, 25 August 2017
- Exhibit 8: Orders, Military Entrance Processing Station
- Exhibit 9: Orders, Baumholder Transition Center
- Exhibit 10: Commander Request for Mental-Health Evaluation, 9 March 2007
- Exhibit 11: Chapter 10 Recommendation Form
- Exhibit 12: VA Progress Notes from Psychotherapy Intake
- Exhibit 13: Memorandum - Consideration of Discharge Upgrade Requests Pursuant to Supplemental Guidance to Military BCM/NRs by Veterans Claiming Post-Traumatic Stress Disorder (PTSD) or TBI, 24 February 2016

- Exhibit 14: Personal Statement of Applicant
- Exhibit 15: Social Security Administration Earnings Summary of the Applicant

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: AR20090017916 on 20 April 2010.

2. Counsel states, in pertinent part:

a. Unfortunately, at the time of the applicant's enlistment and throughout his service, he suffered from schizophrenia, a serious mental illness, though at the time, his condition was not detected or diagnosed. The applicant's unusual behavior, which included delusions and paranoia, was not attributed to the mental illness from which he suffered, his conduct was misconstrued as insubordination, rather than insanity. His actions resulted in disciplinary procedures, rather than mental health evaluations, and an UOTHC discharge.

b. While the applicant was not aware of his condition during his enlistment, his supervising officers observed symptoms of schizophrenia. Typical symptoms of schizophrenia include hallucinations, delusions (including persecutory or paranoid delusions), thought disorder, reduced expression of emotions, reduced motivation to accomplish goals, difficulty in social relationships, motor impairment, and cognitive impairment. Someone suffering from schizophrenia is unable to distinguish between real and unreal experiences. Documents from the applicant's service evidence that he was exhibiting symptoms of schizophrenia before and during his service. For example, on 9 March 2007, the applicant's unit commander, Captain C_M_S_, completed a "Unit Commander Request for Mental Health Evaluation" stating that the applicant "has been filing reports with the Provost Marshall Office (PMO) and Judge Advocate General (JAG) Corps Office" complaining that "he is being harassed and that people have come into his room while he is asleep and poked pins into his face and make [sic] cuts between his toes." This document also notes the applicant's difficulties in social settings, commenting that the applicant "did not get along with other Soldiers or his supervisors." The applicant was sent to the unit chaplain, who recommended he "see Mental Health," a course of action that the applicant found "unacceptable."

c. In August 2022, the VA granted service connection for the applicant's mental condition stemming from his time in the military and found that his "condition permanently worsened as a result of service." A VA therapist found that his "diagnosis of schizophrenia was clearly present during his military service and was a major factor in the difficulties leading to his discharge."

d. Accordingly, the applicant's UOTHC discharge was a grave injustice. It is an injustice that an Army Soldier with an unpreventable serious mental disease should be discharged under a shadow of dishonor because the Army of 2007 did not recognize the severity of the applicant's mental condition or his lack of capacity to engage in the handling of his "misconduct" or separation proceedings.

3. The applicant states:

a. His childhood was one that involved his future involvement with the military. He spent much of his time in sports and other extracurricular activities. He enlisted in the Armed Forces to become a better person, and to serve his country.

b. He was stationed at Fort Benning, GA, for basic training to become an infantry, Soldier. After basic training, his duty station was Baumholder, Germany. His mental health became an issue. His commander felt that he was not able to be an infantry Soldier at the time due to his mental health issues. His commander illustrated his feelings in a counseling statement. The Soldiers began to distance themselves from him after that. Hazing took place up to his discharge from the military.

c. The transition back to civilian life was difficult. He found it hard to keep employment and to make friends. His family and friends distanced themselves from him. He began his mental health treatment at Regions Hospital in 2016. After his time at Regions, he was able to gain care with the VA Medical Center. He believes that if he could relive the events that took place in the military, he knew he could do better. He wouldn't be discharged early. He believes his mental health was the primary factor in receiving his current discharge.

