

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 November 2024

DOCKET NUMBER: AR20240003537

APPLICANT REQUESTS: reconsideration of his previous requests for an upgrade of his under other than honorable conditions (UOTHC) discharge to an honorable discharge.

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Counsel brief and 13 Exhibits:
 - Exhibit 1 - DD Form 214 (Certificate of Release or Discharge from Active Duty) and DD Form 215 (Correction to DD Form 214)
 - Exhibit 2 - Self-authored statement, 30 June 2023
 - Exhibit 3 - Self-authored statement, 11 August 2022
 - Exhibit 4 - DD Form 458 (Charge Sheet), 10 January 1991
 - Exhibit 5 - DD Form 553 (Deserter/Absentee Wanted by the Armed Forces)
 - Exhibit 6 - Headquarters, 20th Engineer Brigade (Rear) (Provisional), Fort Bragg, NC, memorandum, Subject: Transmittal of Courts-Martial Charges, 11 January 1991
 - Exhibit 7 - Request for Discharge for the Good of the Service, 18 January 1991
 - Exhibit 8 - Headquarters, Fort Bragg, NC, 1st Endorsement, Subject: Request for Chapter 10 Discharge [the applicant], 22 January 1991
 - Exhibit 9 - Medical documents
 - Exhibit 10 - Information about functional gastrointestinal disorder and ulcerative colitis (UC)
 - Exhibit 11 - Letter from a Behavioral Health Center located in [REDACTED] 28 November 2023
 - Exhibit 12 - Applicant's annual performance rating rendered for the period from 1 June 2022 through 31 May 2023
 - Exhibit 13 - Character reference letters (3)

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 Numbers AR20150011640 and AR20190001168 on 30 June 2016 and 25 June 2021, respectively.

2. The applicant provides a synopsis of his military service in statements enclosed as Exhibits 1 and 2. He states, in part:

a. He served diligently and honorably, facing challenging circumstances during his deployments, and exhibiting resilience in the face of adversity. After completing training, he was assigned to a 12-month hardship tour at Fort Clayton, Panama, where he actively participated in Operation Just Cause. During this operation, he was tasked with securing the Panamanian map depot, which was under threat of looting. Trapped in a hostile civilian neighborhood with limited ammunition for several days, his team experienced a terrifying ordeal, where their lives hung in the balance. Despite the immense fear and uncertainty, they ultimately persevered and were successfully rescued.

b. Regrettably, in the aftermath of Operation Just Cause, he began experiencing symptoms of depression and suffered from bloody diarrhea with pus and abdominal pain. He visited sick call multiple times, and his Army medical records confirm the presence of these symptoms during his service in Panama and subsequently at Fort Bragg. Unfortunately, the Army failed to conduct a colonoscopy to ascertain the cause of the bleeding. As bloody diarrhea is not a common occurrence and serves as a sign of chronic disease, the absence of a thorough investigation hindered his ability to receive an accurate diagnosis at the time. Nevertheless, he remained steadfast in completing his hardship tour despite these distressing symptoms.

c. Upon his reassignment to Fort Bragg, he faced further challenges without the necessary support. Shortly after returning from a visit home with his wife and daughter, he was informed of another hardship tour assignment. Deprived of the post-traumatic stress disorder (PTSD) treatment he needed after Operation Just Cause, the prospect of being deployed to yet another war zone exacerbated his mental state. In preparation for deployment, he made the difficult decision to take his family back to their hometown.

d. Upon his return to Fort Bragg, he continued to experience persistent bloody diarrhea, and sought help through sick call. However, no assistance or guidance was provided. When he told his sergeant about his symptoms, he was dismissively told that it was likely due to nervousness about being deployed again.

e. Due to debilitating flare-ups that left him feeling depressed, he unfortunately missed his scheduled movement. It was never his intention to be absent, but rather, his illness prevented him from fulfilling his obligations. He was overwhelmed by the belief that he had cancer and was on the brink of death. The impact of UC on his mental clarity and decision-making abilities further exacerbated the situation. After he missed

movement, he went home and saw a doctor. However, the doctor only examined the bottom of the applicant's colon without conducting a full colonoscopy.

