

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 December 2024

DOCKET NUMBER: AR20240003937

APPLICANT REQUESTS: honorable physical disability discharge in lieu of general administrative discharge under honorable conditions for the good of the service.

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

- DD Form 149 (Application for Correction of Military Record)
- Secretary of Defense Memorandum, 3 September 2014

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. The applicant states:

a. He initially received an under other than honorable conditions discharge, which was later upgraded to a general discharge under honorable conditions. While he is grateful for the upgraded discharge, it is still a punitive discharge. He was diagnosed with an illness that would have been considered post-traumatic stress disorder (PTSD) by today's standards, which makes him eligible for a recharacterization of his discharge to a medical discharge.

b. Because PTSD was not recognized as a disorder at the time, he was classified as having an adjustment disorder and forced out without any further help after over 11 years of good and faithful service to his country. Charges were stacked against him to expeditiously send him out of the military after being twice assaulted by his command sergeant major (CSM). He was closed up in a room with only ranking noncommissioned officers (NCOs) witnessing it, pushed, and thrown around in an attempt to make him fight his CSM as he attempted to free himself from this setup. It took an order from a second lieutenant (2LT) for the CSM to allow him out of the room.

c. This occurred after returning to Hawaii within 2 weeks of burying his father. He is a Vietnam-era veteran who mainly worked in the field as a Graves Registration Specialist, handling with great honor the remains of military men and women who had served and died while on active duty. He requests correction of his military records based on his condition of PTSD, undiagnosed at the time of his discharge. Please refer to the memorandum from the Secretary of Defense, dated 3 September 2014, providing guidance on upgrading the discharges of veterans claiming PTSD.

3. A DD Form 214 (Report of Separation from Active Duty) shows:

a. The applicant initially enlisted in the Regular Army on 14 December 1973 and was awarded the Military Occupational Specialty (MOS) 57F (Memorial Activities Specialist).

b. He was honorably released from active duty on 12 December 1975, with separation code LBK, due to expiration term of service and transferred to the U.S. Army Reserve (USAR) Control Group (Annual Training).

c. He was credited with 1 year, 11 months, and 29 days of net active service and no foreign service this period.

4. The applicant's DA Form 2-1 (Personnel Qualification Record – Part II) shows:

a. The applicant again enlisted in the Regular Army on 9 December 1977.

b. He held the MOS 57F, which was reclassified/retitle as Graves Registration Specialist, effective 5 September 1974.

c. He was awarded the secondary MOS 83F (Photolithographer) on 29 June 1981.

d. Item 35 (Record of Assignments) includes the following principal duties:

- Graves Registration Specialist (December 1977 – July 1978) and (September 1979 – December 1980) and (July 1984 – June 1985)
- Collections Evacuation Specialist (September 1978 – September 1979)
- Memorial Activities Specialist (February 1981 – March 1982)
- Offset Press Operator (July 1981 – April 1983)
- Military Escort (April 1983 – October 1983)
- Noncommissioned Officer in Charge (NCOIC) Reproduction and Distribution Center (June 1985 – November 1986)
- GREGG NCO (November 1986 – June 1987)

5. A Standard Form 558 (Emergency Care and Treatment) shows the applicant was seen on 25 February 1987, on an emergency basis, requesting psychiatric help regarding problems dealing with his new job and command as well as personal problems with his wife.

6. In a self-authored statement, 6 March 1987, the applicant explains in his own words the incident that transpired between himself and the SGM that morning, when the SGM asked where he was at physical training (PT) formation. He explained he was without a car and needed to take public transportation or catch a ride to work each day. The SGM told him he needed to be at PT formation everyday even if he had to walk or hitchhike, to which he responded he would do his best. The SGM insisted he needed to get to formations by any means necessary, and blocked him in at his desk, after which the applicant got up to leave the office to get fresh air and the SGM yelled for him to sit down. The applicant further details the altercation that transpired, wherein the SGM pushed him, and he responded he should not lay hands on him. The SGM tried to provoke him into a fight, but the applicant said he would not fight him, walking out the doorway again, when the SGM slammed the door shut on the applicant's hand. The applicant was then restrained by senior NCOs, while verbally expressing his displeasure and the SGM left room.

