

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 22 January 2025

DOCKET NUMBER: AR20240004648

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect:

- physical disability separation in lieu of honorable administrative separation due to a condition, not a disability
- the date he entered active duty as November 2010 in lieu of 8 November 2011

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

DD Form 149 (Application for Correction of Military Record)

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. The first error needing correction is his reason for separation. He has a 100 percent permanent and total disability rating through the Department of Veterans Affairs (VA). His DD Form 214 shows his reason for separation is a condition, not a disability, which is incorrect.

b. The second error needing correction is his date of entry on active duty. His DD Form 214 shows he entered active duty in November 2011, but it should show November 2010. It also shows he did not complete his first year of service. On the day of his discharge, he showed the lady who prepared his DD Form 214 that it was incorrect. She apologized for the mistake but said he would have to write to the National Archives to file for a change, because she had already submitted the form. He did write to the National Archives, and nothing was changed. He was supposed to receive a DD Form 256 (Certificate of Honorable Discharge), but he never did receive one.

c. He did not choose to get out, but it was deemed that his disability was limiting performance. His DD Form 214 should reflect his 100 percent total and permanent disability instead of a condition, not a disability. The date he entered the service is almost 1 year off and shows he did not complete 1 year of service, which takes away from his faithful service.

3. The acronym "PUHLES" describes the following six physical factors used in the profiling system to classify medical readiness: "P" (Physical capacity or stamina), "U" (Upper extremities), "L" (Lower extremities), "H" (Hearing), "E" (Eyes), and "S" (Psychiatric). Physical profile ratings are permanent (P) or temporary (T). A service member's level of functioning under each factor is represented by the following numerical designations: 1 indicates a high-level of fitness, 2 indicates some activity limitations are warranted, 3 reflects significant limitations, and 4 reflects one or more medical conditions of such a severity that performance of military duties must be drastically limited.

4. A DD Form 2808 (Report of Medical Examination) shows the applicant underwent medical examination on 26 April 2011, for the purpose of Regular Army enlistment and was found qualified for service with a PULHES of 111111. The summary of defects and diagnoses shows mild pes planus.

5. A DD Form 4 (Enlistment/Reenlistment Document) shows:

a. The applicant enlisted in the U.S. Army Reserve (USAR) Delayed Entry Program (DEP) on 26 April 2011, for a period of 8 years, of which 3 years and 19 weeks would be considered an active duty obligation.

b. He understood that he would be ordered to active duty unless he reported to the Pittsburgh Military Entrance Processing Station (MEPS) by 18 October 2011, for enlistment in the Regular component of the U.S. Army for not less than 3 years and 19 weeks.

c. He was discharged from the DEP and enlisted in the Regular Army at the Pittsburgh MEPS on 8 November 2011.

6. The applicant's Enlisted Record Brief (ERB) shows:

a. He departed the Pittsburgh MEPS and arrived at the Reception Company, 120th Adjutant General Battalion, Fort Jackson, SC, as a Regular Army trainee on 8 November 2011.

b. His PULHES was 111111.

c. His Medical readiness classification (MRC) code was 3a TP (Medically non-deployable due to a medical condition with recovery expected at the end of temporary profile expiration).

7. The applicant's available service records do not 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 Military Occupational Specialty (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

8. A DA Form 3822 (Report of Mental Status Evaluation) shows:

a. The applicant underwent a mental status evaluation on 10 August 2012, for the purpose of administrative separation under the provisions of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), paragraph 5-17.

b. From a behavioral health standpoint, he was found unfit for duty due to a personality disorder or other mental condition that does not amount to a medical disability.

c. It was the medical professional's opinion that the applicant met medical retention requirements and did not qualify for a Medical Evaluation Board (MEB).

d. His listed diagnoses were adjustment disorder with mixed anxiety and depressed mood and deviated septum.

e. He was tested for post-traumatic stress disorder (PTSD) and tested positive. He tested negative for traumatic brain injury (TBI). These conditions were either not present or if present, did not meet the criteria for an MEB in accordance with Army Regulation 40-501 (Standards of Medical Fitness).

f. He met the psychiatric criteria for expeditious administrative separation in accordance with Army Regulation 635-200, paragraph 5-17. He manifested a long-standing, chronic pattern of difficulty adjusting (adjustment disorder) as characterized by a maladaptive reaction to an identifiable stressful life event of 6 months or longer.

