

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 March 2025

DOCKET NUMBER: AR20240000744

APPLICANT REQUESTS: an upgrade of his under other than honorable conditions discharge

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

- Self-Authored Statement
- ABCMR Case AR20220005116
- Hinds Behavioral Health Services Letter reflecting the applicant is receiving treatment for schizophrenia

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 AR20220005116 on 17 January 2023.

2. The applicant states he was diagnosed with paranoid schizophrenia after his discharge from the Army and believes the paranoid schizophrenia began with the pressures of Army training and caused the conduct which led to his discharge. Given his condition, the circumstances surrounding his discharge were not dishonorable, and he ask that his discharge upgrade request be approved.

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

- a. He enlisted on 28 September 1972 in the Regular Army.
- b. He received non-judicial punishment on 6 November 1972 for failing to go at the time prescribed to his appointed place of duty which was work formation on 21 October 1972.

4. On or about 22 May 1973, the applicant was convicted by special court-martial of:

- On or about 13 February 1973, without authority, absent himself from his unit and did remain so absent until on or about 28 February 1973.
- On or about 2 March 1973, without authority, absent himself from his unit and did remain so absent until on or about 10 April 1973.

5. The court sentenced him to be reduced to the grade of E-1, to be confined at hard labor for 2 months, and to forfeit 60 dollars per month for 2 months.

6. Special Court-Martial Order Number 113, dated 5 June 1973 approved the sentence and was duly executed.

7. The completed facts and circumstances surrounding his discharge are not available to the Board for review with this case; however, on 13 July 1973, he was discharged. His DD Form 214 (Certificate of Release of Discharge from Active Duty) shows he completed 4 months and 29 days of net active service this period with lost times from 13 February 1973 to 27 February 1973, 2 March 1973 to 9 April 1973, and 12 April 1973 to 10 July 1973. He was awarded the National Defense Service Medal.

8. MEDICAL REVIEW:

a. Background: The applicant is applying to the ABCMR requesting consideration of an upgrade to his characterization of service from under other than honorable conditions (UOTHC) to something more favorable. 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 28 September 1972.
- The applicant received non-judicial punishment on 6 November 1972 for failing to go at the time prescribed to his appointed place of duty, which was work formation on 21 October 1972.
- On 22 May 1973, the applicant was convicted by special court-martial of being AWOL from 13 to 28 February 1973 and again from 2 March to 10 April 1973.
- The completed facts and circumstances surrounding his discharge are not available to the Board for review with this case. However, according to his DD Form 214, the applicant was discharged under AR 635-200, chapter 13 (unsatisfactory performance) on 13 July 1973 and completed 4 months and 29 days of net active service.

c. Review of Available Records: The Army Review Board Agency (ARBA) Behavioral Health Advisor reviewed the supporting documents contained in the applicant's file. The applicant asserts that he was diagnosed with Paranoid Schizophrenia after his

discharge from the Army, and he believes that the pressures of his Army training and his condition caused the conduct that led to his discharge. He explained that he fled training when his symptoms would “reach a breaking point” but then returned to duty. He reported being diagnosed with Schizophrenia in 1976-1977, and he indicated he receives treatment through Hinds Behavioral Health Services. He could not provide all of his records because of the cost, but the application contains a letter from [REDACTED] MS, which states that the applicant is receiving treatment for a history of Schizophrenia. There was insufficient evidence that the applicant was diagnosed with a psychiatric condition while on active service.

d. The Joint Legacy Viewer (JLV), which includes medical and mental health records from DoD and VA, was also reviewed and showed no DoD or VA history of mental health related treatment or diagnoses. However, a review of the Community Health Summaries found prescriptions for Haldol and aripiprazole (both antipsychotics) in 2019; Haldol and Trazadone (sleep medication) in 2022; and a current prescription for Haldol and Trazadone in March 2025. Additionally, symptoms and diagnoses listed were visual and auditory hallucinations, paranoia, suicidal ideation, and Paranoid Schizophrenia.

