

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 August 2024

DOCKET NUMBER: AR20240000706

APPLICANT REQUESTS:

- restoration of rank to master sergeant (MSG)/E-8
- discharge upgrade from “(General) Under Honorable Conditions” to “Honorable”

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored letter
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- ARBA letter
- Psychological Evaluation with Regard to a Security Clearance Matter

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 AR20230002624 on 14 July 2023.

2. The applicant states in pertinent part that during his military service he always received fully successful ratings on his performance evaluations. Since being released from military service, he has served as a government employee for over 20 years and maintained an excellent track record as recognized by his receipt of numerous awards. The applicant contests that he has spent several thousand dollars in legal representation only for his retained lawyers to retire. He is now receiving mental healthcare for Post Traumatic Stress Disorder (PTSD) from a licensed Psychiatrist and attributes this service as the reason why his PTSD is under control. The applicant currently performs volunteer service in support of a variety of organizations like Children's Hunger Fund and makes donations to the Wounder Warrior Project and Tunnels to Towers. He poses no current risk to national security and views himself as trustworthy and notes that the actions prompting his discharge from military service were predicated by his service-connected PTSD.

3. A review of the applicant's available service records reflects the following:

- a. On 3 October 1977, the applicant enlisted in the Regular Army.
- b. On 3 April 1984, the applicant was honorably discharged from military service at the rank of specialist (SPC)/E-4.
- c. On 29 September 1993, the applicant enlisted in the Army National Guard (ARNG).
- d. On 11 December 2005, the applicant was honorably discharged at the rank of staff sergeant (SSG)/E-6 in order to enlist in another component.
- e. On 12 December 2005, the applicant enlisted in the U.S. Army Reserve (USAR).
- f. On 1 November 2007, the applicant received his Notification of Eligibility for Retired Pay at Age 60 (20-Year letter).
- g. On 15 July 2008, the applicant reenlisted indefinitely.
- h. On 1 September 2014, the applicant was promoted to MSG.
- i. On or about 23 July 2015, the applicant received a General Officer Memorandum of Reprimand (GOMOR) in result of a Command Inquiry/Investigation which concluded that he wrongfully wore 4 unauthorized items on his uniform to include the Combat Infantry Badge, Explosive Ordnance Disposal Badge-Basic, Master Parachutist Badge and Ranger Tab in violation of Article 134 paragraph 113 (Wearing Unauthorized Insignia, Decoration, Badge, Ribbon, Device or Lapel Button) of the Uniformed Code of Military Justice.
- j. On 18 September 2015, the general court-martial convening authority directed that the GOMOR be filed in the applicant's permanent Official Military Performance File (OMPF).
- k. On 24 October 2016, Headquarters, U.S. Army North (Fifth Army) issued Orders Number 298-700 ordering the applicant to active duty on 28 November 2016 for UCMJ processing.
- l. On 27 March 2017, the applicant voluntarily requested to be discharged in lieu of trial by General Court-Martial for violating Articles 134 and 107 (False Official Statements) of the UCMJ.
- m. On 10 April 2017, the Commander, Headquarters, U.S. Army North (Fifth Army) approved the applicants request and directed that he be discharged with an "Other than Honorable" characterization of service. In conjunction with his discharge, the applicant

was reduced in rank/pay grade to private (PVT)/E-1 in accordance with Army Regulation 600-8-19 (Enlisted Promotions and Reductions), paragraph 10.1e. (Administrative Reductions).

n. On 16 June 2017, Headquarters, U.S. Army North (Fifth Army) issued Orders Number 167-1116 reassigning the applicant to the U.S. Army transition point pending transition processing.

o. On 21 June 2017, the applicant was discharged at the rank of PVT in accordance with Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), Chapter 10 (In Lieu of Trial by Court-Martial). DD Form 214, item 24 (Character of Service) was amended on 29 September 2022 to reflect "(General) Under Honorable Conditions" vice "Under Other Than Honorable Conditions" in result of ADRB Docket Number AR20210003168; item 26 and 28 (Separation Code and Narrative Reason for Separation) reflects "KFS – In Lieu of Trial by Court-Martial"; item 27 (Reentry Code) reflects "4." At the time of discharged, the applicant had completed approximately 7 years 25 days of active military service and 23 years 1 month and 29 days of inactive duty service.

p. On 4 January 2019, U.S. Army Human Resources Command issued Orders Number C01-990095 retiring the applicant and placing him on the retired list at the rank of PVT on 23 February 2019.

