

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 24 June 2025

DOCKET NUMBER: AR20240001980

APPLICANT REQUESTS:

- upgrade of his under other than honorable discharge to honorable
- reinstatement with rank of lieutenant colonel/LTC
- back pay
- removal derogatory information
- a personal appearance before the Board
- in the alternative, retirement with an honorable characterization of service

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

- DD Form 149 (Application for Correction of Military Record) (four)
- DD Form 4 (Enlistment/Reenlistment Document)
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service), 1 May 2017
- Orders 121-803, 1 May 2017
- Army National Guard (ARNG) Retirement Points History Statement, 10 May 2017
- Separation Board/Board of Inquiry, 18 April 2018
- Report of Proceedings by Investigating Officer (IO), 19 March 2019
- Applicant Sworn Statement, 27 March 2019
- Applicant Interview, 23 May 2019
- Results of Investigation, 23 May 2019
- U.S. Army Reserve (USAR) Medical Command Extremist Organizations and Activities Policy, 30 April 2019
- General Officer Memorandum of Reprimand (GOMOR), 20 October 2019
- Federal Bureau of Investigation (FBI) Official List of Hate Groups/Extremist Organizations
- USAR Medical Command Memorandum, 20 April 2019
- Chain of Command Recommendation Officer Show Cause, 19 October 2020
- Post Board Letter
- Applicant Statements to IO, March/April 2021
- FBI Official List of Hate Groups/Extremist Organizations

- Involuntary Separation, 21 October 2020
- Army Regulation (AR) 600-20 (Army Policy and Procedure) Extremist Organizations and activities Information
- Applicant Post Board Letter
- Ten Letters of Support
- Command of Command Endorsement of Board of Inquiry (BOI) Proceedings, 13 June 2021
- Photos, Posts, Black Lives Matter (BLM Website) and Flags
- Senator R admonishment and request regarding BLM, 24 October 2023

FACTS:

1. The applicant, through counsel, states the applicant should, at this very moment be downrange providing expert medical care to America's bravest Soldiers. Instead, on or about 22 October 2021, he was wrongfully discharged from the USAR for allegations of misconduct.

a. Matters of propriety and equity dictate that he be immediately reinstated with rank (and promotion), back pay, and related relief outlined herein. In the alternative, he must be properly retired with an honorable characterization of service. The present discharge is marred by legal and factual insufficiency as well as procedural errors that operated to the substantial prejudice of the applicant and resulted in gross inequity. In conclusion the negative stigmatization of separation is very real, as are the associated second and third order effects, on both him and his family, and even salvaging his personal and professional reputation and his family's reputation. Harm has been done to him in this case.

b. He remains entitled to the proper application of the references in the administrative adjudication of his matters; review by this Board; and overall fundamental fairness and due process. The Board is respectfully requested to hold the applicant's command to the strict standards that were created to avoid errors such as those made in this case. If commands are not held to the standards, then more errors will inevitably be committed to the prejudice of the substantial rights of respondents. The applicant is a true warfighter. His separation, among other actions, was erroneous and unfair and should be corrected. The applicant states post-traumatic stress disorder (PTSD) as related to his request however he does not provide information to support PTSD.

2. The applicant provides, and his service records show:

- He enlisted in the USAR on 22 September 2000
- He was commissioned as a Reserve Commissioned Officer on 21 April 2004 in the grade of captain/CPT as a medical officer