g. The applicant screened positive for PTSD on the screener. Upon further evaluation, he did not deploy and did not report a traumatic event. He reported that his

high level of distress began upon entering the military. His anxiety is not consistent with PTSD, but rather an adjustment disorder. His is also reporting significant mood symptoms related to being away from home, illness of family, and inability to cope with military life. He meets medical retention standards; however, he is unfit due to a chronic adjustment disorder, which therapy has not been able to alleviate and is unlikely to improve while in the military environment. It is recommended he be expeditiously separated in accordance with Army Regulation 635-200, paragraph 5-17.

9. On 14 September 2012, the applicant was notified by his immediate commander of his initiation of action to honorably separate him under the provisions of Army Regulation 635-200, paragraph 5-17, for other designated physical or mental conditions. The reason for his proposed action was the applicant's diagnosis with adjustment disorder with mixed anxiety and depressed mood, which interfered with his assignments and the performance of his duties. He was advised of his right to consult with counsel and submit statements in his own behalf.

10. On 14 September 2012, the applicant acknowledged receipt of notification from his immediate commander of his initiation of action to separate him under the provisions of Army Regulation 635-200, paragraph 5-17, for other designated physical or mental conditions and his right to consult with counsel.

11. On 14 September 2012, the applicant acknowledged having been advised by consulting counsel of the basis for the contemplated action to separate him for other designated physical or mental conditions under the provisions of Army Regulation 635-200, paragraph 5-17, and the rights available to him. He waived consideration of his case by an administrative separation board, did not submit statements in his own behalf, and waived consulting counsel representation.

12. On 14 September 2012, the applicant's battalion commander recommended approval of the applicant's honorable discharge under the provisions of Army Regulation 635-200, paragraph 5-17, for other designated physical or mental conditions.

13. On 14 September 2012, the approval authority directed the applicant's honorable discharge under the provisions of Army Regulation 635-200, paragraph 5-17, for other designated physical or mental conditions.

14. The applicant's DD Form 214 shows:

a. He entered active duty this period on 8 November 2011.

b. He was honorably discharged on 5 October 2012, under the provisions of Army Regulation 635-200, paragraph 5-17, due to a condition, not a disability, with corresponding separation code JFV.

- c. He was credited with 10 months and 28 days of net active service this period.
- d. Item 18 (Remarks) shows he did not complete his first full term of service.

15. The applicant did not provide a copy of his VA Rating Decision and it is not in his available service records for review.

16. 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.

17. 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.

#### MEDICAL REVIEW:

a. Background: The applicant is requesting physical disability separation in lieu of honorable administrative separation due to a condition, not a disability. He further requests correction of the date he entered active duty to November 2010 in lieu of 8 November 2011. This opine will narrowly focus on the applicant's request for disability separation and defer the remaining request to the Board.

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:

- Applicant enlisted in the U.S. Army Reserve (USAR) Delayed Entry Program (DEP) on 26 April 2011, for a period of 8 years, of which 3 years and 19 weeks would be considered an active-duty obligation.
- Applicant was discharged from the DEP and enlisted in the Regular Army at the Pittsburgh MEPS on 8 November 2011.
- On 14 September 2012, the applicant was notified by his immediate commander of his initiation of action to honorably separate him under the provisions of Army Regulation 635-200, paragraph 5-17, for other designated physical or mental conditions. The reason for his proposed action was the applicant's diagnosis with adjustment disorder with mixed anxiety and depressed mood, which interfered with his assignments and the performance of his duties. He was advised of his right to consult with counsel and submit statements on his behalf.
- He was honorably discharged on 5 October 2012, under the provisions of Army Regulation 635-200, paragraph 5-17, due to a condition, not a disability, with corresponding separation code JFV.

