

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 4 November 2024

DOCKET NUMBER: AR20240002326

APPLICANT AND HER COUNSEL REQUEST:

- an upgrade of her general, under honorable conditions discharge to honorable.
- change narrative reason for separation to secretarial authority.
- reinstate eligibility for the GI Bill whether post-9/11 or Montgomery.

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

- DD Form 149 (Application for Correction of Military Record)
- Attorney Legal Summary
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- VA Compensation & Pension Exams Documentation
- VA Rating Decision
- Secretary of Defense Memorandum
- State of Texas Affidavit
- Medical Problem List
- Medical Consult Request
- Medical Progress Notes
- Office of the Under Secretary of Defense
- Human Rights Watch Booted Article
- Extract: Book Mayo Clinic Family Health Book, 5th Edition
- PTSD: National Center for PTSD Article
- Extract: Military Medicine
- Under Secretary of Defense Memorandum

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. Counsel requests, on behalf of the applicant's request for a change in discharge characterization. Counsel's full petition is available for review by the Board, and states in part: The applicant served in the United States Army (Army) from June 30, 1999, to August 30, 2004. While in the Army, the applicant experienced Military Sexual Trauma (MST) which caused post-traumatic stress disorder (PTSD). Her PTSD diagnosis was reviewed and confirmed on May 18, 2015. On October 23, 2020, the applicant received a 100% service connection from the Department of Veterans Affairs (VA) for her PTSD. The applicant MST and PTSD caused misconduct, for which the Army discharged her with an Under Honorable Conditions (General) discharge characterization and a narrative reason for separation of "Misconduct - Commission of a Serious Offense".

The applicant respectfully requests the Board for Correction of Military Records (BCMR) waive any and all applicable deadlines in the interest of justice. She further requests that review of her discharge upgrade application include a psychiatrist, psychologist, or a physician trained in mental health related to PTSD. She also requests a waiver of the statute of limitations, as instructed by the Hagel memorandum. Finally, she requests an accelerated review.

3. The applicant provides:

a. A copy of her VA Compensation & Pension Exams Documentation that shows what medical conditions the applicant applied for as part of her evaluation the was considered in her VA claim.

b. A copy of her VA Rating Decision shows her evaluation of PTSD with panic disorder, agoraphobia, and alcohol use disorder, which was 50 percent disabling, was evaluated at a 100 percent, and was assigned from October 16, 2020.

c. A copy of Secretary of Defense Memorandum that discuss considering discharge upgrade requests by veterans claiming PTSD.

d. A copy of a State of Texas Affidavit summarizing her experiences that led to her service-connected PTSD that she developed that was undiagnosed until years after her discharge. Her PTSD rating alone is rated 100%.

e. A copy of Medical Problem List shows the conditions when she was seen by the medical provider and the clinic, she was seen in.

f. A copy of Medical Consult Request shows details of the applicants' accounts of her consequence to her symptoms and conditions from 2012 to 2022.

g. A copy of Medical Progress Notes indicates the information based on the applicants' reported assessment when assessed or evaluated medically by video teleconferencing.

h. A copy of a memorandum Office of the Under Secretary of Defense clarifying guidance considering requests by veterans for modification of their discharge due to mental health conditions, sexual assault, or sexual harassment.

i. A copy of an article from the Human Rights Watch titled Booted discussing the lack of recourse for wrongfully discharged US military raped survivors.

j. An extract from the Book Mayo Clinic Family Health Book, 5th Edition explaining PTSD.

k. An article from the National Center for PTSD explaining the many ways to help people with PTSD deal with the high levels of anger they may feel.

l. An extract from Military Medicine explaining the degree to which PTSD was considered a "severe mental disease or defect," the degree to which PTSD was associated with an opinion of not criminally responsible, and the degree to which PTSD was associated with incompetence to stand trial.

m. A copy of a memorandum for the Under Secretaries of Military departments providing guidance in regarding equity, injustice, or clemency determinations.