- He entered active duty on 12 November 2008 and was honorably released from active duty on 8 March 2009, he completed 3 months and 27 days net active service
- National Guard Bureau (NGB) Form 22, 1 May 2017 shows the applicant resigned
- Orders 121-803, 1 May 2017 separated the applicant from the ARNG and transferred him to the USAR
- Special Order Number 91, 2 May 2017 transferred the applicant on 1 May 2017 to the USAR in the rank of major (MAJ)
- Case Detail Report, 18 March 2019 shows an activity report: Allegation of a physician assigned to Community Branch Outpatient Clinic (CBOC) as regarding his personal affiliation with outside organizations while employed by the Department of Veterans Affairs (VA)
- These allegations were presented in an email from his personal FACEBOOK account and passed down the Memphis facility. Due to the personal information presented, the Virginia Police Investigator/Detective spoke with the Physician out of concern for his safety, the applicant acknowledged his association with "Sons of Confederate Veterans" (SCV). SCV website gives the following explanation of how to become a member ... "Membership in the organization is open to all male descendants of any Veteran who served honorably in the Confederate Armed Forces; he has a strong family history with ancestry ties to Confederate Veterans
- He views this as part of his family heritage's history and part of his history as a 'Mississippian'. He denied participating in any events as an employee of the VA or as a member of the USAR. Conclusion:
 - One individual's political views or stance does not provide creditability, nor should overshadow, the views and opinions held by another. Nor does one individual's rights and opinions override those with a different set of values
 - Based upon the narrative and photos presented by the anonymous writer of the subject, the applicant, the investigator finds the writer is simply expressing a point of view in which he has expressed a strong opinion against those views held by the applicant
 - The investigator's interview with the applicant found no apparent criminal actions or intent on the applicant's part. These are activities and organizations in which he chooses to participate, sometimes with his family, while on his personal time. While participating, he denies representing himself as a VA employee or as a member of the Armed Forces
 - The investigator finds no cause for an investigation based on the emotional and political bias the writer has expressed of the physician for exercising his first amendment rights
 - This will close this case out

Report of Proceeding by Investigating Officer 19 March 2019 shows he found:

- The applicant did participate in an extremist organization in violation of AR 600-20 Army Command Policy and Procedures), paragraph 4-12a.
- He has not engaged in actions prohibited by AR 600-20, paragraph 4-12b. The preponderance of the evidence places his activities outside of those prohibited by the regulation.
- IO found the following facts or circumstances which are relevant to this inquiry:

a. The applicant exhibited poor personal judgment by engaging in Unprofessional on-line behavior. While his investigation generally corroborates his assertion of unwitting affiliation with an extremist group (he only participated because he wanted to advocate for issues like border security), he must have understood the group's racist orientation and their advocacy for white nationalist ideology. He should have ceased his participation earlier than he did once he became aware of the group's motives and purposes, The fact that he didn't, illustrates a lack of judgment expected of a field grade officer. He may have had the expectation that his on-line conduct was private and that it wasn't hurting anyone to indulge in some racist rhetoric with likeminded others, but a field grade officer must be professional and prudent in all of his activities both on and off duty.

b. The applicant knowingly made false or misleading statements about his activities in violation of the Uniform Code of Military Justice (UCMJ), Article 107

c. The applicant appears to have identified himself with the League of the South, another extremist organization. This investigation found no further evidence, beyond that presented above (social media photographs) of his participation with or activities in support of this group. However, his evasive answers in response to related questions indicate there may be more to this identification with the group than this investigation discovered.

d. This group was explicitly acting to spread extremist views to a mainstream audience.

- Applicant's sworn statement, 27 March 2019 shows:
 - he is not; nor have he ever been a member of an extremist organization as identified in AR 600-22 paragraph 4-12a
 - he understands that he was identified by name in a recent on-line publication HuffPost article dated 18 March 2019 as being and alleged participant in an Internet chat forum for the group Identity Evropa (IE)
 - he saw some Internet adds for a forum to support a political cause he felt strongly about supporting the President's proposal to build a wall for Southern border security and he responded to those adds

- Prior to responding the advertisement and being invited to join the group, he had never heard of the group and knew nothing about their activities, agenda or motives other than what was represented in the advertisement
- he engaged in very brief, mostly introductory dialog on chat forum. Because he thought this was a forum to support the President's initiatives, he asked how to be more active
- Once he learned that the organization, did not represent his values, he left the chat group, he never became a member of IE
- After serving in some component of the Army for approximately 19 years, he does his best to live the Army values every day, personally and professionally
- Revised Notes 29 April 2019 show the applicant received information regarding his rights
- USAR Medical Command Memorandum, 30 April 2019, Extremist Organizations and Activities Policy shows Participation in extremist organizations or activities is inconsistent with the responsibilities of military service. Extremist groups generally advocate hatred, illegal discrimination, and use of force or violence to deprive certain individuals or groups of their constitutional rights or seek to overthrow the Government of the United States or a State
- Interview, 23 May 2019 shows the IO was not aware that the applicant's statements contradicted key evidence:
 - In direct contradiction of his statements, the preponderance of the evidence contained in the chat logs, the HUFFPOST article and the Murfreesboro Anti-Fascist article indicates the applicant personally placed flyers, stickers or posters in at least two public spaces in two separate cities.
 - Another fact material to the IO's finding of his misleading statements involves his evasive answers to questions about the flag he is holding in social media photo
- Interview, 23 May 2019 shows the IO conducted a telephone interview with CID at 1100 on Friday 29 March 2019 about his investigation into allegations about the applicant. CID informed the IO that they only investigated alleged criminal activity, not violations of AR 600-20, paragraph 4-12
- Notes and Analysis, 23 May 2019 shows this memorandum contains a review and analysis of the Communication Logs from the Discord Chat Application records made public in early March 2019 by the antidiscrimination web-site Unicorn Riot. These records contain direct evidence of the applicant's participation on the national Discord chat server used to coordinate Identity Evropa (IE) activities called "Nice Respectable People Group"
- GOMOR, 20 October 2019 shows the applicant was reprimanded for participation in an extremist organization and for making a false official statement regarding