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 states he has a 100 percent permanent and total disability rating through the Department of Veterans Affairs (VA). His DD Form 214 shows his reason for separation is a condition, not a disability, which is incorrect. He did not choose to get out, but it was deemed that his disability was limiting performance. His DD Form 214 should reflect his 100 percent total and permanent disability instead of a condition, not a disability. The date he entered the service is almost 1 year off and shows he did not complete 1 year of service, which takes away from his faithful service.

d. The active-duty electronic medical records available for review show on 27 June 2012, the applicant was sent by the Army Substance Abuse Program (ASAP) to the emergency room for medical clearance since he reported taking opioid analgesics for pain relief and was concerned about experiencing withdrawal symptoms. The applicant was medically cleared, and the next day was enrolled in ASAP and diagnosed with Opioid Dependence. The applicant self-referred to behavioral health services on 9 July 2012, due to reported anxiety and depression and was requesting to be medically boarded out of the military. The process of a medical board was explained to him, and it was emphasized that he had not had treatment, and no recommendation could be made for a medical board at that point. He reported he did not believe treatment would work and stated, "I just need to get out of the military". The clinician attempted to problem-solve with the applicant ways in which he could try to adjust to his current unit and think more positively about his future in the military.

e. However, he was adamant that getting out of the military was the only option. A call was placed to his 1st SGT who indicated the applicant was under investigation for purchasing prescription drugs from another service member, he had been in trouble for not showing up to work and was likely going to be chaptered out of the military. The applicant participated in a follow-up session the next day and was diagnosed with Adjustment Disorder with Anxiety. He screened positive for anxiety and depression but negative for PTSD and alcohol abuse. The applicant shared potentially being chaptered out of the military and had sought private legal counsel in defense of his pending UCMJ. On 18 July 2012, the applicant was seen by behavioral health and reported he was being chaptered out for patterns of misconduct but wanted a medical board "because of his broken nose," the clinician explained a medical board would be unlikely for a broken nose. He was once again diagnosed with Adjustment Disorder with Anxiety. On 31 July 2012, he presented as a walk-in to behavioral health reporting distress regarding unit dynamics and his pending military chapter.

f. The service record shows he was receiving services via ASAP. On 9 August 2012, the applicant was assessed and presented with depressive symptoms related to difficulty in the military, he reported I "can't do the military" and "I need out." He further reported that being away from his family and around "unsupportive NCOs" was causing

symptoms of anxiety and depression. During this encounter he was diagnosed with Adjustment Disorder with Anxiety and Depressed Mood. A mental status evaluation was completed for command indicating the applicant's poor prognosis was unlikely to benefit from further treatment and recommended separation. The applicant met medical retention requirements and did not qualify for a Medical Evaluation Board (MEB). An encounter dated 11 September 2012, diagnosed the applicant with Adjustment Disorder with Mixed Emotions, and shows he was prescribed antidepressant medication and a sleep aid. A note dated 27 September 2012, states the applicant was being chaptered out of the Army and discharged from ASAP due to leaving the military. Overall, the applicant's available service record does not contain a DA Form 3349 (Physical Profile), nor does it evidence:

- 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.

g. The VA's Joint Legacy Viewer (JLV) was reviewed and indicates the applicant is 90% service connected, including 70% for Major Depressive Disorder. The applicant participated in a C and P examination on 18 September 2013 and was diagnosed with Opioid Dependence in sustained full remission. His VA record shows he has participated intermittently in behavioral health services since October 2014. He was initially diagnosed with Major Depressive Disorder and Generalized Anxiety Disorder with consideration of the possibility of Bipolar Disorder. The record shows the applicant has received supportive services related to issues with homelessness. On 3 April 2019, the results of psychological testing were reviewed with the applicant and indicated symptoms of depression and anxiety, along with borderline personality features and dependent personality features. The record shows the applicant is diagnosed with Major Depressive Disorder, by history, Generalized Anxiety Disorder, and Cluster B personality features.

h. 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 a referral to the IDES process. Although the applicant has been 70% service connected for Major Depressive Disorder, VA examinations are based on different standards and parameters; they do not address whether a medical condition met or failed Army retention criteria or if it was a ratable condition during the period of service. Therefore, a VA disability rating would not imply failure to meet Army retention standards at the time

of service. A subsequent diagnosis of Major Depressive Disorder through the VA is not indicative of an injustice at the time of service. Furthermore, even an in-service diagnosis of Major Depressive Disorder is not automatically unfitting per AR 40-501 and would not automatically result in the medical separation processing. Based on the documentation available for review, there is no indication that an omission or error occurred that would warrant a referral to the IDES process.

i. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Not applicable.

(2) Did the condition exist or experience occur during military service? Not applicable.

(3) Does the condition or experience actually excuse or mitigate the discharge? Not applicable.

