

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 March 2025

DOCKET NUMBER: AR20240000646

APPLICANT REQUESTS: reconsideration of his previous request for upgrade of his under honorable conditions (general) discharge.

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

- DD Form 149 (Application for Correction of Military Record)
- Standard Form 50 (Notification of Personnel Action) with an effective date of 30 July 1990, showing his position as an automotive worker
- DA Form 6395-R (Civilian Performance Rating) showing excellent ratings for the period ending 27 July 1990
- Certificate of Achievement for exceptional meritorious achievement while serving as the commander's driver
- Good Conduct Medal Certificate for the period 14 March 1984 to 17 February 1987
- (2) Army Achievement Medals for exceptionally meritorious achievement awarded 1 February 1985 and 4 June 1985
- (2) Certificates of Training for completion of Junior Enlisted Development School on 13 June 1986 and Recondo Course on 8 May 1986

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 AR20050006773 on 20 December 2005.

2. The applicant states he was a good Soldier who was performing at a high pace, he made a bad decision when he went home on leave and were around people that were smoking marijuana. He did partake in that activity. He did not realize at the time the consequences that would take place. That is his fault, and he owns that. He would just like to have it corrected to honorable, other than this one misstep on his part he feels that everything else he did is worth an honorable discharge. He has been very involved in his children's lives to make sure they followed a correct path, and they have moved a lot with the various jobs he has had. Also, he has no police record since he has been

out of the service, this has been documented by numerous checks for jobs or permits he has put in for and acquired. He is firmly established in his location with buying a house and looking to retirement.

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

a. He entered active-duty training (ADT) in the US Army Reserve (USAR) on 26 April 1983 and was released from ADT on 16 August 1983. He was awarded military occupational specialty 64C (Motor Transport Operator). His character of service was uncharacterized.

b. He enlisted in the Regular Army on 14 March 1984. He reenlisted on 23 January 1987 for a period of three years.

c. Results of biochemical testing shows he tested positive for Tetrahydrocannabinol when tested on 5 January 1987.

d. On 27 April 1987, his commander notified him of his intent to separate him under the provisions (UP) of Army Regulation (AR) 635-200 (Personnel Separation – Enlisted Personnel), paragraph 14-12c due to a positive urinalysis. He acknowledged on the same day.

e. On 28 April 1987, he was advised by consulting counsel of the basis for the contemplated action to separate him and its effects; of the rights available to him; and the effects of any action by him waiving his rights.

f. His chain of command recommended approval and that his character of service be under honorable conditions.

g. On 14 May 1987, the separation authority approved separation under the provisions of AR 635-200, paragraph 14-12c; he directed a General Discharge Certificate be issued.

h. Accordingly, he was discharged under honorable conditions on 4 June 1987. He completed 3 years, 2 months, and 21 days net active service this period. He was awarded or authorized:

- Army Achievement Medal (2)
- Army Service Ribbon
- Army Good Conduct Medal
- Marksman Marksmanship Qualification Badge (Rifle M-16)

4. The ADRB, after careful consideration of his military records and all other available evidence, determined that he was properly and equitably discharged. Accordingly, his request for a change in the type and nature of his discharge was denied.

5. In his previous request (AR20050006773) on 20 December 2005, after reviewing the application and all supporting documents, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. The application submitted was denied by the ABCMR.

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

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 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. The evidence of record shows the applicant tested positive for Tetrahydrocannabinol on 5 January 1987. The Board noted the applicant did not provide any documentation of post-service achievements beyond his SF 50 showing his work as an Army civilian. The Board found no error or injustice in the separation proceedings and designated characterization of service. Based on a preponderance of the evidence, the Board concluded that the characterization of service the applicant received upon separation was not in error or unjust.

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

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. 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 amendment of the ABCMR decision rendered in Docket Number AR20050006773 on 20 December 2005.
2. The Board noted the applicant's DD Form 214 ending on 4 June 1987 did not account for his continuous honorable service prior to his separation. As a result, the Board recommended his DD Form 214 be amended to show continuous honorable service for the period 19840314 to 19870122.
3. Additionally, amend his DD Form 214 ending on 16 August 1983 to change his character of service from uncharacterized to honorable.

X //SIGNED//

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.

ADMINISTRATIVE NOTE(S):

A review of the applicant's records shows his DD Form 214 omitted administrative entries in the Remarks block. As a result, amend the DD Form 214 by adding in item 18 the entry "Continuous honorable service 19840314 to 19870122."

REFERENCES:

1. Army Regulation (AR) 635-200 (Personnel Separations-Enlisted Personnel) sets forth the basic authority for the separation of enlisted personnel. Chapter 14 (Separation for Misconduct) deals with separation for various types of misconduct, which includes drug abuse, and states that individuals identified as drug abusers may be separated prior to their normal expiration of term of service. The regulation in effect at the time stated individuals in pay grades E-5 and above could be processed for separation upon discovery of a drug offense. Those in pay grades below E-5 could also be processed after a first drug offense and must have been processed for separation after a second offense. The issuance of a discharge under other than honorable conditions was normally considered appropriate.

a. An honorable discharge is a separation with honor. 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. Only the honorable characterization may be awarded a member upon completion of his or her period of enlistment or period for which called or ordered to active duty or active duty for training, or where required under specific reasons for separation, unless an entry level status separation (uncharacterized) is warranted.

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

c. A characterization of under honorable conditions may be issued only when the reason for the member's separation specifically allows such characterization. It will not be issued to members upon separation at expiration of their period of enlistment, military service obligation, or period for which called or ordered to active duty.

2. AR 635-5 (Separation Documents), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation from active duty.

3. 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 (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 based on equity, injustice, or clemency grounds, BCM/NRs 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//