the distribution of extremist group materials are each serious misconduct that have no place in the United States Army.

- Filing Determination, 12 January 2020 shows the GOMOR was placed in the performance fiche of the applicant's Official Military Personnel File (OMPF)
- Post Board Letter 2021 the applicant wrote to the commander of the USAR Lieutenant General/LTG JD. The applicant wrote a professional letter to request retention in the USAR. he feels that he has many good years to continue to offer in service to his country and to the American people as he has done for approximately the last 21 years of his life since he enlisted on the 22 September 2000
- Ten Letters of Support 2020 that attest to the applicant's not being aware his being ethically, or racially insensitive, or making any remarks along those lines, he is dedicated and motivated very patriotic. He is an honorable good man who is professional has a good work ethic, loyalty to God family and country.
- Show Cause document, 19 October 2020, recommended the applicant be discharged with an OTH characterization of service
- Involuntary Separation, 21 October 2020 shows the applicant's commander reflects the applicant does not have service-connected exposure to events that may have resulted in a traumatic brain injury (TBI) or PTSD or he has not deployed overseas in support of a contingency operation during the previous 24 months
- Separation Board, 18 April 2021 findings and recommendations shows the Board determined the applicant should be separated from the USAR with an other than honorable (OTH) characterization of service
- Command of Command Endorsement of Board of Inquiry (BOI) Proceedings, 13 June 2021 shows Major General JW recommended the applicant be separated with an OTH characterization of service. He finds the board recommendations are commensurate with the findings and recommendation therefore, he concurs with the board recommendations
- Orders 21-265-00014, 22 September 2021 shows the applicant was involuntarily released under OTH conditions, effective 22 October 2021
- Senator R admonishment and request regarding BLM, 24 October 2024 reflects since the devastating October 7th terrorist attack against innocent Israelis and Americans, the BLM organization has demonstrated support for Hamas, the Foreign Terrorist Organization responsible for the violence. BLM chapters across the nation have circulated disturbing antisemitic rhetoric and images on social media, encouraging the spread of pro-Hamas propaganda
- There is no information regarding a promotion and whether the applicant was selected or passed over for a promotion

3. In the processing of this case an advisory opinion was received, 7 March 2025 from the Headquarters, USAR Command (USARC), who opined in pertinent part:

1. BLUF. The applicant's administrative separation was legally and factually sufficient and done in accordance with Army Regulation (AR) 15-6 and AR 135-175.

2. Background. On 22 September 2021, the applicant was discharged under OTH conditions, in accordance with AR 135-175, for acts of serious or recurring misconduct.

3. Legal Sufficiency of the Board's Findings. The separation board's findings, that the applicant did make a false official statement and did participate in an extremist organization in violation of AR 135-175, Paras. 2-13(d) and 2-12(p), are legally sufficient.

4. Basis for Separation. A Commander can initiate an involuntary separation for acts of misconduct or for conduct deemed prejudicial to good order and discipline (AR 600-20, Para. 4-12(d)). Further, "[a]cts of serious misconduct or recurring misconduct punishable by military or civilian authorities" (AR 135-175, Para. 2-13(d)), and "[c]onduct becoming of an officer" (AR 135-175, Para. 2-13(p)), "at the standard of proof required by AR 15-6, authorizes a commander to initiate separation proceedings for moral or professional dereliction" (AR 135-175, Para. 2-13).