4. The applicant provides the following a:

a. ARBA letter reflective of the applicant being advised that he was eligible for reconsideration of his previous request for a discharge upgrade as adjudicated by the Army Discharge Review Board because his application was denied between 17 April 2011 and 26 April 2021. Further, in the previous application, he may have raised evidence related to PTSD. Therefore, the ADRB would automatically reconsider his case based on the new laws and guidance as it pertained to PTSD. The applicant was afforded the opportunity to submit additional information, medical documents and other materials in support of his case.

b. Psychological Evaluation with Regard to a Security Clearance Matter reflective of the results of the psychological evaluation performed on the applicant on 27 August 2021. The Psychologist noted that this evaluation was conducted with regard to the applicant's security clearance being revoked during his military service in result of the charges that ultimately prompted his discharge. The applicant alleges that his behavior was related to his PTSD. He acknowledged wearing the unauthorized metals on several occasions to include a "photo shoot." He was unable to provide an explanation for why he engaged in such behavior and simply stated "I don't know. Maybe wanting to show everybody that I have it. Maybe trying to boost my self-esteem."

The applicant noted that he was subsequently treated for PTSD but was unable to substantiate this treatment. Based upon the clinical interview performed, the mental status examination, documents reviewed and the known reported history, the psychologist diagnosed the applicant with PTSD. However, he further provides that although PTSD does explain the applicant's unusual behavior of wearing inappropriate military decorations, neither that behavior nor that diagnosis rendered the applicant unfit for duty. In summary, the psychologist concluded that the applicant suffers from no impairment of character, no criminal tendencies and no psychological diseases or defects that would render him unfit to hold a security clearance.

5. On or about 7 September 2022, the ADRB Docket Number AR20210003168 voted to grant the applicant's requested relief directing that his DD Form 214 for the period ending on 21 June 2017, be amended to reflect a change in his characterization of service from "Under Other than Honorable Conditions" to "General, Under Honorable Conditions" because the applicant's 30 years of service, including combat and significant post-service accomplishments. The Board, despite applying liberal consideration, determined that the applicant's PTSD did not outweigh the unmitigated basis for separation – falsifying records, false official statements, wrongfully wearing badges without authority to warrant a Honorable discharge upgrade. The Board further noted that the discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process. Therefore, a General Discharge is proper and equitable as the applicant's misconduct fell below that level of meritorious service warranted for an upgrade to Honorable.

6. On 14 July 2023, Docket Number AR20230002624, the board denied the applicant's request for restoration of his rank to MSG noting that after reviewing his application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was not warranted. The Board carefully considered the applicant's contentions, military records, and regulatory guidance. The Board recognized that the ADRB previously granted an upgrade to the character of service to General Under Honorable Conditions in consideration of his length of service and post-service accomplishments. However, the Board determined the upgrade does not mitigate the severity of the applicant's misconduct which reflects multiple incidences of intent to deceive and making false statements over an extended period of time. Further, the applicant provided no rationale nor expresses any remorse regarding the misconduct. Based on a preponderance of evidence available for review, the Board determined his actions were not commensurate with the grade and position of MSG and therefore denied relief.

7. MEDICAL REVIEW:

a. Background: The applicant's discharge was previously upgraded. He is now requesting further upgrade of his discharge from (General) Under Honorable Conditions to "Honorable. The applicant also requests restoration of rank to master sergeant (MSG)/E-8. This opine will narrowly focus on the request for upgrade and will defer the remaining request to the Board.