7. A DD Form 458 (Charge Sheet) shows on 11 May 1987, the applicant was charged with the following violations of Uniform Code of Military Justice (UCMJ):

a. Disobeying a direct order on 25 February 1987, when he willfully failed to sign out for sick call.

b. Ten specifications of insubordinate conduct between 25 February and 9 March 1987, each instance detailed in the Charge Sheet, involving speaking in a contemptuous disrespectful manner, cursing, and shoving.

c. Wrongfully communicating a threat on 6 March 1987, to injure his CSM if he did not get out of his path.

d. Behaving with disrespect toward his superior commissioned officer on 25 February 1987, when he told Lieutenant Colonel H_____ that he wanted to get out of his face before he hurt him.

e. Eleven specifications of failing to go at the time prescribed to his appointed place of duty at PT, work call, and end of month muster formation between 25 February and 7 April 1987.

8. On 26 May 1987, the applicant voluntarily requested discharge for the good of the service under the provisions of Army Regulation 635-200 (Personnel Separations –

Enlisted Personnel), chapter 10, based on charges that were preferred against him under the UCMJ, which authorized the imposition of a bad conduct or dishonorable discharge. He indicated he did not desire rehabilitation. He acknowledged having been afforded the opportunity to consult with appointed counsel and to having consulted with counsel, who fully advised him of the nature of his rights. He acknowledged understanding the possible effects of an under other than honorable conditions discharge and that he would be deprived of many, or all Army benefits and benefits administered by the Department of Veterans Affairs.

9. A U.S. Army Trial Defense Service memorandum, 27 May 1987, shows:

a. The applicant was pending trial which had been referred to a special court-martial and he requested chapter 10 discharge in lieu of court-martial. The applicant's defense counsel requested approval of the request for administrative discharge under the provisions of Army Regulation 635-200, chapter 10.

b. During the time of the applicant's charged offenses, he was under extreme mental duress. On 25 February 1987, when he went over to the Community Mental Health, he was so distraught that his counselor states he was a suicide risk and characterized the applicant's personality as passive, that he would run from a confrontation rather than be an aggressor. His counselor also stated the applicant's rehabilitation through extensive counseling had been very favorable and that he was continuing to progress well with his treatment.

c. it would be in both the applicant's and the Army's best interest if his request for administrative discharge under chapter 10, Army Regulation 635-200 were approved.

10. On 1 June 1987, the applicant's immediate commander recommended approval of the applicant's request for discharge for the good of the service under the provisions of Army Regulation 635-200, chapter 10, with an under other than honorable conditions discharge.

11. On 2 July 1987, the applicant's battalion commander recommended approval of the applicant's request for discharge for the good of the service under the provisions of Army Regulation 635-200, chapter 10, with an under other than honorable conditions discharge.

12. On 3 July 1987, the applicant's brigade commander recommended approval of the applicant's request for discharge for the good of the service under the provisions of Army Regulation 635-200, chapter 10, with an under other than honorable conditions discharge.

13. On 5 June 1987, the approval authority directed the applicants under other than honorable conditions discharge under the provisions of Army Regulation 635-200, chapter 10, for the good of the service and his reduction to the lowest enlisted grade.

14. The applicant's second DD Form 214 (Certificate of Release or Discharge from Active Duty) shows:

a. He was discharged under other than honorable conditions on 23 June 1987, under the provisions of Army Regulation 635-200, chapter 10, for the good of the service, with corresponding separation code of JFS and reenlistment code of 3/3C.

b. He was credited with 9 years, 6 months, and 15 days net active service this period, with 2 years of prior active service, and no foreign service. His rank/grade is shown as private (PV1)/E-1.

15. The applicant's available service records do not contain a DA Form 3349 (Physical Profile), nor do they show:

- he was issued a permanent physical profile rating
- he suffered from a medical condition, physical or mental, that affected his ability to perform the duties required by his MOS and/or grade or rendered him unfit for military service
- he was diagnosed with a medical condition that warranted his entry into the Army Physical Disability Evaluation System (PDES)
- he was diagnosed with a condition that failed retention standards and/or was unfitting

16. In August 1994, the applicant applied to the Army Discharge Review Board (ADRB), requesting a recharacterization of his under other than honorable conditions discharge. On 27 October 1994, the ADRB denied his request, determining his discharge was both proper and equitable.

17. Multiple VA Progress Notes, dated between January 2002 and February 2006, which have been provided in full to the Board for review, reflect the applicant was treated for non-combat PTSD having to do with the recovery of bodies, with a diagnosis of dysthymia (persistent depressive disorder) and presumed PTSD.