4. The applicant was provided with a copy of the advisory opinion, 14 March 2025 with an opportunity to respond. No response as of 15 May 2025.

5. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting an upgrade of his under other than honorable conditions (UOTH) characterization of service to honorable. His requests for reinstatement with rank of lieutenant colonel/LTC, back pay, removal of derogatory information, and personal appearance, or, in the alternative, retirement with an honorable characterization of service are outside of the scope of this Advisory and will not be addressed. On his DD Form 149, the applicant indicated Posttraumatic Stress Disorder (PTSD) is related to his request. 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: 1) the applicant enlisted in the USAR on 22 September 2000. He commissioned as Reserve Commissioned Officer on 21 April 2004, 2) the applicant entered active duty on 12 November 2008 and was honorably released on 08 March 2009, 3) on 01 May 2017, the applicant transferred from the ARNG to the USAR, 4) a Case Detail Report dated 18 March 2019 shows an activity report: Allegation of a Physician assigned to CBOC as regarding his personal affiliation with outside organizations while employed by the Department of Veterans Affairs, 5) a GOMOR dated 20 October 2019 shows the applicant was reprimanded for participation in an

extremist organization and for making a false official statement regarding the distribution of extremist group materials, 6) Separation Board findings and recommendations dated 18 April 2021 shows the Board determined the applicant should be separated from the USAR with an other than honorable characterization of service. The Show Cause document dated 19 October 2020 recommended the applicant be discharged with an OTH characterization of service, 7) Command Endorsement of Board of Inquiry Proceedings dated 13 June 2021 shows the Major General recommended the applicant be separated with an OTH characterization of service and concurred with the board recommendations, 8) Orders 21-265-00014 dated 22 September 2021 show the applicant was involuntarily released under OTH conditions, effective 22 October 2021, 9) an advisory opinion dated 7 March 2025 from the Headquarters, USAR Command opined in pertinent part: The applicant's administrative separation was legally and factually sufficient and done in accordance with Army Regulation (AR) 15-6 and AR 135-175.

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the ROP and casefiles, supporting documents and the applicant's military service and available medical records. The VA's Joint Legacy Viewer (JLV) was also examined. Lack of citation or discussion in this section should not be interpreted as lack of consideration.

c. In-service medical records available via JLV were reviewed, with treatment records including services rendered through both the Military Treatment Facility (MTF) and VA. Review of records shows the applicant was evaluated by a VA BH provider in the Primary Care Mental Health Integration (PCHMI) clinic on 13 May 2019 and was diagnosed with Unspecified Anxiety Disorder. He had two follow-ups in that clinic on 24 June 2019 and 04 November 2019, with the diagnosis unchanged. A psychiatry note dated 15 May 2019 documented psychotropic medication options for the applicant given his severe anxiety and moderate depression. Review of his prescription history while in the military shows he was trialed on several medications for sleep (Melatonin, Trazodone, and Zolpidem) between April 2019 and May 2021 and prescribed Sertraline (antidepressant) on 17 May 2019. Several DD Form 3349's (physical profile) were available for review as part of the applicant's medical records showing he was on profile for knee pain/injury (right) in 2013, 2014, and 2017, for ACFT modification (L) (21 November 2020), and medial meniscus tear (2012). The available records were void of any documentation showing a history of a BH profile.

d. A review of JLV shows the applicant is overall 80% service-connected through the VA for several conditions, including 50% for PTSD.

e. Based on the available information, it is the opinion of the Agency Medical Advisor that there is sufficient evidence that the applicant has been diagnosed with Unspecified

Anxiety Disorder and PTSD, which are potentially mitigating BH conditions. However, this Advisor contends his misconduct is not mitigated by his BH conditions.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant was diagnosed with Unspecified Anxiety Disorder in-service. Since being discharged from the military, he has been diagnosed and service-connected through the VA for PTSD.

(2) Did the condition exist or experience occur during military service? Yes, the applicant was diagnosed with Unspecified Anxiety Disorder in-service. Since being discharged from the military, he has been diagnosed and service-connected through the VA for PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. Review of records shows the applicant has been diagnosed with Unspecified Anxiety Disorder and PTSD, which are potentially mitigating BH conditions. However, participation in extremist organizations and making false official statements are not part of the natural history and sequelae associated with PTSD or Unspecified Anxiety Disorder. Furthermore, PTSD and Unspecified Anxiety Disorder do not interfere with the ability to distinguish between right and wrong and adhere to the right. As such, BH mitigation is not supported.

