

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 December 2024

DOCKET NUMBER: AR20240004054

APPLICANT REQUESTS: The applicant, the mother of the deceased former service member (SM), requests her son's uncharacterized service be changed to honorable. Additionally, the applicant requests a flag and footstone.

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

- DD Form 293 (Application for Review of Discharge), 17 February 2024
- DD Form 149 (Application for Correction of Military Record), 16 October 2024
- Statement with photo
- Email confirmation from the National Personnel Records Center
- Letter from son to mother
- Letter from son to sister
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 23 December 2014
- Certificate of Birth, [REDACTED]
- Death Certificate
- Photocopy of Social Security Card and Driver License

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 the SM had been trying to get his records from the Department of Veterans Affairs (VA) for help with a mental condition that was brought on after being discharged. The SM came home extremely depressed and never recovered; he passed away on July 12, 2023. The applicant is asking for the truth and a flag.
3. In reference to the applicant's request for a flag and footstone, these issues are outside the Board's purview and should be addressed to the VA. Therefore, this portion of the request will not be further addressed in this record of proceedings.

4. The SM enlisted in the Regular Army on 27 October 2014, for a 6-year period. Prior to his enlistment, he participated in a medical assessment and examination, which found no significant medical issues.

5. The SM underwent a mental status evaluation on 13 November 2014. He was diagnosed with Adjustment Disorder with Depressed Mood. The evaluating provider noted he was unfit for duty due to a personality disorder or other mental condition that did not amount to a medical disability. The SM did not meet medical procurement standards and was recommended for administrative separation under the provisions of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), paragraph 5-17, due to the diagnosis.

6. The SM was formally counseled by his drill sergeant on 14 November 2014. Areas of emphasis covered in the counseling included his evaluation and recommendation for discharge under the provisions of Army Regulation 635-200, paragraph 5-17, due to the medical provider's diagnosis.

7. The SM was notified on 16 December 2014 of his commander's initiation of separation action under the provisions of Army Regulation 635-200, paragraph 5-17, by reason of other designated physical or mental condition. As the specific reason for the action, the commander noted the applicant's diagnosis of adjustment disorder with depressed mood.

8. On the same date, the SM was advised by consulting counsel of the basis for the contemplated separation action, and its effects; of the rights available to him; and the effect of waiving his rights. He elected not to submit a statement in his own behalf.

9. The SM's immediate and intermediate commanders formally recommended the SM's separation, prior to the expiration of his term of service, under the provisions of Army Regulation 635-200, paragraph 5-17, and further recommended an entry level separation (uncharacterized).

10. On 17 December 2014, the separation authority approved the recommended entry level separation under the provisions of Army Regulation 635-200, paragraph 5-17.

11. The SM was discharged on 23 December 2014, under the provisions of Army Regulation 635-200, paragraph 5-17, by reason of condition, not a disability. His DD Form 214 shows his service was uncharacterized, with separation code JFV and reentry code 3. He completed 1 month and 27 days of active service. He was not awarded a military occupational specialty.

12. Soldiers are considered to be in an entry-level status when they are within their first 180 days of active-duty service. The evidence of record shows the SM was in an entry-

level status at the time of his separation. An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It simply means the Soldier was not in the Army long enough for his or her character of service to be rated as honorable or otherwise.

13. The applicant provides the SM's, DD Form 214, birth certificate, and death certificate to verify her relationship as his next of kin. Additionally, she provides letters sent to her and the SM's sister prior to his separation from service.

14. Regulatory guidance states, commanders who are special court-martial convening authorities may approve separations under the provisions of Army Regulation 635-200, paragraph 5-17 based upon other physical or mental conditions, not amounting to disability, that potentially interfere with assignment to or performance of duty.

15. MEDICAL REVIEW:

a. Background: The applicant, who is the mother of a deceased former service member (SM), is applying to the ABCMR requesting consideration of a change to his characterization of service from uncharacterized to honorable. She contends he experienced an undiagnosed mental health condition, including PTSD, that should be considered.

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 SM enlisted into the Regular Army on 27 October 2014.
- The SM was notified on 16 December 2014 of his commander's initiation of separation action under the provisions of Army Regulation 635-200, paragraph 5-17, by reason of other designated physical or mental condition. As the specific reason for the action, the commander noted the applicant's diagnosis of Adjustment Disorder with depressed mood.
- The applicant was discharged on 23 December 2014 and completed 1 month and 27 days of net active service.