4. On his DD Form 149, the applicant notes other mental health issues are related to his request.

5. On 2 August 2006, the applicant enlisted in the Regular Army.

6. A Unit Commander Request for Mental-Health, dated 9 March 2007, shows the applicant was command referred to a medical facility for study and treatment. The commander notes the applicant's behavior had become noticeable when he was late for formation, questioned orders, and did not give 100% effort during training. Additionally, the applicant had been filing reports with the PMO and JAG. He had not attempted to use his chain of command to handle his problems at the lowest level. The applicant claimed he was being harassed and that people have come into his room while he was asleep and poked pins into his face and made cuts between his toes.

7. A Unit Commander Request for Mental-Health, dated 3 May 2006 [sic], shows the applicant was command referred to a medical facility for study and treatment. The

commander notes the applicant's behavior had become noticeable In mid-March when the applicant started making unfounded complaints of other Soldiers breaking into his room and poking holes in his face while he was asleep. However, the applicant claimed he never woke up and that when he put cream on his face, the holes went away. Additionally, the commander states, "Without significant behavior changes I do not foresee this Soldier staying in the Army long enough for us to deploy. His refusal, intentional or not, to understand and obey orders concerns me enough that I do not want him with me and my platoon in combat. I am unsure if the Soldier is making all this stuff up to sound like he has mental health issues in order to be discharged from the Army or if he really believes that all this happened to him."

8. Court-martial charges were preferred against the applicant for violations of the Uniform Code of Military Justice (UCMJ); however, the relevant DD Form 458 (Charge Sheet) is not available for review.

9. A Checklist for Pretrial Confinement, dated 9 August 2007, shows the applicant was charged with willful disobedience of a noncommissioned officer on three occasions; willful disobedience of an officer on three occasions; missing movement on 8 August 2007; failing to report on four occasions; and going absent without leave from 5 August 2007 until 7 August 2007.

10. On 27 August 2007, the applicant consulted with legal counsel and was advised of the basis for the contemplated trial by court-martial; the maximum permissible punishment authorized under the UCMJ; the possible effects of a bad conduct discharge; and the procedures and rights that were available to him.

a. Subsequent to receiving legal counsel, the applicant voluntarily requested discharge under the provisions of Army Regulation 635-200 (Personnel Separations – Active Duty Enlisted Administrative Separations), Chapter 10, request for discharge in lieu of trial by court-martial. In his request for discharge, he acknowledged his understanding of the elements of the offenses charged, and he was admitting guilt to one or more of the specifications against him, or of a lesser included offense which also authorized the imposition of a bad conduct discharge. He further acknowledged he understood that if his discharge request was approved, he could be deprived of several Army benefits, he could be ineligible for some benefits administered by the Veterans Administration, and he could be deprived of his rights and benefits as a Veteran under both Federal and State laws.

b. He declined to submit a statement in his own behalf.

11. The applicant's commander formally recommended disapproval of the applicant's request; however, he recommended an UOTHC characterization of service if the Chapter 10 request was approved.

12. The separation authority approved the applicant's request for discharge in lieu of trial by court-martial on 11 September 2007, and directed the issuance of an UOTHC Discharge Certificate, and his reduction to private/E-1.

13. The applicant was discharged on 21 September 2007, in the rank/grade of private/E-1. He was credited with 1 year, 1 month, and 20 days of active service. His DD Form 214 contains the following entries in:

- Item 24 (Character of Service) – UOTHC
- item 25 (Separation Authority) – AR [Army Regulation] 635-200, Chapter 10
- item 26 (Separation Code) – KFS
- item 27 (Reentry Code) – 4
- item 28 (Narrative Reason for Separation) – In Lieu of Trial by Court-Martial

14. Additionally his DD Form 214 shows he was awarded or authorized the:

- National Defense Service Medal
- Global War on Terrorism Service Medal
- Army Service Ribbon

15. The applicant petitioned the Army Discharge Review Board requesting upgrade of his UOTHC. On 14 October 2009, the Board voted to deny relief and determined his discharge was both proper and equitable.