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, medical advisor's review, and published DoD guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement and record of service, the nature of the applicant's misconduct and the reason for separation. The Board determined that the Board of Inquiry and the separation board's findings, found that the applicant made a false official statement and participated in an extremist organization in violation of Army Regulation 135-175, paragraphs. 2-13(d) and 2-12(p). In addition, the Board noted his separation was found to be legally sufficient. After a formal investigation, the charges were substantiated and he received a GOMOR and was required to show cause for retention in military service. The separation board recommended that the applicant to be involuntary separated due to serious misconduct, which was approved. However, the Board noted the applicant's contention of not being aware that he was actively participating in an extremist organization website, his personal statement, the medical advisory regarding his behavioral health issues, his

length of service and deployments, his prior honorable service, his post service achievements and character references. However, although the Board determined that it was mitigating enough to warrant a change to the applicant's characterization of service to a general discharge, it was not enough to warrant an honorable discharge.

2. The Board found no justification in promoting the applicant to LTC since there were no documents or orders showing he was ever promoted to the rank of LTC. Therefore, he did not warrant a promotion to LTC/O5, back pay and/or entitlements. As a result, the Board denied his request.

3. The Board found no error or injustice in the removal of any derogatory information, to include any formal investigation, titling action, or GOMOR from his service record and therefore denied so much of his request.

4. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

5. Based upon the misconduct leading to the applicant's separation and the following recommendation found in the medical review related to the liberal consideration:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant was diagnosed with Unspecified Anxiety Disorder in-service. Since being discharged from the military, he has been diagnosed and service-connected through the VA for PTSD.

(2) Did the condition exist or experience occur during military service? Yes, the applicant was diagnosed with Unspecified Anxiety Disorder in-service. Since being discharged from the military, he has been diagnosed and service-connected through the VA for PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. Review of records shows the applicant has been diagnosed with Unspecified Anxiety Disorder and PTSD, which are potentially mitigating BH conditions. However, participation in extremist organizations and making false official statements are not part of the natural history and sequelae associated with PTSD or Unspecified Anxiety Disorder. Furthermore, PTSD and Unspecified Anxiety Disorder do not interfere with the ability to distinguish between right and wrong and adhere to the right. As such, BH mitigation is not supported.

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 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 Orders 21-265-00014, dated 22 September 2021 to show he was involuntarily discharged with an Under Honorable Conditions, General characterization of service.

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 his promotion to LTC, back pay and allowances for LTC, removal of his GOMOR and any other derogatory information, and/or in the alternate, a retirement with an honorable discharge.

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. Army Regulation (AR) 135-175 (Separation of Officers) this regulation implements DODI 13322.14 and DODI 1332.30. It provides policy, criteria and procedures for the separation of officers of the ARNG and the USAR, except for officer's service on active duty or active duty for training exceeding 90 days. Chapter 2 prescribes the criteria and procedures governing the involuntary separation of Reserve officers of the Army when their retention is not in the best interest of the service.

a. Recommendations submitted by an efficient or physical fitness board convened for withdrawal of Federal recognition are approved by the Chief, NGB (NGB) further board action under this regulation following such approve is not required.

b. Action is directed by HQDA on the recommendations of the NGB, based on derogatory suitability information developed by investigations conducted in implementation of the Army Security Program. Release of such information to any State adjutant general or other ARNG personnel not in the active Federal service is prohibited.

2. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that 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.

3. Title 10, USC, section 1552 states The Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice.

4. Army Regulation (AR) 37-104-4 (Military Pay and Allowances Policy) states, only the Director, DFAS-IN may make settlement actions affecting the military pay accounts of Soldiers as a result of correction of records by the ABCMR per provisions of AR 15-185.