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:

- Applicant enlisted in the Regular Army on 3 October 1977.
- On 3 April 1984, the applicant was honorably discharged from military service at the rank of specialist (SPC)/E-4.
- On 29 September 1993, the applicant enlisted in the Army National Guard (ARNG).
- On 11 December 2005, the applicant was honorably discharged at the rank of staff sergeant (SSG)/E-6 in order to enlist in another component.
- On 12 December 2005, the applicant enlisted in the U.S. Army Reserve (USAR).
- On 1 November 2007, the applicant received his Notification of Eligibility for Retired Pay at Age 60 (20-Year letter).
- On 15 July 2008, the applicant reenlisted indefinitely.
- On 1 September 2014, the applicant was promoted to MSG.
- On or about 23 July 2015, the applicant received a General Officer Memorandum of Reprimand (GOMOR) in result of a Command Inquiry/Investigation which concluded that he wrongfully wore 4 unauthorized items on his uniform to include the Combat Infantry Badge, Explosive Ordnance Disposal Badge-Basic, Master Parachutist Badge and Ranger Tab in violation of Article 134 paragraph 113 (Wearing Unauthorized Insignia, Decoration, Badge, Ribbon, Device or Lapel Button) of the Uniformed Code of Military Justice.
- On 18 September 2015, the general court-martial convening authority directed the GOMOR be filed in the applicant's permanent Official Military Performance File (OMPF).
- On or about 13 December 2016, the applicant was charged with 6 specifications of violating Article 107 of the UCMJ and 2 specifications in violation of Article 134:
 - Article 107
 - On or about 6 February 2015, he falsified his personnel records review form with the intent to deceive
 - On or about 7 February 2015, he falsified his personnel records review form with the intent to deceive
 - On or about 31 May 2012, he signed an official record (Personnel Qualification Record) with the intent to deceive

- On or about 14 October 2012, he made a false official statement with the intent to deceive
- On or about 6 February 2015, he submitted false documentation with the intent to deceive
- On or about 7 February 2015, he submitted documentation with the intent to deceive
- Article 134
- Between on or about 14 October 2012 and on or about 31 May 2015, he wrongfully without authority wore skill badges upon his uniform
- On or about 6 June 2015 and 24 June 2015, he wrongfully without authority wore skill badges upon his uniform
- On 27 March 2017, the applicant voluntarily requested to be discharged in lieu of trial by General Court-Martial for violating Articles 134 and 107 (False Official Statements) of the UCMJ.
- On 10 April 2017, the Commander, Headquarters, U.S. Army North (Fifth Army) approved the applicants request and directed that he be discharged with an “Other than Honorable” characterization of service. In conjunction with his discharge, the applicant was reduced in rank/pay grade to private (PVT)/E-1 in accordance with Army Regulation 600-8-19 (Enlisted Promotions and Reductions), paragraph 10.1e. (Administrative Reductions).
- On 21 June 2017, the applicant was discharged at the rank of PVT in accordance with Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), Chapter 10 (In Lieu of Trial by Court-Martial). DD Form 214, item 24 (Character of Service) was amended on 29 September 2022 to reflect “(General) Under Honorable Conditions” vice “Under Other Than Honorable Conditions” in result of ADRB Docket Number AR20210003168; item 26 and 28 (Separation Code and Narrative Reason for Separation) reflects “KFS – In Lieu of Trial by Court-Martial”; item 27 (Reentry Code) reflects “4.”
- On or about 7 September 2022, the ADRB Docket Number AR20210003168 voted to grant the applicant’s requested relief directing that his DD Form 214 for the period ending on 21 June 2017, be amended to reflect a change in his characterization of service from “Under Other than Honorable Conditions” to “General, Under Honorable Conditions” because of the applicant’s 30 years of service, including combat and significant post-service accomplishments. The Board, despite applying liberal consideration, determined that the applicant’s PTSD did not outweigh the unmitigated basis for separation – falsifying records, false official statements, wrongfully wearing badges without authority to warrant a Honorable discharge upgrade.
- On 14 July 2023, Docket Number AR20230002624, the board denied the applicant’s request for restoration of his rank to MSG noting that after reviewing his application, all supporting documents, and the evidence found within the applicant's military records, the Board found that relief was not warranted.