18. A VA Rating Decision, 30 March 2007, shows:

- the applicant's entitlement to unemployability was granted effective 14 December 2006
- his evaluation of PTSD, which was currently 50 percent disabling, was increased to 70 percent effective 14 December 2006

- basic eligibility to Dependent's Educational Assistance was established from 14 December 2006

19. In a related case, the applicant previously applied to the ABCMR in April 2015, requesting an upgrade of his service characterization from under other than honorable conditions to honorable based on his diagnosis of PTSD.

a. In the adjudication of that case, a medical advisory opinion was provided by the Army Review Boards Agency (ARBA) medical advisor in August 2016, wherein she opined the evidence supports the applicant experienced PTSD during some period of his military service and given the severity of his impairment and continued need for supportive services, it is more likely than not that a behavioral health condition mitigated the misconduct that led to his Army separation.

b. On 27 September 2016, the Board determined the evidence presented was sufficient to grant the applicant partial relief, by issuing him a new DD Form 214 to reflect his character of service as general and restoring his rank/grade to staff sergeant (SSG)/E-6.

c. On 22 November 2016, the applicant's DD Form 214 was reissued, reflecting his character of service as general, under honorable conditions, and his rank/grade as SSG/E-6. His separation authority, narrative reason for separation, and separation code remained unchanged.

20. The Army rates only conditions determined to be physically unfitting at the time of discharge, which disqualify the Soldier from further military service. The Army disability rating is to compensate the individual for the loss of a military career. The VA does not have authority or responsibility for determining physical fitness for military service. The VA may compensate the individual for loss of civilian employability.

21. Title 38, USC, Sections 1110 and 1131, permit the VA to award compensation for disabilities which were incurred in or aggravated by active military service. However, an award of a VA rating does not establish an error or injustice on the part of the Army.

22. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting an honorable physical disability discharge in lieu of general administrative discharge under honorable conditions for the good of the service. 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 initially enlisted in the Regular Army on 14 December 1973 and was awarded the Military Occupational Specialty (MOS) 57F (Memorial Activities Specialist); 2) On 11 May 1987, the applicant was charged with the following

violations: A) willfully failed to sign out for sick call; B) ten specifications of insubordinate conduct between 25 February-09 March 1987 involving speaking in a contemptuous disrespectful manner, cursing, and shoving; C) communicating a threat to injure his CSM; D) behaving with disrespect toward his superior commissioned officer; and E) eleven specifications of failing to go at the time prescribed to his appointed place of duty between 25 February-07 April 1987; 3) The applicant was discharged on 23 June 1987, Chapter 10, for the good of the service. His service was characterized as under other than honorable conditions; 4) On 27 September 2016, the ARBA Board determined the evidence presented to include a medical opine that concluded the applicant's PTSD mitigated his misconduct that led to his Army separation was sufficient to grant the applicant partial relief, by issuing him a new DD Form 214 to reflect his character of service as general and restoring his rank/grade to staff sergeant (SSG)/E-6.

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the supporting documents and the applicant's available military service and medical records. The VA's Joint Legacy Viewer (JLV) provided by the applicant was also examined.

c. The applicant is requesting an honorable physical disability discharge in lieu of general administrative discharge under honorable conditions for the good of the service. His application indicates his request is related to PTSD. There is evidence the applicant was seen in Emergency Care and Treatment on 25 February 1987. He was reporting "problems with life and requests to speak to a psychiatrist." He described occupational and marital problems. He was diagnosed with an adjustment disorder and referred to Division Psychology. There is insufficient evidence the applicant was diagnosed with a mental health condition that did not meet medical retention standards, attended more than six months of treatment without improvement, required inpatient psychiatric hospital treatment, or was ever placed on a psychiatric permeant profile while on active service.

d. A review of JLV provided evidence the applicant began to engage with the VA in 1995 for treatment for mental health conditions. He has been diagnosed with service-connected PTSD (70%SC).

e. Based on the available information, it is the opinion of the Agency Medical Advisor that the applicant was diagnosed after his discharge with service-connected PTSD. Previously, the applicant's request for mitigation of his misconduct was approved, and his discharge was upgraded as a result of his diagnosis of service-connected PTSD. However, there is insufficient evidence the applicant was found to be experiencing a mental health condition at the time of his active service that would not meet medical retention standards, attended more than six months of treatment without improvement, required inpatient psychiatric care, or was ever placed on a permeant psychiatric profile. Therefore, there is insufficient evidence the applicant's case warrants a referral to IDES from a behavioral health perspective, at this time.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? No, the applicant was diagnosed after his discharge with service-connected PTSD. Previously, the applicant's request for mitigation of his misconduct was approved, and his discharge was upgraded as a result of his diagnosis of service-connected PTSD. However, there is insufficient evidence the applicant was found to be experiencing a mental health condition at the time of his active service that would not meet medical retention standards, attended more than six months of treatment without improvement, required inpatient psychiatric care, or was ever placed on a permeant psychiatric profile. Therefore, there is insufficient evidence the applicant's case warrants a referral to IDES from a behavioral health perspective, at this time.