5. Army Regulation 600-8-24 (Officer Transfers and Discharges) provides for officer transfers from active duty to the Reserve component and discharge functions for all officers on active duty for 30 days or more.

a. Paragraph 1-22 provides, in pertinent part, that an officer will normally receive an honorable characterization of service when the quality of the officer's service has met the standards of acceptable conduct and performance of duty, or the final revocation of a security clearly for reasons that do not involve acts of misconduct.

b. Paragraph 1-22 provides, in pertinent part, that an officer will normally receive a general discharge when the officer's military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

c. Additionally, paragraph 1-22 provides, in pertinent part, that a discharge under other than honorable conditions is an administrative separation from the service under conditions other than honorable. An officer will normally receive a discharge under other than honorable conditions when they resign for the good of the service, are dropped from the rolls of the Army, or are involuntarily separated due to misconduct, moral or professional dereliction, or for the final revocation of a security clearance as a result of an act or acts of misconduct, including misconduct for which punishment was imposed.

d. Chapter 4 (Eliminations) states an officer is permitted to serve in the Army because of the special trust and confidence the President and the nation have placed in the officer's patriotism, valor, fidelity, and competence. An officer is expected to display responsibility commensurate to this special trust and confidence and to act with the highest integrity at all times. However, an officer who will not or cannot maintain those standards will be separated.

e. Chapter 4 provided the tasks, rules, and steps for eliminating officers in the Active Army for substandard performance of duty, misconduct, moral or professional dereliction, and in the interests of national security. Paragraph 4-2a (Reason for Elimination) states while not all inclusive, when one of the several listed or similar conditions exist, elimination action may be or will be initiated for Substandard performance of duty.

(1) A downward trend in overall performance resulting in an unacceptable record of efficiency, or a consistent record of mediocre service.

(2) Failure to exercise necessary leadership or command expected of an officer of their grade.

(3) Failure to conform to prescribed standards of dress, personal appearance, or military deportment.

(4) Failure of a probationary officer to resign under paragraph 3–9 when their commander determines the best interest of the Government, and the individual can be served by the officer's discharge.

(5) The discovery of other conditions concerning a probationary officer that, had they been known at the time of appointment, would have precluded appointment.

(6) The discovery of any other condition concerning a probationary officer that indicates the officer's retention in the Army would not be in the best interest of the United States.

f. Paragraph 4-5 (Separation date) states an officer approved for involuntary separation by the Secretary of the Army or his designee, or whose request for resignation or discharge in lieu of elimination is approved for misconduct, moral, or professional dereliction, or in the interest of national security will be separated according.

6. Army Regulation (AR) 600-37 (Unfavorable Information), currently in effect, sets forth policies and procedures to ensure the best interests of both the Army and Soldiers were served by authorizing unfavorable information to be placed in, transferred within, or removed from an individual's official military personnel file (OMPF).

a. Paragraph 1-1 (Purpose). The regulation's intent is to ensure the best interests of both the Army and Soldiers are served by authorizing unfavorable information to be placed in, transferred within, or removed from an individual's OMPF.

b. Paragraph 3-2 (Policies). Unfavorable information will not be filed in official personnel files unless the recipient was given the opportunity to review the documents and was given a reasonable amount of time to make a written response.

c. Paragraph 3-5 (Filing of Non-Punitive Administrative Memoranda of Reprimand, Admonition, or Censure).

(1) Authority to issue and direct the filing of such memoranda in an officer's local file is restricted to the recipient's immediate commander or higher-level commander; the designated rater, intermediate rater, or senior rater, per AR 623-3 (Evaluation Reporting System); or a general officer who is senior to the recipient.

(2) A memorandum, regardless of issuing authority, can be placed in a recipient's OMPF upon the order of a general officer who exercised general court-martial convening authority over the recipient.

d. Paragraph 7-2 (Policies and Standards).

(1) Once an official document has been properly filed in an OMPF, it is presumed to be administratively correct, and to have been filed pursuant to an objective decision by a competent authority.

(2) For removal of derogatory information, there was no time restriction for submitting an appeal for removal of unfavorable information

(a) The recipient had the burden of proof to show, by clear and convincing evidence, to support assertion that the document is either untrue or unjust, in whole or in part.

(b) Evidence submitted in support of the appeal may include but was not limited to the following: an official investigation showing the initial investigation was untrue or unjust; decisions made by an authority above the imposing authority overturning the basis for the adverse documents; notarized witness statements; historical records; official documents; and/or legal opinions.

(c) Appeals that merely allege an injustice or error without supporting evidence or a compelling argument were not considered.