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

a. She enlisted in the Regular Army on 30 June 1999.

b. On 6 May 2004, she accepted nonjudicial punishment for disrespectful in language toward a noncommissioned officer. Her punishment included reduction to private (PVT)/E-1.

c. On 16 June 2004, the applicant's immediate commander notified the applicant of his intent to separate her under the provisions of Chapter 14, Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel) for patterns of misconduct. The specific reasons for his proposed recommendation were based upon receipt of two Field Grade Article 15s, as well as being counseled on numerous occasions for not being at place of duty, having altercations while at work, disrespecting noncommissioned officers and commissioned officers, disobeying orders, and breaking restriction. She acknowledged the same day.

d. After waiving her right to consult with legal counsel, she acknowledged:

- the rights available to her and the effect of waiving said rights
- she may encounter substantial prejudice in civilian life if a discharge under other than honorable conditions is issued to her
- she may apply to the Army Discharge Review Board or the ABCMR for upgrading
- she may be deprived of his rights and benefits as a veteran under both Federal and State law

e. On 29 June 2004, the immediate commander-initiated separation action against the applicant for patterns of misconduct. He recommended that her period of service be characterized as general, under honorable conditions. The intermediate commander recommended approval.

f. On 19 July 2004, the applicant was released from operational theatre Central Command Area of Responsibility (CENTCOM AOR) for Enlisted Separation in accordance with (IAW) AR 635-200, Chapter 14, paragraph 14-12b (Patterns of Misconduct)

g. On 30 July 2004, consistent with the chain of command recommendations, the separation authority approved the discharge recommendation for immediate separation under the provisions of Chapter 14, AR 635-200, paragraph 14-12b for patterns of misconduct. She would be issued a general, under honorable conditions discharge.

h. Orders 233-0205, dated 20 August 2004, discharged the applicant from active duty with an effective date of 30 August 2004.

i. On 30 August 2004, she was discharged from active duty with a general, under honorable conditions characterization of service. Her DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she completed 5 years, 2 months, and 1 day of active service. She was assigned separation code JKA and the narrative reason for separation listed as "Misconduct." It also shows he was awarded or authorized:

- Army Lapel Button
- Global War on Terrorism Service Medal
- National Defense Service Medal
- Army Service Ribbon

j. On 11 August 2010 a National Guard Bureau (NGB) Form 23 (Army National Guard Current Annual Statement) was prepared which shows a summary of the applicants' points earned towards retirement.

k. Orders 336-1162, dated 2 December 2009, honorably discharged the applicant from the Texas Army National Guard with an effective date of 7 November 2009.

l. On 7 November 2009, she was discharged from Texas Army National Guard-with an honorable characterization of service. Her NGB Form 22 (Report of Separation and Record of Service) shows she completed 2 years, 9 months, and 28 days of net service in the TXARNG. Her narrative reason for separation listed as "Honorable" It also shows she was awarded or authorized:

- Army Lapel Button
- Global War on Terrorism Service Medal
- National Defense Service Medal
- Army Service Ribbon

m. Orders 297-1062, dated 23 October 2012, honorably discharged (NGB Form 55A) the applicant from the Texas Army National Guard USAR control group with an effective date of 13 October 2012.

5. US Army Human Resources Command provided an advisory opinion for reinstatement of the Post 9/11 GI Bill (PGIB) Ch. 33 Education Benefits regarding the applicant is under the purview of the VA.

6. The Department of the Army, Criminal Investigation Division (DACID) conducted a search of the army criminal file indexes and revealed no MST/MP records pertaining to the applicant.

7.. There is no evidence the applicant has applied to the Army Discharge Review Board for review of his discharge within that board's 15-year statute of limitations.

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

9. By regulation (AR 635-200), action will be taken to separate a Soldier for misconduct, such as patterns of misconduct, when it is clearly established that despite attempts to rehabilitate or develop him or her as a satisfactory Soldier, further effort is unlikely to succeed.