c. Review of Available Records: The Army Review Board Agency's (ARBA) Behavioral Health Advisor reviewed the supporting documents contained in the applicant's file. The applicant states, "during his military service he always received successful ratings on his performance evaluations. Since being released from military service, he has served as a government employee for over 20 years and maintained an excellent track record as recognized by his receipt of numerous awards. The applicant contends he has spent several thousands of dollars in legal representation only for his retained lawyers to retire. He is now receiving mental healthcare for Post Traumatic Stress Disorder (PTSD) from a licensed Psychiatrist and attributes this service as the reason why his PTSD is under control. The applicant currently performs volunteer service in support of a variety of organizations like Children's Hunger Fund and makes donations to the Wounder Warrior Project and Tunnels to Towers. He poses no current risk to national security and views himself as trustworthy and notes that the actions prompting his discharge from military service were predicated by his service-connected PTSD". However, this is inconsistent with his VA electronic medical record since he is not service connected for PTSD.

d. Due to the period of service, limited active-duty electronic medical records were available for review. The applicant participated in a mental status evaluation for the purpose of separation on 25 April 2017. He insisted during the evaluation that the allegations against him were baseless and that due to a break in military service his records were not complete, and he was not able to fully update his records with the trainings and awards he received prior to returning to military service. The applicant lamented that the inquiry and proceedings for these charges had lasted over two and a half years which had caused him great personal and emotional expense. During that evaluation, he screened negative for PTSD but did endorse symptoms of depression and reported that he was prescribed medication for ADHD.

e. The VA's Joint Legacy Viewer (JLV) was reviewed and indicates the applicant is 100% service connected, including 70% for Major Depressive Disorder. The applicant submitted a psychological evaluation dated 7 September 2021 for the purpose of regaining his security clearance. The report states, "Mr. [REDACTED] reports that he has been diagnosed and treated for PTSD... However, Mr. [REDACTED] has not been able to substantiate this treatment." The report further indicates the applicant did not evidence symptoms consistent with Major Depressive Disorder but diagnosed the applicant with PTSD based on his self-reported symptoms. The report states the applicant does not suffer from a disabling psychological disorder or a psychological disorder that would compromise his fitness to hold a security clearance.

f. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is inconsistent but sufficient evidence to support the applicant

had a behavioral health condition during military service. However, his BH conditions does not mitigate his misconduct.

g. Kurta Questions

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant asserts a mitigating condition, PTSD and OMH.

(2) Did the condition exist or experience occur during military service? Yes. The applicant's medical record indicates he was prescribed medications for ADHD and reported symptoms of depression related to his inquiry and separation proceedings. The applicant is 70% service connected for Major Depressive Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. There is evidence of the applicant being service connected for Major Depressive Disorder and diagnosed with PTSD by a civilian provider. However, neither of these BH conditions mitigate his misconduct. Falsifying personnel records, making false official statements, and deception are not part of the history or natural sequelae of the applicant's BH conditions. The repeated pattern of his misconduct indicates this was not a spur of the moment or impulsive decision. The applicant engaged in purposeful, conscious decisions. In addition, even if symptoms of depression or PTSD were present, at the time of his misconduct, they do not affect the ability to distinguish right from wrong and act in accordance with the right.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not 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 review, the Board considered the advising opinion of the Agency Behavioral Health Advisor that there is inconsistent but sufficient evidence to support the applicant had a behavioral health condition during military service. However, his BH conditions does not mitigate his misconduct.

2. Kurta Questions

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant asserts a mitigating condition, PTSD and OMH.