7. AR 600-8-29 (Officer Promotions), currently in effect, includes guidance on special selection boards (SSB) in chapter 6 (SSB).

a. SSBs may be convened under Title 10 (Armed Forces), U.S. Code, section 628 (SSB) to consider or reconsider commissioned or warrant officers for promotion when HQDA determines that one or more of the following circumstances exist: administrative error or material unfairness.

b. An SSB will consider the record of the officer as it should have been considered by the original board. The record will be compared with a sampling of those officers of the same competitive category, who were recommended and not recommended for promotion by the original selection board.

c. Officers selected for promotion by an SSB will, as soon as practicable, be appointed to that grade. When appointed to the next higher grade as the result of the recommendation of an SSB, the officer will have the same date of grade, the same effective date for the pay and allowances of that grade, and the same position on the

ADL as the officer would have had if he or she had been recommended for promotion to that grade by the board which should have considered, or which did initially consider, him or her.

8. Army Regulation (AR) 600-8-104 (Army Military Human Resource Records (AMHRR) Management) prescribes the policies governing the Official Military Personnel File, the Military Personnel Records Jacket (MPRJ), states:

a. That the performance section is used for filing performance, commendatory, and disciplinary data. Once placed in the AMHRR, the document becomes a permanent part of that file. The document will not be removed from or moved to another part of the file (AMHRR) unless directed by the proper authorities listed in the regulation.

b. The AMHRR is a permanent record remaining under Army control for 62 years from a Soldier's final separation date to include retirement, separation, and death. Only documents pertaining to a Soldier's military career and listed in this regulation will be filed in the AMHRR. No more than one copy of a document will be uploaded into the AMHRR. The document will not be removed from or moved to another part of the AMHRR unless directed by certain agencies, to include this Board.

9. PTSD can occur after someone goes through a traumatic event like combat, assault, or disaster. The Diagnostic and Statistical Manual of Mental Disorders (DSM) is published by the American Psychiatric Association (APA) and provides standard criteria and common language for the classification of mental disorders. In 1980, the APA added PTSD to the third edition of its DSM nosologic classification scheme. Although controversial when first introduced, the PTSD diagnosis has filled an important gap in psychiatric theory and practice. From a historical perspective, the significant change ushered in by the PTSD concept was the stipulation that the etiological agent was outside the individual (i.e., a traumatic event) rather than an inherent individual weakness (i.e., a traumatic neurosis). The key to understanding the scientific basis and clinical expression of PTSD is the concept of "trauma."

10. PTSD is unique among psychiatric diagnoses because of the great importance placed upon the etiological agent, the traumatic stressor. In fact, one cannot make a PTSD diagnosis unless the patient has actually met the "stressor criterion," which means that he or she has been exposed to an event that is considered traumatic. Clinical experience with the PTSD diagnosis has shown, however, that there are individual differences regarding the capacity to cope with catastrophic stress. Therefore, while most people exposed to traumatic events do not develop PTSD, others go on to develop the full-blown syndrome. Such observations have prompted the recognition that trauma, like pain, is not an external phenomenon that can be completely objectified. Like pain, the traumatic experience is filtered through cognitive and emotional processes before it can be appraised as an extreme threat. Because of individual

differences in this appraisal process, different people appear to have different trauma thresholds, some more protected from and some more vulnerable to developing clinical symptoms after exposure to extremely stressful situations.

11. The fifth edition of the DSM was released in May 2013. This revision includes changes to the diagnostic criteria for PTSD and acute stress disorder. The PTSD diagnostic criteria were revised to take into account things that have been learned from scientific research and clinical experience. The revised diagnostic criteria for PTSD include a history of exposure to a traumatic event that meets specific stipulations and symptoms from each of four symptom clusters: intrusion, avoidance, negative alterations in cognitions and mood, and alterations in arousal and reactivity. The sixth criterion concerns duration of symptoms, the seventh criterion assesses functioning, and the eighth criterion clarifies symptoms as not attributable to a substance or co-occurring medical condition.

12. 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 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.

13. 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; TBI; sexual assault; sexual harassment. Boards were directed to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to 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 that misconduct which led to the discharge.

14. The Under Secretary of Defense (Personnel and Readiness) issued guidance to Service DRBs and Service BCM/NRs on 25 July 2018 [Wilkie Memorandum], 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 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.