f. Less than a month later, he returned to Fort Bragg and hastily accepted a discharge UOTHC without receiving proper legal guidance. This decision was made without fully comprehending the implications and consequences, mainly due to his lack of knowledge at the time. The combination of physical pain, mental distress, PTSD, and the overwhelming fear of a life threatening illness impaired his judgment during that period. He believes his state of mind was severely affected, and that he was insane.

g. It is important to acknowledge that he was not afforded proper legal advice; therefore, he did not fully understand the implications of his decisions. It is crucial to note that his actions were driven by the distress caused by his undiagnosed condition and the subsequent limitations it imposed on his well-being.

h. It was not until the early 1990s, after his discharge, that he finally had a colonoscopy and received the definitive diagnosis of UC, a debilitating inflammatory bowel disease. The discovery shed light on the underlying cause of his symptoms and the challenges he had faced for so long. The disease, characterized by frequent and severe flare-ups, significantly impacted his daily life, often leaving him feeling depressed and unable to fulfill his obligations.

i. After his discharge from service, his struggles due to UC continued unabated. The persistent torment of rectal bleeding and unrelenting diarrhea only served to exacerbate his already overwhelming anxiety and depression. There were moments when the symptoms grew so intense that he found himself helplessly soiling his clothes while desperately attempting to reach the restroom in time. Each distressing experience inflicted upon him a deeper sense of despair, shame, and hopelessness. Furthermore, his condition of UC caused non-specific white matter changes in his brain, which further compounded the detrimental impact on his overall well-being.

j. Presently, he has dedicated his professional career to serving in the court system, where he has witnessed individuals making mistakes and subsequently being afforded opportunities to rebuild their lives. These individuals often proceed to live productive lives and enjoy the benefits that come with it. In contrast, he finds himself burdened by a single mistake made in his youth while battling illness and poor mental health, which has unjustly denied him access to vital Department of Veterans Affairs (VA) benefits for over three decades.

k. Since leaving the Army, he has maintained an unblemished record, never having been fired or disciplined in any position. He proudly served the State of Alabama for 25 years and 4 months, during which time they granted him Family Medical Leave for his UC flare-ups. Additionally, he dedicated the past 10 years to part-time work in law

enforcement. His intention is not to be dishonest or seek undeserved benefits; rather, his goal is to redress a wrong committed in his youth without proper guidance.

l. He has enclosed documentation about UC and notes that it has no cure. He also provides evidence of PTSD and alcohol abuse following his discharge. Recent research findings highlight the potential long-term effects of PTSD on overall health. Studies have indicated a significant link between PTSD and the subsequent development of autoimmune diseases. He strongly believes the chronic stress and psychological trauma experienced during his military service, particularly during Operation Just Cause, contributed to the manifestation of his condition of UC.

m. Furthermore, emerging research emphasizes the critical connection between gut health and brain health. It is now widely recognized that the gut-brain axis plays a pivotal role in various aspects of mental and physical well-being. Disturbances in gut health, such as those observed in individuals with UC, can have far-reaching consequences, including exacerbating mental health conditions such as depression and anxiety, which he has endured. Additionally, it is important to note that UC has been identified as a potential cause of sleep apnea, another condition he is currently dealing with.

n. The interconnected nature of these health issues underscores the complexity and impact they have had on his life since his military service. According to military policy, when an illness is triggered or aggravated by military service, the military assumes responsibility. UC is a condition that is triggered and aggravated by stress, and the severe stress he endured during Operation Just Cause marks the onset of his symptoms. He implores the Board to request and thoroughly review information pertaining to inflammatory bowel diseases before reaching a decision. It is crucial to note that serving in the military with this illness is currently considered disqualifying; however, when he served, he was unaware of the condition and its potential implications.

o. Having exhausted all natural means of rectifying a youthful mistake without appropriate guidance, he turns to the Board with hope that mercy and clemency will be granted. He humbly beseeches the Board's understanding and compassion in considering his request for a discharge upgrade. He has faith the Board's decision will be guided by fairness and a recognition of the extenuating circumstances that adversely impacted his military service.