16. The applicant petitioned the ABCMR requesting upgrade of his UOTHC. On 20 April 2010, the Board voted to deny relief and determined the overall merits of the case were insufficient as a basis to for correction of the applicant's records.

17. The applicant provides VA administrative and medical documents that show he was granted an evaluation of 50% service connection for schizophrenia, effective 25 January 2019. Additionally, the preponderance of the evidence now weighs in favor of a finding of insanity at the time of his misconduct underlying his discharge. These documents are provided in their entirety for the Board's review within the supporting documents.

18. The applicant was charged due to the commission of an offense punishable under the UCMJ with a punitive discharge. Subsequent to being charged, he consulted with counsel and requested discharge under the provisions of Army Regulation 635-200, Chapter 10. Such discharges are voluntary requests for discharge in lieu of trial by court-martial.

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

20. MEDICAL REVIEW:

a. Background: The applicant is applying to the ABCMR requesting reconsideration of an upgrade to his characterization of service from under other than honorable conditions (UOTHC) to honorable. He contends he experienced an undiagnosed mental health condition that mitigates his misconduct.

b. 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:

- The applicant enlisted into the Regular Army on 2 August 2006.
- The applicant had court-martial charges preferred against him on 9 August 2007, but the charge sheet is not included. A Checklist for Pretrial Confinement, dated 9 August 2007, shows the applicant was charged with willful disobedience of a noncommissioned officer on three occasions; willful disobedience of an officer on three occasions; missing movement on 8 August 2007; failing to report on four occasions; and going absent without leave from 5 August 2007 until 7 August 2007. The applicant voluntarily requested discharge under the provisions of Army Regulation 635-200, Chapter 10, request for discharge in lieu of trial by court-martial.
- The applicant was discharged on 21 September 2007, and he was credited with 1 year, 1 month, and 20 days of net active service.

c. Review of Available Records: The Army Review Board Agency (ARBA) Medical Advisor reviewed the supporting documents contained in the applicant's file. The applicant asserts he suffered from undiagnosed Schizophrenia during his time in service, and his misconduct is attributable to this condition. A Unit Commander Request for Mental Health Evaluation dated 3 May 2006 noted the applicant's behavior, which included allegations against fellow soldiers that were unfounded; odd behaviors; persecutory ideation; and distorted thinking patterns. The commander concluded that he did not want to deploy with this soldier without significant behavior changes. Another Unit Commander Request for Mental Health Evaluation dated 9 March 2007 indicated continued problematic behavior, including disregard for authority, isolating, and not using the chain of command as well as disorganized or irrational thinking patterns.

d. A Character of Discharge Determination letter dated 24 August 2022 from the VA was included, and it concluded that for the purpose of VA services, the applicant's discharge is considered honorable. A VA Rating Decision letter dated 14 December 2022 showed a 50% service connection for Schizophrenia, and VA mental health documentation from 14 June 2019 provided an extensive outline of his symptom history, including paranoid thinking, delusions, auditory hallucinations, and a psychiatric hospitalization in 2016. The report noted a six month course of an antipsychotic medication following the hospitalization helped to relieve symptoms, but the medication was discontinued because the applicant was unable to attend follow up visits. The evaluation, which included objective psychological testing, concluded with a diagnosis

of Schizophrenia, multiple episodes, currently in acute episode. A VA intake note dated 1 February 2019 with an addendum note dated 12 April 2019 showed a diagnosis of Psychosis, Not Otherwise Specified. All VA documentation indicated the applicant reported the onset of symptoms occurring while he was on active service.

e. There was insufficient evidence that the applicant was diagnosed with a psychiatric condition while on active service.

f. The VA's Joint Legacy Viewer (JLV) was also reviewed and showed documentation of a Command Directed Evaluation dated 8 May 2007. The applicant denied any mental health symptoms, and he stated he is "not at liberty" to discuss things related to his current situation because it was "being investigated." The evaluation concluded with no diagnosis.

g. The applicant initiated mental health care through the VA on 25 January 2019 as a walk-in to the MH clinic. He reported having been sexually harassed by his commanders, thought to be gay, and forced to go to a brothel while on duty as well as previously discussed beliefs of being physically abused while sleeping. Documentation also included a summary of the applicant's hospitalization in 2016, which discussed delusional thinking related to the FBI, ACLU, Attorney General, and other authorities as well as expression of homicidal ideation toward "Stephanie" who he believed was torturing him and worked for the Secret Service. The applicant's history and diagnosis are summarized above in the documentation included in his application. Documentation reflects that the applicant has consistently engaged in group therapy and medication management with the most recent encounter on 11 April 2024 where it is noted that his condition is stable with the continued use of the antipsychotic medication.