(2) Did the condition exist or experience occur during military service? Yes. The applicant's medical record indicates he was prescribed medications for ADHD and reported symptoms of depression related to his inquiry and separation proceedings. The applicant is 70% service connected for Major Depressive Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. There is evidence of the applicant being service connected for Major Depressive Disorder and diagnosed with PTSD by a civilian provider. However, neither of these BH conditions mitigate his misconduct. Falsifying personnel records, making false official statements, and deception are not part of the history or natural sequelae of the applicant's BH conditions. The repeated pattern of his misconduct indicates this was not a spur of the moment or impulsive decision. The applicant engaged in purposeful, conscious decisions. In addition, even if symptoms of depression or PTSD were present, at the time of his misconduct, they do not affect the ability to distinguish right from wrong and act in accordance with the right.

3. The Board determined that relief is not warranted for the restoration of rank to Master Sergeant (MSG)/E-8 nor for upgrading the character of discharge from General Under Honorable Conditions to Honorable. While the applicant has service connection for Major Depressive Disorder and was diagnosed with PTSD by a civilian provider, the Board found that these behavioral health conditions do not mitigate the misconduct. The applicant engaged in a sustained pattern of falsifying personnel records, making false official statements, and deliberate deception—actions that are not consistent with the natural course or documented impact of his behavioral health diagnoses. The misconduct was calculated, repeated, and reflective of intentional decision-making, not impulsivity.

4. The Board noted, although the ADRB previously granted an upgrade in consideration of the applicant's length of service and post-service accomplishments, the severity and prolonged nature of the misconduct—along with the applicant's failure to provide rationale or express remorse—outweigh those factors. Based on the preponderance of the evidence, the Board determined that the applicant's actions were incompatible with the responsibilities and standards of the MSG grade and position, and thus, reversal of the previous Board determination is without merit and denied relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board found 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 to amend the decision of the ABCMR set forth in Docket Number

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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. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), Chapter 10 (Discharge in Lieu of Trial by Court Martial) provides that a Soldier who has committed an offense or offenses, the punishment for which under the UCMJ and the MCM, includes a bad conduct or dishonorable discharge, may submit a request for discharge in lieu of trial by court-martial. A discharge under other than honorable conditions normally is appropriate for a Soldier who is discharged in lieu of trial by court martial. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record during the current enlistment.

a. A Soldier recommended for involuntary separation, who elects to apply for retirement, but does not request to be retired at a lower grade or whose request is disapproved, may be involuntarily reduced in grade by the Secretary of the Army or the Secretary's approved designee prior to approval of the Soldier's request for retirement. Prior to any reduction, the Soldier will be provided written notice of the proposed action and a chance to respond.

b. When a Soldier is to be discharged under other than honorable conditions, the separation authority will direct an immediate reduction to the lowest enlisted grade.

c. Paragraph 3-7a provides that 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.

d. Paragraph 3-7b provides that 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.

2. AR 600-8-19 (Enlisted Promotions and Reductions) provides that an administrative reduction is a reduction in grade not as a result of a court-martial sentence or any other action under the UCMJ. A reduction board is mandatory for CPL and/or SPC administratively reduced more than one grade and for all NCOs (SGT through CSM) when administratively reduced for misconduct and for inefficiency. When the separation authority determines a Soldier is to be discharged from the Service under other than honorable conditions, he or she will be reduced to the lowest enlisted grade. Board action is not required for this reduction. The CDR having separation authority will, when directing a discharge under other than honorable conditions or when directed by higher authority, direct the Soldier to be reduced to PV1. If discharge is approved under other than honorable conditions but is suspended, the Soldier will not be reduced under this provision.

3. The Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records on 25 July 2018, 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 grounds.

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.

4. On 3 September 2014 the Secretary of Defense directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC 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.

5. 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; traumatic brain injury (TBI); sexual assault; or sexual harassment. 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. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

6. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards 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. 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, 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. 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.

7. AR 15-185 (ABCMR) paragraph 2-9 states the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

//NOTHING FOLLOWS//