(2) Did the condition exist or experience occur during military service? N/A.

(3) Does the condition experience actually excuse or mitigate the misconduct? N/A.

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. The applicant was charged with commission of an offenses punishable under the UCMJ with a punitive discharge. After being charged, he consulted with counsel and requested discharge under the provisions of AR 635-200, Chapter 10. Such discharges are voluntary requests for discharge in lieu of trial by court-martial and carry an under other than honorable conditions discharge. The Board found no error or injustice in the applicant's available separation processing. The applicant's character of service was later upgraded to general, under honorable conditions; however, that did not change the reason for his separation. The Board also considered the medical records, any VA documents provided by the applicant and the review and conclusions of the medical reviewing official. The Board concurred with the medical official's determination that there is insufficient evidence the applicant was found to be experiencing a mental health condition at the time of his active service that would not meet medical retention standards or was ever placed on a permeant psychiatric profile. Therefore, the Board determined there is insufficient evidence the applicant's case warrants a referral to the disability system.

2. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
█	█	█	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

Except for the correction addressed in Administrative Note(s) below, 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.

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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.

ADMINISTRATIVE NOTES:

Add to the Remarks Block of his DD Form 214 the entry "Continuous Honorable Service from 1977-12-09 to 1986-08-11"

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. 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.
3. 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 Discharge Review Boards (DRBs) and Boards for Correction of Military/Naval Records (BCM/NRs) when considering requests by veterans for modification of their discharges due in whole or in part to: mental health conditions, including post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), sexual assault, or sexual harassment. Boards are to give liberal consideration to veterans petitioning for discharge relief when the application for relief is based, in whole or in part, on those conditions or experiences.
4. Title 10, U.S. Code, chapter 61, provides the Secretaries of the Military Departments with authority to retire or discharge a member if they find the member unfit to perform military duties because of physical disability. The U.S. Army Physical Disability Agency is responsible for administering the Army physical disability evaluation system (DES) and executes Secretary of the Army decision-making authority as directed by Congress in chapter 61 and in accordance with DOD Directive 1332.18 (Discharge Review Board (DRB) Procedures and Standards) and Army Regulation 635-40 (Physical Evaluation for Retention, Retirement, or Separation).
 - a. Soldiers are referred to the disability system when they no longer meet medical retention standards in accordance with Army Regulation 40-501 (Standards of Medical Fitness), chapter 3, as evidenced in a Medical Evaluation Board (MEB); when they receive a permanent medical profile rating of 3 or 4 in any factor and are referred by an Military Occupational Specialty (MOS) Medical Retention Board (MMRB); and/or they are command-referred for a fitness-for-duty medical examination.

b. The disability evaluation assessment process involves two distinct stages: the MEB and Physical Evaluation Board (PEB). The purpose of the MEB is to determine whether the service member's injury or illness is severe enough to compromise their ability to return to full duty based on the job specialty designation of the branch of service. A PEB is an administrative body possessing the authority to determine whether a service member is fit for duty. A designation of "unfit for duty" is required before an individual can be separated from the military because of an injury or medical condition. Service members who are determined to be unfit for duty due to disability either are separated from the military or are permanently retired, depending on the severity of the disability and length of military service. Individuals who are "separated" receive a one-time severance payment, while veterans who retire based upon disability receive monthly military retired pay and have access to all other benefits afforded to military retirees.

c. The mere presence of a medical impairment does not in and of itself justify a finding of unfitness. In each case, it is necessary to compare the nature and degree of physical disability present with the requirements of the duties the Soldier may reasonably be expected to perform because of their office, grade, rank, or rating. Reasonable performance of the preponderance of duties will invariably result in a finding of fitness for continued duty. A Soldier is physically unfit when a medical impairment prevents reasonable performance of the duties required of the Soldier's office, grade, rank, or rating.