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. Upon review of the applicant's request, available military records and medical review, the Board concurred with the advising opinion of the Agency Behavioral Health Advisor that there is insufficient evidence, at this time, to support a referral to the IDES process. Although the applicant has been 70% service connected for Major Depressive Disorder, VA examinations are based on different standards and parameters; they do not address whether a medical condition met or failed Army retention criteria or if it was a ratable condition during the period of service.

2. Therefore, a VA disability rating would not imply failure to meet Army retention standards at the time of service. A subsequent diagnosis of Major Depressive Disorder through the VA is not indicative of an injustice at the time of service. Furthermore, even an in-service diagnosis of Major Depressive Disorder is not automatically unfitting per AR 40-501 and would not automatically result in the medical separation processing. Based on the documentation available for review, there is no indication that an omission or error occurred that would warrant a referral to the IDES process.

3. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Not applicable.

(2) Did the condition exist or experience occur during military service? Not applicable.

(3) Does the condition or experience actually excuse or mitigate the discharge? Not applicable.

4. The Board found insufficient evidence to support the applicant's contentions. Evidence in the record shows the applicant enlisted in the U.S. Army Reserve Delayed Entry Program (DEP) on 26 April 2011, with a contractual obligation to enter active duty by 18 October 2011. He was formally discharged from the DEP and enlisted in the Regular Army at the Pittsburgh MEPS on 8 November 2011, which is the correct date of entry reflected on his DD Form 214. The Board determined there is no documentation indicating any prior active-duty service in November 2010. The Board noted the applicant's mental health evaluation diagnosed him with an adjustment disorder with mixed anxiety and depressed mood, which did not meet the criteria for referral to the Army Physical Disability Evaluation System (PDES) or a Medical Evaluation Board (MEB). The evaluation explicitly stated that he met medical retention standards and was not unfit due to a physical or mental disability. Therefore, the Board found no basis to recharacterize his separation as due to physical disability. Based on the opine and evidence in the applicant's record, the Board agreed his DD Form 214 accurately reflects both his date of entry and reason for separation. Therefore, relief is denied.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	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.

X //SIGNED//

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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, 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 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.
  
3. 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 or not 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.

4. 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.

5. 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.

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

a. Paragraph 5-17 states a service member may be separated for other designated physical or mental conditions that potentially interfere with assignment to or performance of duty. not amounting to disability under Army Regulation 635-40 and excluding conditions appropriate for separation processing under paragraphs 5-11 (Separation of personnel who did not meet procurement medical fitness standards) or

5-13 (Separation because of personality disorder) Such conditions may include, but are not limited to, the following:

- chronic airsickness
- chronic seasickness
- enuresis
- sleepwalking
- dyslexia
- severe nightmares
- claustrophobia
- other disorders manifesting disturbances of perception, thinking, emotional control or behavior sufficiently severe that the Soldier's ability to effectively perform military duties is significantly impaired

b. When a commander determines a Soldier has a physical or mental condition that potentially interferes with assignment to or performance of duty, the commander will refer the Soldier for a medical examination and/or a mental status evaluation in accordance with Army Regulation 40-501. 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 sufficiently severe that the Soldier's ability to effectively perform military duties is significantly impaired.

c. Separation processing may not be initiated under this paragraph until the Soldier has been counseled formally concerning deficiencies and has been afforded ample opportunity to overcome those deficiencies as reflected in appropriate counseling or personnel records. A Soldier being separated under this section will be awarded a character of service of honorable, under honorable conditions, or uncharacterized if in an entry-level separation. An under honorable conditions characterization of service which is terminated under this paragraph is normally inappropriate.

7. Army Regulation 635-5 (Separation Documents), in effect at the time, prescribes policies and procedures regarding separation documents, including the standardized preparation of the DD Form 214 (Certificate of Release or Discharge from Active Duty). The specific guidance for preparation of the numbered items on the DD Form 214 show:

- in item 12a (Date Entered Active Duty This Period) enter the beginning date of the enlistment period or tour of duty for which a DD Form 214 was not issued.
- In item 18 (Remarks) use this block for entries required by Headquarters, Department of the Army (HQDA) for which a separate block is not available and for completing entries that are too long for their items. Among the mandatory entries is "Soldier (Has)(Has Not) completed first full term of service."

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//