15. Army Regulation 600-37 (Unfavorable Information) sets forth policies and procedures to authorize placement of unfavorable information about Army members in individual official personnel files. The intent of this regulation is to ensure that unfavorable information that is unsubstantiated, irrelevant, untimely, or incomplete is not filed in individual official personnel files; and, to ensure that the best interests of both the Army and the Soldiers are served by authorizing unfavorable information to be placed in and, when appropriate, removed from official personnel files.

a. Chapter 1 stipulates an administrative memorandum of reprimand may be issued by an individual's commander, by superiors in the chain of command, and by any general officer or officer exercising General Court-Martial jurisdiction over the Soldier. The memorandum must be referred to the recipient and the referral must include and list applicable portions of investigations, reports, or other documents that serve as a basis for the reprimand. Statements or other evidence furnished by the recipient must be reviewed and considered before a filing determination is made.

b. Chapter 7 states a memorandum of reprimand may be filed in a Soldier's OMPF only upon the order of a general officer-level authority General Court-Martial Convening Authority and is to be filed in the performance section. The direction for filing is to be contained in an endorsement or addendum to the memorandum. If the reprimand is to be filed in the OMPF, the recipient's submissions are to be attached. Once filed in the OMPF, the reprimand and associated documents are permanent unless removed in accordance with chapter 7 of AR 600-37.

c. Paragraph 7-2 (Policies and Standards) provides that once an official document has been properly filed in the OMPF, it is presumed to be administratively correct and to have been filed pursuant to an objective decision by competent authority. Thereafter, the burden of proof rests with the individual concerned to provide evidence of a clear

and convincing nature the document is untrue or unjust, in whole or in part, thereby warranting its alteration or removal from the OMPF.

16. Title 10, USC, section 1552 states The Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice.

17. AR 600-8-29 (Officer Promotions) prescribes the officer promotion function of the military personnel system. It provides principles of support, standards of service, policies, tasks, rules, and steps governing all work required in the field to support officer promotions. Chapter 7 provides for SSBs.

a. Paragraph 7-2 states the SSBs may be convened under Title 10, U.S. Code, section 628 to consider or reconsider commissioned or warrant officers for promotion when HQDA discovers one or more of the following:

(1) An officer was not considered from in or above the promotion zone by a regularly scheduled board because of administrative error. This would include officers who missed a regularly scheduled board while on the temporary disability retired list and who have since been placed on the active-duty list (SSB required).

(2) The board that considered an officer from in or above the promotion zone acted contrary to law or made a material error (SSB discretionary).

(3) The board that considered an officer from in or above the promotion zone did not have before it some material information (SSB discretionary).

b. Paragraph 7-3 (Cases not considered) states an officer will not be considered or reconsidered for promotion by an SSB when the following occurs.

(1) The officer is pending removal from a promotion or recommended list, and the removal action was not finalized by the Secretary of the Army 30 days before the next selection board convened to consider officers of his or her grade. The officer will be considered by the next regularly scheduled selection board.

(2) An administrative error was immaterial, or the officer, in exercising reasonable diligence, could have discovered and corrected the error in the Officer Record Brier (ORB) or OMPF. It is the officer's responsibility to review his or her ORB and OMPF before the board convenes and to notify the board, in writing, of possible administrative deficiencies in them.

c. Paragraph 7-11, officers who discover that material error existed in their file at the time they were non-selected for promotion may request reconsideration.

18. AR 135-155 (Promotion of Commissioned Officers and Warrant Officers other Than General Officers) prescribes policy and procedures used for selecting and promoting commissioned officers (other than commissioned warrant officers) of the Army National Guard of the United States (ARNGUS) and of commissioned and warrant officers (WO) of the U.S. Army Reserve (USAR). Paragraph 3-18(10) states Commanders and the Commander (CDR), HRC, Office of Promotions (Reserve Component (RC) will continuously review promotion lists to ensure that no officer is promoted who has become mentally, physically, morally, or professionally disqualified after being selected. Commanders and CDR, HRC, Chief, Office of Promotions (RC) may recommend officers for removal for the following reasons:

- a referred evaluation or academic report; evaluation and academic reports referred under AR 623 will be used as a basis for removal action only if forwarded to CDR, HRC, Office of Promotions (RC) under separate memorandum of recommendation
- a memorandum of reprimand placed in the OMPF
- any adverse documentation being placed in the OMPF

19. Army Regulation 635-200 (Personnel Separations-Enlisted Personnel) sets forth the basic authority for the separation of enlisted personnel.

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 Soldiers whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

//NOTHING FOLLOWS//