5. Army Regulation 635-40 establishes the Army Disability Evaluation System and sets forth policies, responsibilities, and procedures that apply in determining whether a Soldier is unfit because of physical disability to reasonably perform the duties of his office, grade, rank, or rating. Only the unfitting conditions or defects and those which contribute to unfitness will be considered in arriving at the rated degree of incapacity warranting retirement or separation for disability.

a. Disability compensation is not an entitlement acquired by reason of service-incurred illness or injury; rather, it is provided to Soldiers whose service is interrupted and who can no longer continue to reasonably perform because of a physical disability incurred or aggravated in military service.

b. Soldiers who sustain or aggravate physically-unfitting disabilities must meet the following line-of-duty criteria to be eligible to receive retirement and severance pay benefits:

(1) The disability must have been incurred or aggravated while the Soldier was entitled to basic pay or as the proximate cause of performing active duty or inactive duty training.

(2) The disability must not have resulted from the Soldier's intentional misconduct or willful neglect and must not have been incurred during a period of unauthorized absence.

c. The percentage assigned to a medical defect or condition is the disability rating. A rating is not assigned until the PEB determines the Soldier is physically unfit for duty. Ratings are assigned from the Department of Veterans Affairs (VA) Schedule for Rating Disabilities (VASRD). The fact that a Soldier has a condition listed in the VASRD does not equate to a finding of physical unfitness. An unfitting, or ratable condition, is one which renders the Soldier unable to perform the duties of their office, grade, rank, or rating in such a way as to reasonably fulfill the purpose of their employment on active duty. There is no legal requirement in arriving at the rated degree of incapacity to rate a physical condition which is not in itself considered disqualifying for military service when a Soldier is found unfit because of another condition that is disqualifying. Only the unfitting conditions or defects and those which contribute to unfitness will be considered in arriving at the rated degree of incapacity warranting retirement or separation for disability.

6. Title 10, U.S. Code, section 1201, provides for the physical disability retirement of a member who has at least 20 years of service or a disability rating of at least 30 percent. Title 10, U.S. Code, section 1203, provides for the physical disability separation of a member who has less than 20 years of service and a disability rating of less than 30 percent.

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

a. Chapter 10 (Discharge in Lieu of Trial by Court-Martial) provides that a member who committed an offense or offenses under the Uniform Code of Military Justice (UCMJ) for which the authorized sentence included a punitive discharge could submit a request for discharge for the good of the service in lieu of trial by court-martial. The request can be submitted at any time after charges are preferred. Use of this discharge authority is encouraged when the commander determines that the offense is sufficiently serious to warrant separation from the service and that the Soldier has no rehabilitation potential. A medical examination is not required but may be requested by the Soldier. A discharge under other than honorable conditions is normally appropriate for a Soldier who is discharged in lieu of trial by court-martial. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record during the current enlistment.

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. A discharge under other than honorable conditions (UOTHC) is an administrative separation from the service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial. When a Soldier is discharged UOTHC, the separation authority will direct an immediate reduction to the lowest enlisted grade.

8. Title 38, U.S. Code, section 1110 (General – Basic Entitlement) states for disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, or air service, during a period of war, the United States will pay to any veteran thus disabled and who was discharged or released under conditions other than dishonorable from the period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, compensation as provided in this subchapter, but no compensation shall be paid if the disability is a result of the veteran's own willful misconduct or abuse of alcohol or drugs.

9. Title 38, U.S. Code, section 1131 (Peacetime Disability Compensation – Basic Entitlement) states for disability resulting from personal injury suffered or disease contracted in line of duty, or for aggravation of a preexisting injury suffered or disease contracted in line of duty, in the active military, naval, or air service, during other than a period of war, the United States will pay to any veteran thus disabled and who was discharged or released under conditions other than dishonorable from the period of service in which said injury or disease was incurred, or preexisting injury or disease was aggravated, compensation as provided in this subchapter, but no compensation shall be paid if the disability is a result of the veteran's own willful misconduct or abuse of alcohol or drugs.

10. Title 10, U.S. Code, section 1556 requires the Secretary of the Army to ensure that an applicant seeking corrective action by the Army Review Boards Agency (ARBA) be provided with a copy of any correspondence and communications (including summaries of verbal communications) to or from the Agency with anyone outside the Agency that directly pertains to or has material effect on the applicant's case, except as authorized by statute. ARBA medical advisory opinions and reviews are authored by ARBA civilian and military medical and behavioral health professionals and are therefore internal agency work product. Accordingly, ARBA does not routinely provide copies of ARBA Medical Office recommendations, opinions (including advisory opinions), and reviews to

Army Board for Correction of Military Records applicants (and/or their counsel) prior to adjudication.

//NOTHING FOLLOWS//