3. Counsel contends the applicant's petition should be granted on the basis of material error made by the applicant's chain of command and the resulting material injustice. The applicant experienced only one disciplinary issue, each of which occurred after his experiences in Panama and the onset of his UC. If he had been properly diagnosed, he

would have been able to be medically discharged due to UC being a disqualifying medical condition for service.

a. The applicant's overall service, medical conditions, and post-service accomplishments outweigh his discharge. His absence without leave (AWOL) was a product of his severe pain, diarrhea, depression, and PTSD. Due to his decision to seek medical help outside of the military, the applicant missed his assigned movement.

b. Counsel provides a brief and 11 additional exhibits:

(1) Exhibit 1 - DD Form 214 and DD Form 215 which provide a synopsis of the applicant's service including his military training, awards and decorations, and the nature of his discharge.

(2) Exhibits 2 and 3 - the applicant's previously discussed self-authored statements.

(3) Exhibit 4 - DD Form 458, dated 10 January 1991, which provides a summary of the applicant's offenses.

(4) Exhibit 5 - DD Form 553, showing he was reported to law enforcement agencies as a Deserter/Absentee wanted by the Armed Forces.

(5) Exhibit 6 - Headquarters, 20th Engineer Brigade (Rear) (Provisional), Fort Bragg, NC, memorandum, Subject: Transmittal of Courts-Martial Charges, dated 11 January 1991.

(6) Exhibit 7 - Request for Discharge for the Good of the Service voluntarily submitted by the applicant on 18 January 1991.

(7) Exhibit 8 - Headquarters, Fort Bragg, NC, 1st Endorsement, Subject: Request for Chapter 10 Discharge [the applicant], dated 22 January 1991, which shows the separation authority's decision regarding the applicant's request.

(8) Exhibit 9 - Medical documents which show he was diagnosed and treated for UC by civilian health care providers for several years.

(9) Exhibit 10 - Information obtained from the internet about functional gastrointestinal disorder and UC.

(10) Exhibit 11 - A letter from a Licensed Professional Counselor at a Behavioral Health Center located in [REDACTED] dated 28 November 2023, wherein the counselor states the applicant visited on two occasions. Based on a brief

evaluation, she believes the applicant exhibits signs of PTSD and sever anxiety, as evidenced by a list of symptoms.

(11) Exhibit 12 - Applicant's annual performance rating rendered for the period from 1 June 2022 through 31 May 2023.

(12) Exhibit 13 - Three letters.

(a) The applicant's sister discusses how the applicant's behavior and health changed following his discharge from the Army. She also describes how he turned his life around and has become a productive member of society.

(b) A sergeant in the applicant's County Sheriff's Department makes favorable comments about the applicant job proficiency, ability to multi-task, and his professional courtesy.

(c) A pastor who describes the applicant as a dedicated husband, father, and minister of the gospel.

4. On 14 March 1989, the applicant enlisted in the Regular Army in the rank/grade of private (PV1)/E-1 for a period of 3 years. Upon completion of initial entry training, he was assigned to a unit in Panama on 28 September 1989. Panama was designated as an Imminent Danger Pay area from 20 December 1989 to 31 January 1990.
5. On 3 April 1990, he was advanced to private first class/E-3, the highest rank/grade he held while serving.
6. Standard Forms 600 (Chronological Record of Medical Care) show the applicant was evaluated and treated for complaints of diarrhea and stomach upset on 9 May and 4 June 1990.
7. The applicant departed Panama on 9 August 1990 and was reassigned to a unit at Fort Bragg, NC on 21 September 1990.
8. The applicant's duty status was changed from Present for Duty (PDY) to Dropped from Rolls (DFR) when he was AWOL and missed movement on 4 December 1990. A DD Form 553 shows he was reported to law enforcement agencies as a Deserter/Absentee wanted by the Armed Forces.
9. A DD Form 458 shows on 10 January 1991, court-martial charges were preferred against the applicant for violation of the following Articles of the Uniform Code of Military Justice (UCMJ):

a. Article 86, for on or about 4 December 1990, without authority absenting himself from his unit and remaining so absent.

b. Article 87, for on or about 4 December 1990, through design, missing movement of his unit, with which he was required in the course of duty to move.

