

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 July 2025

DOCKET NUMBER: AR20230013991

APPLICANT REQUESTS:

- correction of his records to show he was discharged due to a service-incurred medical disability
- personal appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Report of Separation from Active Duty)
- Army Board for Correction of Military Records (ABCMR) Record of Proceedings Docket Number AR20120000542, dated 3 July 2012

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 ABCMR conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states his DD Form 214 is incorrect. The DD Form 214 sent to him was not his. He contends that "information" is talking about someone else; his father was never a police officer. He adds that he feels he should be compensated for his medical issues that occurred while he was in the military.
3. The applicant enlisted in the Regular Army on 30 January 1974.
4. On 13 February 1974, the applicant was counseled by his platoon sergeant because of his disruptive attitude, lack of cooperation with superiors or peers, lack of self-discipline, and constantly talking of going absent without leave (AWOL). He was also advised he could be separated under the provisions of Department of the Army (DA) Message 011510Z, dated August 1973, subject: Evaluation and Discharge of Enlistees Before 180 Active Duty Days.

5. On 21 February 1974, the applicant was informed by his commander that he was initiating action to discharge him from the Army under the provisions of DA Message 011510Z, dated August 1973, subject: Evaluation and Discharge of Enlistees Before 180 Active Duty Days, with an honorable discharge. The commander cited as the reasons for the proposed separation action the applicant's disruptive attitude, lack of cooperation with superiors or peers, lack of self-discipline, and constantly talking of going AWOL.

6. On 21 February 1974, the applicant acknowledged receipt of notification of the proposed separation action to separated him from the Army. He indicated he did not desire assistance from counsel during his separation process, did not desire to undergo separation medical examination, and did not desire to submit statements in his own behalf.

7. On 25 February 1974, the separation authority approved the applicant's discharge from the Army.

8. The applicant's DD Form 214 shows he was discharged on 28 February 1974 under the authority of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel) and DA Message 011510Z, August 1973. He was credited with 29 days of active service.

9. The applicant contends that the DD Form 214 sent to him was not his. The DD Form 214 he provided contains his personal identifiable information as shown on his enlistment contract and DD Form 149. Therefore, his contention is unclear.

10. The applicant provided ABCMR Record of Proceedings Docket Number AR20120000542, dated 3 July 2012, which he may have received from a Department of Veterans Affairs Claims Intake Center or he may have obtained from the Department of Defense Electronic Military Boards of Review Reading Rooms. He contends that the information in this document is incorrect and that his father was never a police officer. However, a search of the Army Review Boards Agency's Case Tracking System revealed that this Record of Proceedings pertain to a different individual.

#### 11. MEDICAL REVIEW:

a. The Army Review Boards Agency (ARBA) Medical Advisor was asked to review this case. Documentation reviewed included the applicant's ABCMR application and accompanying documentation, the military electronic medical record (MER -AHLTA and/or MHS Genesis), the VA electronic medical record (JLV), the electronic Physical Evaluation Board (ePEB), the Medical Electronic Data Care History and Readiness Tracking (MEDCHART) application, and the Interactive Personnel Electronic Records

Management System (iPERMS). The ARBA Medical Advisor made the following findings and recommendations:

b. The applicant is applying to the ABCMR in requesting a reconsideration their prior denial of his request for a medical retirement. He has indicated on his DD 149 that PTSD is a condition related to his request.

c. The Record of Proceedings details the applicant's military service and the circumstances of the case. The applicant's DD 214 shows he entered the regular Army on 30 January 1974 and was honorably discharged on 28 February 1974 under provisions provided in DA message DTG 011510Z August 1973, Subject: Evaluation and Discharge of Enlistees Before 180 Active-Duty Days.

d. This request was previously denied by the ABCMR on 3 July 2012 (AR20120000542). Rather than repeat their findings here, the board is referred to the record of proceedings for that case. This review will concentrate on the new evidence submitted by the applicant.