10. Based on the applicant's condition the Army Review Board Agency medical staff provided a medical review for the Board members. See "MEDICAL REVIEW" section

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

12. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting an upgrade of her general, under honorable conditions discharge to honorable, to change the narrative reason for separation to secretarial authority and to reinstate eligibility for the GI Bill whether post-9/11 or Montgomery. On her DD Form 149, the applicant indicated Posttraumatic Stress Disorder (PTSD) and Sexual Assault/Harassment are related to her 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 Regular Army (RA) on 30 June 1999, 2) on 06 May 2004 she accepted nonjudicial punishment for disrespectful in language toward a noncommissioned officer (NCO), 3) on 16 June 2004, the applicant's commander notified her of his intent to separate her under the provisions of Chapter 14, Army Regulation (AR) 635-200, for patterns of misconduct. The specific reasons for his proposed recommendation were based upon two Field Grade Article 15s, as well as being counseled on numerous occasions for not being at place of duty, having altercations while at work, disrespecting noncommissioned officers and commissioned officers, disobeying orders, and breaking restriction, 4) on 19 July 2004, the applicant was released from operational theater Central Command Area of Responsibility (CENTCOM AOR) IAW AR 635-200, Chapter 14, paragraph 14-12b, 5) the applicant was discharged on 30 August 2004 with a general, under honorable conditions characterization of service, a separation code of JKA, and the narrative reason for separation listed as "Misconduct," 6) records show the applicant was honorably discharged from the Texas Army National Guard (TXARNG) on 07 November 2009 13 October 2012, 6) the Criminal Investigation Division did not find any MST/MP records pertaining to the applicant in their criminal indexes.

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. As part of her application, the applicant provided an affidavit signed on 09 November 2023 detailing her history of MST. In the affidavit, the applicant asserts she experienced MST while at training at NTC in California prior to deploying to Kuwait and during her deployment to Kuwait in November 2001.

d. Regarding her deployment history, a review of JLV shows conflict locations as 'unknown OEF/OIF' from 01 November 2001 through 31 March 2002 and from 01 January 2004 through 30 August 2004. The applicant's separation paperwork in iPERMS that was associated with her discharge in 2004 shows a history of two Article 15s. Her first Article 15 was on 29 October 2002 due to disobeying an order from a commissioned officer and being disorderly. The second Article 15, as mentioned in the ROP, was due to disrespect of an NCO.

e. The applicant's in-service medical records available via JLV were reviewed. A DA Form 7349-R (Initial Medical Review-Annual Medical Certificate) dated 02 June 2007 shows the applicant marked 'yes' to current medical/dental problems and noted 'mild anemia' in the remarks section. A Report of Medical Examination dated 12 June 2010 documented psychiatric as 'normal' on clinical evaluation and her PULHES was documented as 111111, indicating she was not on a BH profile. The associated Report of Medical History shows that she denied all BH-related items in question 17a. A physical profile dated 11 January 2009 shows her PULHES as 311111 due to pregnancy, indicating she was not on profile for BH reasons.

f. A review of JLV shows the applicant is 100% service-connected through the VA for PTSD and 0% service-connected for Traumatic Brain Disease. She is also service-connected for numerous physical-health conditions. She completed an initial BH Compensation and Pension (C&P) examination on 21 February 2011 for an evaluation of PTSD. It was documented that her symptoms started in 2005 as a result of her two deployments to Iraq and reported experiencing panic attacks, anxiety, problems with sleep, poor relationships, and getting irritated easily. It was documented that she reported she received two Article 15s, one for domestic violence and one for disrespecting an NCO. The traumatic event associated with her diagnosis of PTSD was noted as "The rocket attacks, being under random fire, I would shake and couldn't stop myself a lot of times. I didn't see any of my friends die but they did die; they bring their stuff full of blood; you could smell of blood or of being dead" noting that it occurred in 2003 to 2004. It was also noted that she saw her friends after they had been killed and saw fellow Soldiers injured and wounded. The provider diagnosed her with PTSD at the time of the evaluation. A subsequent evaluation dated 03 December 2013 reaffirmed her diagnosis of PTSD and added Persistent Depressive Disorder (PDD). The applicant provided a copy of a subsequent C&P examination completed on 08 May 2015. Her diagnosis of PTSD was reaffirmed and added diagnoses of Panic Disorder,