c. Review of Available Records: The Army Review Board Agency (ARBA) Behavioral Health Advisor reviewed the supporting documents contained in the applicant's file. The applicant asserts that the SM's mental health condition was brought on by his attempt to save the life of another trainee, who had attempted suicide. A Report of Mental Status Evaluation dated 13 November 2014 showed that following a hospital discharge the applicant was diagnosed with Adjustment Disorder with depressed mood, and it was noted that he was considered unfit for duty due to a personality disorder or other mental condition that does not amount to a medical disability. Additionally, it was indicated that he does not meet medical procurement standards, but he did meet retention

requirements (i.e. does not qualify for a Medical Evaluation Board). There was sufficient evidence that the applicant was diagnosed with a mental health condition while on active service.

d. The Joint Legacy Viewer (JLV), which includes medical and mental health records from DoD and VA, was also reviewed and showed the FSM initiated mental health treatment on 11 November 2014 and reported feeling stressed and overwhelmed by basic training, and he endorsed suicidal ideation without a plan. He was placed on “battle buddy watch” and diagnosed with Adjustment Disorder. He was seen again the following day expressing worsening anxiety and reporting a history of separation anxiety, and he requested hospitalization and was admitted. Documentation showed that the separation process was initiated, and the SM discharged two days later with a plan to return home, which assuaged his suicidal ideation. He had two unremarkable follow up visits before his discharge from the Army.

e. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is insufficient evidence to support that the SM had a condition or experience that warrants a change in the characterization of his discharge.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant asserts the SM had a mental health condition, including PTSD, at the time of the discharge. Mental health records from his time in basic training showed that the SM was hospitalized and diagnosed with Adjustment Disorder with depressed mood.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts the SM was experiencing a mental health condition while on active service, and documentation supports this assertion.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. Documentation showed that the SM self-referred to mental health approximately three weeks into basic training, and he requested discharge due to extreme anxiety and inability to adapt to a military environment. He was hospitalized for two days, and discharge processing was initiated, which improved his condition. There is no indication that the SM experienced any events outside the norm for basic training, and documentation suggests that the SM was in favor of elimination from service. There is insufficient evidence of a condition or experience that would warrant a change in the characterization of the SM’s discharge.

g. However, the applicant contends the SM was experiencing a mental health condition or had an experience that warrants a change in the characterization of his

discharge, and per Liberal Consideration the contention is sufficient for the board's consideration.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, 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 review based on law, policy and regulation. The governing regulation provides that a separation will be described as an entry-level separation, with service uncharacterized, if the separation action is initiated while a Soldier is in entry-level status. The applicant did not complete training and was discharged from active duty due condition, not a disability. The Board reviewed and concurred with the medical advisor's review finding insufficient evidence the applicant had a condition or experience that warrants a change to his characterization of service. The Board determined his DD Form 214 properly shows the appropriate characterization of service as uncharacterized.
2. An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It merely means the Soldier has not been in the Army long enough for his or her character of service to be rated as honorable or otherwise. As a result, there is no basis for granting the applicant's request.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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| : | : | : | GRANT FULL RELIEF |
| : | : | : | GRANT PARTIAL RELIEF |
| : | : | : | GRANT FORMAL HEARING |
| ■ | ■ | ■ | 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.

3/26/2025

X

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 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. Section 1556 of Title 10, USC, 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 ABCMR applicants (and/or their counsel) prior to adjudication.

3. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) sets forth the basic authority for the separation of enlisted personnel.

a. Chapter 3 provides that a separation will be described as entry level with uncharacterized service if the Soldier has less than 180 days of continuous active duty service at the time separation action is initiated.

b. Paragraph 3-7a provides that 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. Paragraph 3-9, in effect at the time of the applicant's separation, provided that a separation would be described as entry level with uncharacterized service if processing were initiated while a Soldier was in an entry-level status, except when:

(1) a discharge under other than honorable conditions was authorized, due to the reason for separation and was warranted by the circumstances of the case; or

(2) the Secretary of the Army, on a case-by-case basis, determined a characterization of service as honorable was clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty. This characterization was authorized when the Soldier was separated by reason of selected

changes in service obligation, for convenience of the government, and under Secretarial plenary authority.

d. Paragraph 5-17, states commanders who are special court-martial convening authorities may approve separation under this paragraph based on other physical or mental conditions not amounting to disability that potentially interfere with assignment to or performance of duty. A recommendation for separation must be supported by documentation confirming the existence of the physical or mental condition. Members may be separated for physical or mental conditions not amounting to disability, which is sufficiently severe that the Soldier's ability to effectively perform military duties is significantly impaired.

4. 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 (DRB) and Boards for Correction of Military/Naval Records (BCM/NR) 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; traumatic brain injury; sexual assault; or sexual harassment. Standards for review should rightly consider the unique nature of these cases and afford each veteran a reasonable opportunity for relief even if the sexual assault or sexual harassment was unreported, or the mental health condition was not diagnosed until years later. 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.

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

b. Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses

or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

//NOTHING FOLLOWS//