e. No medical documentation was submitted with the application and his period of service predates the EMR.

f. On 21 February 1974, the applicant was notified by his company commander of the initiation of action to discharge for under the Trainee Discharge Program:

"The reasons for my proposed action are:

Your attitude is disrupting your platoon. You do not cooperate with your superiors or members of your platoon. You show a lack of self-discipline by constantly talking of going AWOL [absent without leave]."

g. On 21 February 1974, the applicant declined a separation physical examination.

h. JLV shows the applicant has been diagnosed with PTSD which is not service connected. A 15 November 2000 VA psychiatry admission note appears to show he was doing well until seriously injured in a motor vehicle accident (MVA) and that this accident appears to be the stressor related to his PTSD:

"The veteran was a long-haul truck driver until he met MVA, and sustained injuries on his neck, shoulder, and right foot and eventual surgical intervention. He has been unemployed since then with no financial resources. He's living in his van occasionally eats and wash clothes at his mother's.

The veteran reports of increasing despondency past 3-4 months. He reports of sleep disturbance with initial insomnia and most time mid-insomnia. He reports recurring episode of anger and irritability, and suicidal ideation. Twice he thought of using his shotgun and instead fired the gun to the air. Reports of dreams that he shot himself and went to a beautiful and peaceful place and felt relieved. Vet admits some ambivalence to suicide because of his belief. He also admits that the suicidal ideation is more recurrent and persistent.”

i. From the 16 November 2000 attending psychiatrist’s admission note:

“Says that he has been feeling these things for a while related to auto accidents and surgical repairs.”

j. His discharge diagnoses were “Adjustment disorder [due] to unemployment, substance abuse related mood disorder, antisocial traits.”

k. It is the opinion of the ARBA medical advisor that a referral of the applicant’s case to the Disability Evaluation System is not warranted.

l. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? YES: PTSD

(2) Did the condition exist or experience occur during military service? NO

(3) Does the condition or experience actually excuse or mitigate the discharge? N/A

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation and the findings and recommendation in the medical review, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's narrative reason for separation.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

1/7/2025

X

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CHAIRPERSON

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

REFERENCES:

1. 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. Department of the Army message, dated 011510Z August 1973, provided the standards and criteria for the evaluation and discharge of enlistees before 180 active duty days. The Trainee Discharge Program was implemented effective 1 September 1973 pending the revision of Army Regulation 635-200. It was designed to enable commanders to expeditiously discharge the individual who lacked the necessary motivation, discipline, ability, or aptitude to become a productive Soldier when the individual:

a. Voluntarily enlisted.

b. Was in basic training, advanced individual training, in a service school; in units or on-job-training prior to the award of a military occupational specialty, or would have completed no more than 179 days of active duty by the date of discharge.

c. Had demonstrated that he or she was not qualified for retention for one or more of the following reasons:

(1) Could not or would not adapt socially or emotionally to military life.

(2) Could not meet the minimum standards prescribed for successful completion of training because of lack of aptitude, ability, or motivation did not meet the moral, mental, or physical standards for enlistment.

(3) Did not meet the moral, mental, or physical standards for enlistment including disqualifying drug use in accordance with Army Regulation 601-210 (Active and Reserve Components Enlistment Program).

3. Army Regulation 40-501 (Standards of Medical Fitness) provides that for an individual to be found unfit by reason of physical disability, he or she must be unable to perform the duties of his or her office, grade, rank, or rating. Performance of duty despite impairment would be considered presumptive evidence of physical fitness.

4. Army Regulation 15-185 (ABCMR) provides Department of the Army policy, criteria, and administrative instructions regarding an applicant's request for the correction of a military record. Paragraph 2-11 states 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.

5. Section 1556 of Title 10, U.S. 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 ABCMR applicants (and/or their counsel) prior to adjudication.

//NOTHING FOLLOWS//