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

i. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant asserts he had an undiagnosed mental health condition at the time of the misconduct. Documentation by his command from his time in service provides evidence of symptoms of Schizophrenia (i.e. delusions, paranoid thinking, persecutory ideation), and he has been diagnosed with Schizophrenia by the VA with 50% service connection as well as a change in discharge to being considered honorable for the purpose of VA services.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts he was experiencing a mental health condition while on active service.

(3) Does the condition or experience actually excuse or mitigate the discharge? Yes. There is sufficient evidence, beyond self-report, that the applicant was experiencing an undiagnosed mental health condition while on active service. Documentation provided by his command describes disorganized thinking, persecutory ideation, delusions, and interpersonal difficulties, which is consistent with a diagnosis of Schizophrenia. Additionally, the applicant has a well-documented diagnosis of Schizophrenia through the VA, including a change in characterization of discharge determination. There is a nexus between the pattern of behaviors evidenced in the applicant's misconduct and Schizophrenia, and Schizophrenia can impair an individual's ability to distinguish right from wrong and act in accordance with the right.

j. Although not included in the application or asserted by the applicant, there is documentation in VA records of the applicant's report of experience of military sexual trauma (MST). There is an association between MST and avoidant behavior, such as going AWOL, as well as behaviors associated with disregard for authority. Taken in totality, there is evidence the applicant's misconduct is mitigatable per Liberal Consideration.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's request, supporting documents, evidence in the records, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement and record of service, the frequency and nature of the applicant's misconduct and the reason for separation. The applicant was charged with an offense punishable under the Uniform Code of Military Justice with a punitive discharge. After being charged, he consulted with counsel and voluntarily requested discharge in lieu of trial by court-martial. The Board noted the applicant's current diagnosis of schizophrenia. The Board concurred with the medical reviewer's opinion finding sufficient evidence to support the applicant had/has a condition or experience that mitigates his misconduct and granted relief to upgrade his characterization of service to under honorable conditions (General).
2. The Board found no error or injustice in the corresponding codes associated with the applicant's discharge. The Board also found the applicant was discharged in the appropriate rank/grade at the time of discharge.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

■ ■ ■ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 21 September 2007, to show under honorable conditions (General).

2. The Board further determined that the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to upgrading his discharge to honorable, amending the corresponding codes, and reinstating his rank to specialist (SPC)/E-4.



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 1201, provides for the physical disability retirement of a member who has at least 20 years of service or a disability rating of at least 30%.
2. Title 10, U.S. Code, Section 1203, provides for the physical disability separation of a member who has less than 20 years of service and a disability rating at less than 30%.
3. Title 10, U.S. Code, Section 1556, 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.
4. Army Regulation 15-185 (ABCMR) sets forth procedures for processing requests for the correction of military records. Paragraph 2-15a governs requests for reconsideration. This provision of the regulation allows an applicant to request reconsideration of an earlier decision of the ABCMR. The applicant must provide new relevant evidence or argument that was not considered at the time of the ABCMR's prior consideration
5. Army Regulation 601-210 (Regular Army and Army Reserve Enlistment Program) covers eligibility criteria, policies, and procedures for enlistment and processing into the Regular Army, U.S. Army Reserve, and Army National Guard. Table 3-6 provides:
 - RE code "1" applies to Soldiers completing an initial term of active service, who are considered qualified for enlistment if all other criteria are met.
 - RE code "2" is no longer in use but applied to Soldiers separated for the convenience of the government, when reenlistment is not contemplated, who are fully qualified for enlistment/reenlistment.
 - RE code "3" applies to Soldiers who are not considered fully qualified for reentry or continuous service at time of separation, whose disqualification is waivable – they are ineligible unless a waiver is granted.
 - RE code "4" applies to Soldiers separated from last period of service with a non-waivable disqualification.
6. Army Regulation 635-40 (Physical Evaluation for Retention, Retirement, or Separation) establishes the Physical Disability Evaluation System (PDES) and sets forth