10. On 7 January 1991, the applicant's duty status was changed from DFR to PDY when he surrendered to military authorities.

11. Headquarters, 20th Engineer Brigade (Rear) (Provisional), Fort Bragg, NC, memorandum, Subject: Transmittal of Courts-Martial Charges, dated 11 January 1991, Shows the applicant's immediate commander recommended that he be tried by General Courts-Martial. He noted the applicant's record contained no evidence of previous convictions or disciplinary actions, and his military service prior to the offenses charged had been satisfactory.

12. On 18 January 1991, the applicant voluntarily requested discharge under the provisions of Army Regulation 635-200 (Personnel Separations - Enlisted Personnel), Chapter 10, for the good of the service in lieu of trial by court-martial. He indicated that prior to completing this request, he consulted with legal counsel and was advised of the basis for the trial by court-martial; the maximum permissible punishment authorized under the UCMJ; the possible effects of a UOTHC discharge; and the procedures and rights that were available to him. He elected not to submit statements in his own behalf.

13. On 22 January 1991, the separation authority approved the applicant's request for discharge in lieu of trial by court-martial, with his service characterized as UOTHC. He further directed the applicant be reduced from PFC/E-3 to PV1/E-1 prior to the execution of the discharge.

14. The applicant was reduced to PV1/E-1 effective 22 January 1991.

15. Orders and the applicant's DD Form 214 show he was discharged on 1 February 1991, in the rank/grade of PV1/E-1, under the provisions of Army Regulation 635-200, Chapter 10, by reason of "For the Good of the Service - In Lieu of Trial by Court-Martial." He was credited with completing 1 year, 10 months, and 18 days of net active service this period. He did not complete his first full term of service.

16. The applicant petitioned the ABCMR for relief. On 1 July 2016, he was informed the ABCMR had carefully considered his application under procedures established by the Secretary of the Army and denied his request.

17. The applicant petitioned the ABCMR for relief again. On 13 July 2021, he was informed the ABCMR had once again denied his request for relief.

18. The applicant was charged due to the commission of an offense punishable under the UCMJ with a punitive discharge. Subsequent to being charged, he consulted with counsel and requested discharge under the provisions of Army Regulation 635-200, Chapter 10. Such discharges are voluntary requests for discharge in lieu of trial by court-martial.

19. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition. By regulation, an applicant is not entitled to a hearing before the Board.

20. MEDICAL REVIEW:

a. Background: The applicant is requesting reconsideration of his previous request to upgrade his under other than honorable conditions discharge to honorable. He asserts PTSD and medical issues (ulcerative colitis) as related to his request.

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 in the Regular Army on 14 March 1989.
- Upon completion of initial entry training, he was assigned to a unit in Panama on 28 September 1989. Panama was designated as an Imminent Danger Pay area from 20 December 1989 to 31 January 1990.
- Standard Forms 600 (Chronological Record of Medical Care) show the applicant was evaluated and treated for complaints of diarrhea and stomach upset on 9 May and 4 June 1990.
- The applicant departed Panama on 9 August 1990 and was reassigned to a unit at Fort Bragg, NC on 21 September 1990.
- The applicant's duty status was changed from Present for Duty (PDY) to Dropped from Rolls (DFR) when he was AWOL and missed movement on 4 December 1990. A DD Form 553 shows he was reported to law enforcement agencies as a Deserter/Absentee wanted by the Armed Forces.
- On 7 January 1991, the applicant's duty status was changed from DFR to PDY when he surrendered to military authorities.
- A DD Form 458 shows on 10 January 1991, court-martial charges were preferred against the applicant for violation of the following Articles of the Uniform Code of Military Justice (UCMJ):
- Article 86, for on or about 4 December 1990, without authority absenting himself from his unit and remaining so absent.
- Article 87, for on or about 4 December 1990, through design, missing movement of his unit, with which he was required in the course of duty to move.