Agoraphobia, and Alcohol Use Disorder, Mild. It was noted that the applicant reported a history of MST during the evaluation which was documented to have occurred in 2003 while deployed to Iraq. At the time of the evaluation, she was prescribed Venlafaxine (antidepressant) and Zolpidem (sleep). A C&P examination dated 16 November 2018 reaffirmed her diagnosis of PTSD. At the time of her most recent C&P examination for PTSD on 16 October 2020, the applicant's diagnoses were noted as PTSD, Panic Disorder with Agoraphobia (noted as a Secondary condition), and Alcohol Use Disorder (noted as a secondary condition. As part of the documents included in her application, the applicant provided a problem list printed from the VA which shows a diagnosis of Adult Victim of Sexual Abuse during Military Service which was recorded on 13 August 2021. A VA medical note provided by the applicant signed on 22 December 2022 documented that she endorsed a history of MST and diagnosed with Alcohol Use Disorder, Moderate, Tobacco Use Disorder, Severe, and PTSD. The applicant underwent a C&P examination for TBI on 28 November 2023. The evaluator diagnosed the applicant with TBI and noted the date of diagnosis as 2014.

g. The applicant is applying to the ABCMR requesting an upgrade of her general, under honorable conditions discharge to honorable and to change the narrative reason for separation to secretarial authority. The applicant contends her discharge was due to PTSD and MST. Review of the available in-service medical records were void of any BH diagnosis or treatment history. Since being discharged from the military, the applicant has been 100% service-connected for PTSD and reported a history of MST that occurred prior to her discharge in 2004. As the date of diagnosis for the applicant's service-connection for Traumatic Brain Disease was noted as 2014, this diagnosis/event occurred after the applicant's discharge in 2004 and therefore is not relevant to the timeframe under consideration. As there is an association between avoidance behaviors, irritability, failure to report, having altercations at work, disrespect, disobeying orders, and breaking restriction, and the applicant's diagnosis of PTSD and report of MST, there is partial support for BH mitigation.

h. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant is 100% service-connected through the VA for PTSD and reported a history of MST.

(2) Did the condition exist or experience occur during military service? Yes, the applicant is 100% service-connected through the VA for PTSD and reported a history of MST. Service connection establishes that the condition existed during service.

(3) Does the condition or experience actually excuse or mitigate the discharge? Partially. The applicant's available in-service medical records were void of any BH diagnosis or treatment history. Since being discharged from the military, she has been 100% service-connected through the VA for PTSD and reported a history of MST. As there is an association between avoidance behaviors, irritability, failure to report, having altercations at work, disrespect, disobeying orders, and breaking restriction, and the applicant's diagnosis of PTSD and report of MST, there is BH support for mitigating these behaviors/misconduct. Regarding disorderly conduct, it is unclear as to the behaviors that contributed to that particular UCMJ violation. Given the lack of clarity regarding that violation in conjunction with the applicant's VA C&P examination indicating one of her Article 15s was for domestic violence, to which BH mitigation would not be supported if she were the perpetrator, BH mitigation for disorderly conduct is unclear at this time. As such, BH mitigation is partially supported.

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 her characterization of service. Upon review of the applicant's petition, available military record and medical review, the Board acknowledged the advising opinion, which found an association between avoidance behaviors, irritability, failure to report, workplace altercations, disrespect, disobeying orders, and breaking restriction with the applicant's diagnosis of PTSD and reported Military Sexual Trauma (MST), providing partial support for behavioral health mitigation.

Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant is 100% service-connected through the VA for PTSD and reported a history of MST.

(2) Did the condition exist or experience occur during military service? Yes, the applicant is 100% service-connected through the VA for PTSD and reported a history of MST. Service connection establishes that the condition existed during service.

(3) Does the condition or experience actually excuse or mitigate the discharge? Partially. The applicant's available in-service medical records were void of any BH diagnosis or treatment history. Since being discharged from the military, she has been 100% service-connected through the VA for PTSD and reported a history of MST. As

there is an association between avoidance behaviors, irritability, failure to report, having altercations at work, disrespect, disobeying orders, and breaking restriction, and the applicant's diagnosis of PTSD and report of MST, there is BH support for mitigating these behaviors/misconduct. Regarding disorderly conduct, it is unclear as to the behaviors that contributed to that particular UCMJ violation. Given the lack of clarity regarding that violation in conjunction with the applicant's VA C&P examination indicating one of her Article 15s was for domestic violence, to which BH mitigation would not be supported if she were the perpetrator, BH mitigation for disorderly conduct is unclear at this time. As such, BH mitigation is partially supported.