policies, responsibilities, and procedures that apply in determining whether a Soldier is unfit because of physical disability to reasonably perform the duties of his or her office, grade, rank, or rating. It provides for a medical evaluation board that is convened to document a Soldier's medical status and duty limitations insofar as duty is affected by the Soldier's status. A decision is made as to the Soldier's medical qualifications for retention based on the criteria in Army Regulation 40-501 (Standards of Medical Fitness), Chapter 3. Disability compensation is not an entitlement acquired by reason of service-incurred illness or injury; rather, it is provided to Soldiers whose service is interrupted and who can no longer continue to reasonably perform because of a physical disability incurred or aggravated in service.

a. Paragraph 2-1 provides that the mere presence of impairment does not of itself justify a finding of unfitness because of physical disability. In each case, it is necessary to compare the nature and degree of physical disability present with the requirements of the duties the member reasonably may be expected to perform because of his or her office, rank, grade, or rating. The Army must find that a service member is physically unfit to reasonably perform his or her duties and assign an appropriate disability rating before he or she can be medically retired or separated.

b. Paragraph 2-2b (1) provides that when a member is being processed for separation for reasons other than physical disability (e.g., retirement, resignation, reduction in force, relief from active duty, administrative separation, discharge, etc.), his or her continued performance of duty (until he or she is referred to the PDES for evaluation for separation for reasons indicated above) creates a presumption that the member is fit for duty. Except for a member who was previously found unfit and retained in a limited assignment duty status in accordance with chapter 6 of this regulation, such a member should not be referred to the PDES unless his or her physical defects raise substantial doubt that he or she is fit to continue to perform the duties of his or her office, grade, rank, or rating.

c. Paragraph 2-2b (2) provides that when a member is being processed for separation for reasons other than physical disability, the presumption of fitness may be overcome if the evidence establishes that the member, in fact, was physically unable to adequately perform the duties of his or her office, grade, rank, or rating even though he or she was improperly retained in that office, grade, rank, or rating for a period of time and/or acute, grave illness or injury or other deterioration of physical condition that occurred immediately prior to or coincidentally with the member's separation for reasons other than physical disability rendered him or her unfit for further duty.

7. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the separation codes to be entered on the DD Form 214. At the time, this regulation prescribed the separation code "KFS" is the appropriate code to assign

Soldiers separated under the provisions of Army Regulation 635-200, in lieu of trial by court-martial.

8. Army Regulation 635-200 sets forth the basic authority for the separation of enlisted personnel. The version in effect at the time provided that:

a. An honorable discharge is a separation with honor and entitles the recipient to benefits provided by law. The honorable characterization is appropriate when the quality of the member's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

b. A general discharge is a separation from the Army under honorable conditions. When authorized, it is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

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

9. The Secretary of Defense directed the Service Discharge Review Boards (DRB) and Service Boards for Correction of Military/Naval Records (BCM/NR), on 3 September 2014, to carefully consider the revised PTSD criteria, detailed medical considerations, and mitigating factors when taking action on applications from former service members administratively discharged under other than honorable conditions and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

10. The Under Secretary of Defense for Personnel and Readiness provided clarifying guidance to Service DRBs and Service BCM/NRs on 25 August 2017. The memorandum directed them to give liberal consideration to veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD, TBI, sexual assault, or sexual harassment. Standards for review should rightly consider the unique nature of these cases and afford each veteran a reasonable opportunity for relief even if the 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.

11. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the type of court-martial. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

a. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, Boards shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

b. Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

//NOTHING FOLLOWS//