- On 18 January 1991, the applicant voluntarily requested discharge under the provisions of Army Regulation 635-200 (Personnel Separations - Enlisted Personnel), Chapter 10, for the good of the service in lieu of trial by court-martial.
- Orders and the applicant's DD Form 214 show he was discharged on 1 February 1991, in the rank/grade of PV1/E-1, under the provisions of Army Regulation 635-200, Chapter 10, by reason of "For the Good of the Service - In Lieu of Trial by Court-Martial" with separation code "KFS" and reentry code "3." He was credited with completing 1 year, 10 months, and 18 days of net active service this period.

c. Review of Available Records: The Army Review Boards Agency (ARBA) Behavioral Health Advisor reviewed the supporting documents contained in the applicant's file. The applicant states, he served diligently and honorably, facing challenging circumstances during his deployments, and exhibiting resilience in the face of adversity. After completing training, he was assigned to a 12-month hardship tour at Fort Clayton, Panama, where he actively participated in Operation Just Cause. During this operation, he was tasked with securing the Panamanian map depot, which was under threat of looting. Trapped in a hostile civilian neighborhood with limited ammunition for several days, his team experienced a terrifying ordeal, where their lives hung in the balance. Despite the immense fear and uncertainty, they ultimately persevered and were successfully rescued. Regrettably, in the aftermath of Operation Just Cause, he began experiencing symptoms of depression and suffered from bloody diarrhea with pus and abdominal pain. He visited sick call multiple times, and his Army medical records confirm the presence of these symptoms during his service in Panama and subsequently at Fort Bragg. Unfortunately, the Army failed to conduct a colonoscopy to ascertain the cause of the bleeding. As bloody diarrhea is not a common occurrence and serves as a sign of chronic disease, the absence of a thorough investigation hindered his ability to receive an accurate diagnosis at the time. Nevertheless, he remained steadfast in completing his hardship tour despite these distressing symptoms. Upon his reassignment to Fort Bragg, he faced further challenges without the necessary support. Shortly after returning from a visit home with his wife and daughter, he was informed of another hardship tour assignment. Deprived of the post-traumatic stress disorder (PTSD) treatment he needed after Operation Just Cause, the prospect of being deployed to yet another war zone exacerbated his mental state. In preparation for deployment, he made the difficult decision to take his family back to their hometown. Upon his return to Fort Bragg, he continued to experience persistent bloody diarrhea, and sought help through sick call. However, no assistance or guidance was provided. When he told his sergeant about his symptoms, he was dismissively told that it was likely due to nervousness about being deployed again. Due to debilitating flare-ups that left him feeling depressed, he unfortunately missed his scheduled movement. It was never his intention to be absent, but rather, his illness prevented him from fulfilling his obligations. He was overwhelmed by the belief that he had cancer and was on the brink of death. The impact of UC on his mental clarity and

decision-making abilities further exacerbated the situation. After he missed movement, he went home and saw a doctor. However, the doctor only examined the bottom of the applicant's colon without conducting a full colonoscopy. Less than a month later, he returned to Fort Bragg and hastily accepted a discharge UOTHC without receiving proper legal guidance. This decision was made without fully comprehending the implications and consequences, mainly due to his lack of knowledge at the time. The combination of physical pain, mental distress, PTSD, and the overwhelming fear of a life-threatening illness impaired his judgment during that period. He believes his state of mind was severely affected, and that he was insane.

d. Due to the period of service no active-duty electronic medical records were available for review.

e. The VA's Joint Legacy Viewer (JLV) was reviewed and indicates the applicant is not service connected. There was no electronic medical documentation available for review indicating the applicant has been treated or diagnosed by the VA for any behavioral health condition. The applicant provides a letter from a mental health provider, dated 28 November 2023, that indicates the applicant participated in two sessions since October 2023 and endorsed symptoms of PTSD and anxiety for over a month. However, the letter does not contain a diagnosis, nor does it indicate a prior mental health history or care and is the only evidence of any mental health encounter occurring over 30 years post-military service. The applicant also provides medical documentation from two providers, one dated 3 January 2024, indicating he is diagnosed with Mild Ulcerative Colitis, and another dated 19 December 2016, stating he was diagnosed with Ulcerative Colitis several years ago and may have a genetic component given his mother died of colon cancer.