2. However, despite the advising opinion's findings regarding partial mitigation, the Board determined that there was insufficient evidence of in-service mitigating factors that outweighed the applicant's receipt of Article 15 for domestic violence and her continued pattern of misconduct. This pattern included workplace altercations and persistent disrespect toward her entire chain of command. The Board carefully considered the applicant's self-authored MST assertion and recognized that many victims of sexual assault may not report their experiences. However, in weighing the preponderance of evidence, MST-related symptoms are sometimes observable in victims before their separation. Personal MST statements submitted to the VA are not always corroborated.

3. The Board recognized the applicant's 100% service connection for PTSD. However, her discharge resulted from a pattern of misconduct, including two Field Grade Article 15s and repeated counseling for failure to be at her place of duty, workplace altercations, disrespect toward noncommissioned and commissioned officers, disobedience of orders, and breaking restriction. As a result, she received an under honorable conditions (General) characterization of service. The Board considered the applicant's honorable service in the National Guard for a period of two years following her discharge from active duty. Despite this, after thorough deliberation under liberal consideration, the Board determined that changes to her narrative reason for separation were not warranted. It further affirmed that her discharge characterization remained appropriate, as her conduct and performance did not meet the standards required for an Honorable discharge. Additionally, the Board found no basis for reinstating her eligibility for GI Bill benefits, whether Post-9/11 or Montgomery. Accordingly, the Board denied relief.

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BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XX	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 correction of the records of the individual concerned.



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 635-200 (Active Duty Enlisted Administrative Separation), in effect at the time, sets forth the basic authority for the separation of enlisted personnel.

a. Paragraph 3-7a (Honorable Discharge) states an honorable discharge is a separation with honor. The honorable characterization is appropriate when the quality of the member's service generally has met, the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

b. Paragraph 3-7b (General Discharge) states a general discharge is a separation from the Army under honorable conditions. When authorized, it is issued to a member whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

c. Chapter 14 of the regulation states action will be taken to separate a Soldier for misconduct when it is clearly established that despite attempts to rehabilitate or develop him or her as a satisfactory Soldier, further effort is unlikely to succeed.

3. Army Regulation 635-8 (Separation and Processing Documents) states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

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 post-traumatic stress disorder (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.

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, 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 Boards for Correction of Military/Naval Records (BCM/NRs) regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the type of court-martial. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

a. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief based on equity, injustice, or clemency grounds, BCM/NRs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

b. Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

7. Title 38, United States Code (USC), Chapter 30, the Montgomery GI Bill (MGIB) Program, states VEGIB eligible members who had remaining entitlement to VEGIB benefits on 31 December 1989, and met one of the following two requirements were automatically converted to the MGIB Program: (1) on active duty anytime between 19 October 1984 and 1 July 1985 and served continuously from that date through 30 June 1988, or through 30 June 1987 followed by four years in the Selected Reserves; or (2) not on active duty on 19 October 1984 and served three continuous years of active duty after 1 July 1985.

8. Department of Defense Instruction (DODI) 1322.16: (Montgomery GI Bill Program) Section 3.2 (Procedures to Make Reductions) The Secretaries of the Military Departments; the Commandant, USCG; the Surgeon General USPHS; and the Secretary of Commerce, NOAA, in implementing the MGIB Program, will establish procedures to make reductions from active-duty members' pay under this program. Specifically, implement procedures to make reductions from the active-duty member's pay as described in this section and as required by Sections 3011(b) or 3012(c) of Title 38, U.S.C., whichever is applicable. Ensure all eligible active-duty members are aware: They are entitled to 36 months of benefits but must first meet MGIB Program eligibility requirements established under Chapter 30 of Title 38, U.S.C., including completing 36 months of active duty (24 months if enlistment is for less than 36 months) and an

honorable discharge for service establishing entitlement to the MGIB (does not include "under honorable conditions"). Active-duty members have 10 years from the date of last discharge from active duty to use MGIB benefits.

//NOTHING FOLLOWS//