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

f. 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. There are no in-service records of any mental health symptoms, but the applicant provided a letter from his mental health provider indicating diagnosis and treatment for Schizophrenia. Additionally, a review of Community Health Summaries through JLV showed that the applicant has demonstrated symptoms of Schizophrenia and has a diagnosis of Paranoid Schizophrenia as well as a history of prescriptions for antipsychotic medication.

(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? Partial. There is insufficient evidence, beyond self-report, that the applicant was experiencing a mental health condition while on active service. Avoidant behavior, such as going AWOL, can be a natural sequela to mental health conditions associated with exposure to traumatic and stressful events. Yet, the presence of misconduct alone is not sufficient evidence of a fully mitigating mental health condition during active service.

However, the applicant provided a letter showing he is receiving treatment for a history of Schizophrenia, and there was evidence of this diagnosis as well as medications dating back to 2019 found in JLV. The applicant's age of 19, when he started basic training, coincides with the typical age of onset of a first psychotic break resulting in a later diagnosis of Schizophrenia, and this initial experience of psychosis is often precipitated by a major life stressor (i.e. the demands of basic training). Additionally, Schizophrenia can impair an individual's ability to distinguish right from wrong and act in accordance with the right. However, because of the number of years between the applicant's discharge (1972) and evidence of his diagnosis or treatment (2019), it is difficult to draw a direct nexus between the pattern of behaviors (being AWOL) and his later diagnosis of Schizophrenia. In accordance with Liberal Consideration, it is this Advisor's opinion that partial mitigation could be considered by the board.

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. The evidence of record shows on 22 May 1973, the applicant was convicted by special court-martial of:

- On or about 13 February 1973, without authority, absent himself from his unit and did remain so absent until on or about 28 February 1973
- On or about 2 March 1973, without authority, absent himself from his unit and did remain so absent until on or about 10 April 1973

There is insufficient evidence to support that the applicant had a condition or experience that fully mitigates his misconduct. Additionally, the Board noted the applicant did not provide evidence of post-service accomplishments. Therefore, the Board denied relief.

2. The Board considered the following Kurta questions under liberal consideration:

a. 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. There are no in-service records of any mental health symptoms, but the applicant provided a letter from his mental health provider indicating diagnosis and treatment for Schizophrenia. Additionally, a review of Community Health Summaries through JLV showed that the applicant has demonstrated symptoms of

Schizophrenia and has a diagnosis of Paranoid Schizophrenia as well as a history of prescriptions for antipsychotic medication.

b. 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.

c. Does the condition or experience actually excuse or mitigate the discharge?
 Partial. There is insufficient evidence, beyond self-report, that the applicant was experiencing a mental health condition while on active service. Avoidant behavior, such as going AWOL, can be a natural sequela to mental health conditions associated with exposure to traumatic and stressful events. Yet, the presence of misconduct alone is not sufficient evidence of a fully mitigating mental health condition during active service. However, the applicant provided a letter showing he is receiving treatment for a history of Schizophrenia, and there was evidence of this diagnosis as well as medications dating back to 2019 found in JLV. The applicant's age of 19, when he started basic training, coincides with the typical age of onset of a first psychotic break resulting in a later diagnosis of Schizophrenia, and this initial experience of psychosis is often precipitated by a major life stressor (i.e. the demands of basic training). Additionally, Schizophrenia can impair an individual's ability to distinguish right from wrong and act in accordance with the right. However, because of the number of years between the applicant's discharge (1972) and evidence of his diagnosis or treatment (2019), it is difficult to draw a direct nexus between the pattern of behaviors (being AWOL) and his later diagnosis of Schizophrenia. In accordance with Liberal Consideration, it is this Advisor's opinion that partial mitigation could be considered by the board.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	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 amendment of the ABCMR decision rendered in Docket Number AR20220005116 on 17 January 2023.

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.

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. Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), in effect at the time, set forth the basic authority for the separation of enlisted personnel, it states:
 - a. Chapter 13 of this regulation provides procedures and guidance for eliminating enlisted personnel found to be unfit or unsuitable for further military service.
 - b. An honorable discharge is a separation with honor. The honorable characterization is appropriate when the quality of the Soldier's service has generally met standards of acceptable conduct and performance of duty for Army personnel.
 - 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.

3. 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.

//NOTHING FOLLOWS//