f. Based on the information available, it is the opinion of the Agency Behavioral Health Advisor that there is insufficient evidence at this time to support the applicant had a BH condition during military service that mitigates his misconduct.

g. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant asserts PTSD and medical issues (ulcerative colitis) as mitigating conditions. He also selected OMH on his application as related to his request.

(2) Did the condition exist or experience occur during military service? No. There is no medical documentation indicating the applicant was diagnosed with any BH condition during military service. However, the applicant was evaluated and treated for complaints of diarrhea and stomach upset on 9 May and 4 June 1990.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. There is insufficient evidence of any mitigating BH condition. There is no evidence of any in-service BH diagnoses, the VA has not service-connected the applicant for any BH condition, and there is no VA electronic record indicating he has been treated for any mental health condition. The applicant provides a letter referencing a mental health encounter occurring over 30 years post-military service, that indicates the applicant participated in two sessions and endorsed symptoms of PTSD and anxiety, however, the letter does not contain a diagnosis, nor does it indicate a prior mental health history or care.

h. Per Liberal Consideration guidelines, his contention of OMH and PTSD sufficient to warrant consideration by the Board.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, to include the DoD guidance on liberal consideration when reviewing discharge upgrade requests, the Board determined partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation, the misconduct leading to the applicant's separation, the following findings outlined in the medical review:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes.

(2) Did the condition exist or experience occur during military service? No.

(3) Does the condition or experience actually excuse or mitigate the discharge? No.

as well as the character evidence provided by the applicant, the Board concluded there was sufficient evidence to grant clemency by upgrading the applicant's characterization of service to General, Under Honorable Conditions.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

: : : GRANT FULL RELIEF

█ █ █ GRANT PARTIAL RELIEF

: : : GRANT FORMAL HEARING

: : : DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by reissuing the applicant a DD Form 214 showing:

- Characterization of Service: Under Honorable Conditions (General)
- Separation Authority: No change
- Separation Code: No change
- Reentry Code: No change
- Narrative Reason for Separation: No change

2. The Board further determined 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 to upgrading the characterization of his discharge to Honorable.

X		
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CHAIRPERSON

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, U.S. Code (USC), Section 1552(b), provides that applications for correction of military records must be filed within three 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 three-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. Title 10, USC, Section 1556, provides the Secretary of the Army shall ensure that an applicant seeking corrective action by ARBA is provided a copy of all correspondence and communications, including summaries of verbal communications, with any agencies or persons external to agency or board, or a member of the staff of the agency or Board, that directly pertains to or has material effect on the applicant's case, except as authorized by statute.

3. 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 regulation provides that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. It is not an investigative body. The ABCMR may, in its discretion, hold a hearing. 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.

4. Army Regulation 635-200 (Personnel Separations - Enlisted Personnel), in effect at the time, set forth the basic authority for the separation of enlisted personnel.

a. Chapter 10 stated a member who committed an offense or offenses for which the authorized punishment included a punitive discharge could, at any time after the charges have been preferred, submit a request for discharge for the good of the service in lieu of trial by court-martial. Although an honorable or general discharge was authorized, a discharge under other than honorable conditions was normally considered appropriate. At the time of the applicant's separation the regulation provided for the issuance of an UOTHC discharge.

b. 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.

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.

d. When a Soldier was to be discharged UOTHC, the separation authority would direct an immediate reduction to the lowest enlisted grade.

5. On 3 September 2014, the Secretary of Defense directed the Service Discharge Review Boards (DRB) and Service Boards for Correction of Military/Naval Records (BCM/NR) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

6. 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 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 misconduct that led to the discharge.

7. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military DRBs 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.

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, BCM/NRs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

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

//NOTHING FOLLOWS//