

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 December 2024

DOCKET NUMBER: AR20240004714

APPLICANT REQUESTS: an upgrade of his characterization of service from under other than honorable conditions to honorable

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

- DD Form 149 (Application for Correction of Military Record)
- Applicant Statement
- DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge), 26 February 1973

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, in effect, he served in combat in Vietnam from 1969 to 1973. He was drafted into the service at the age of 19. During his service in combat, he was exposed to trauma that has made lifelong effects on his mental health. He saw dead bodies and killings of Vietnamese in the worst way. He was later informed that he had post-traumatic stress disorder (PTSD) and was coping with drugs and alcohol during his service. He has presented to Veterans Affairs (VA) several times for care but was turned away because he was told that he was ineligible for care or services due his discharge. Unfortunately, drugs became his focal point because he was unable to get the care that he needed. He had essentially given up over the years and ultimately became homeless as a result. He recently presented to the Dallas VA Medical Center seeking assistance and he was encouraged to apply for a discharge upgrade because of his PTSD from serving in combat.
3. A review of the applicant's service record shows:
 - a. He was inducted into the Army of the United States on 2 July 1969.

b. On 11 December 1969, he accepted nonjudicial punishment, under the provision of Article 15, Uniform Code of Military Justice, for being Absent Without Leave (AWOL) from on or about 28 November 1969 to on or about 10 December 1969. His punishment included forfeiture of \$26.00 per month for one month.

c. Special Court-Martial Order Number 111, issued by Headquarters, 3rd Brigade, 9th Infantry Division, APO San Francisco on 7 September 1970, shows he was found guilty of:

- Charge I, one specification of on or about 12 August 1970, striking his superior commissioned officer
- Charge I, one specification of on or about 11 August 1970, willfully disobeying a lawful command from his superior commissioned officer
- Charge III, one specification of on or about 11 August 1970, wrongfully communicating a threat to hurt first lieutenant O_
- Additional Charge I, one specification of on or about 12 August 1970, wrongfully communicating a threat to kill anyone who attempted to place him in a Conex
- The court sentenced the applicant to confinement at hard labor for six months, reduction to the grade of private (PVT)/E-1, and forfeiture of \$80.00 per month for six months. The sentence was approved on 7 September 1970.

d. Special Court-Martial Order Number 151, issued by Headquarters Commandant III Corps and Fort Hood, Fort Hood, TX on 19 March 1971, shows the applicant was found guilty of one specification of being AWOL from on or about 7 January 1971 to on or about 9 February 1971. The court sentenced him to reduction to the grade of PVT/E-1, to perform hard labor without confinement for two months and forfeiture of \$35.00 for two months, and 15 days restriction.

e. Court-martial charges were preferred against the applicant on 27 December 1972. His DD Form 458 (Charge Sheet) shows he was charged with:

- Charge I, one specification of being AWOL from on or about 16 March 1971 to on or about 25 March 1971
- Charge I, one specification of being AWOL from on or about 20 April 1971 to on or about 22 April 1971
- Charge I, one specification of being AWOL from on or about 3 May 1971 to on or about 25 May 1971
- Charge I, one specification of being AWOL from on or about 21 June 1971 to on or about 27 December 1972

f. On 22 January 1973, after consulting with legal counsel, the applicant voluntarily requested discharge for the good of the service in lieu of trial by court-martial under

Army Regulation (AR) 635-200 (Personnel Separations - Enlisted Personnel), chapter 10. The applicant acknowledged that he made the request of his own free will and was not coerced by any person. In his request for discharge, he acknowledged his understanding that by requesting discharge, he may be discharged under other than honorable conditions and furnished an Undesirable Discharge Certificate. He further acknowledged he understood that if his discharge request was approved, he could be deprived of many or all Army benefits administered by the Veteran's Administration, he could be deprived of his rights and benefits as a veteran under both Federal and State law and encounter substantial prejudice in civilian life by reason of an undesirable discharge.

g. The applicant provided a statement in his own behalf to the Commanding General requesting a General Discharge. He stated, in effect, he had a family problem, and his mother was in bad health and needed him at home. His mother had two strokes over the last year and a half and by him not being there she did not have any support and there was no one to pay the bills. It happened about two years ago, after he got back from Vietnam, and she was in bad condition and paralyzed from the right side down and did not know who he was. He did not know what to do, so he went AWOL so he could see about his mother. He wanted to get a nurse, but he did not have the money and he did not have a father because they were divorced. He knows he did a bad thing by the laws of the Army, but to him he did the right thing by his mother because she needed him the most, and he felt that he had done his part and duty by going to Vietnam and fighting for his country.

h. On 30 January 1973, the immediate commander recommended disapproval of the requested discharge. The commander noted that the applicant's conduct and efficiency was unsatisfactory during the period of 8 March 1971 to 30 January 1973. He went AWOL six times during this period and demonstrated an irresponsible attitude toward discipline and conduct by his habitual absenteeism. During this period, he never informed his superiors of the family problems mentioned in his statement. The intermediate commanders echoed the immediate commander's recommendation.

i. On 8 February 1973, the separation authority approved the discharge and directed he be issued an Undesirable Discharge (DD Form 258A).

j. The applicant was discharged on 26 February 1973. His DD Form 214 shows he was discharged under the provisions of AR 635-200, chapter 10, in the rank/grade of private (PV1)/E-1, and his service was characterized as under other than honorable conditions. He completed 1 year, 9 months, and 18 days of net service this period. This form also shows in:

- Item 15 (Reenlistment Code): RE-3B, 3, and 1B

- Item 24 (Decorations, Medals, Badges, Commendations, Citations and Campaign Ribbons Awarded or Authorized): Vietnam Service Medal with two bronze service stars, the Republic of Vietnam Campaign Medal, Combat Infantryman Badge, Army Commendation Medal with oak leaf cluster, and the Sharpshooter Marksmanship Qualification Badge (rifle)
- Item 26a (Non-Pay Periods Time Lost): 679 days lost under 10 U.S. Code 972:
 - 28 November 1969 – 10 December 1969
 - 30 October 1970 – 1 November 1970
 - 6 January 1971 – 6 February 1971
 - 8 March 1971 – 9 March 1971
 - 16 March 1971 – 24 March 1971
 - 20 April 1971 – 21 April 1971
 - 3 May 1971 – 24 May 1971
 - 21 June 1971 – 5 February 1973
- Item 30 (Remarks): Vietnam – 14 December 1969 thru 3 December 1970

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

5. The pertinent Army regulation in effect at the time provided discharges under the provision of Army Regulation 635-200, chapter 10, where voluntary requests from the Soldier to be discharged in lieu of a trial by court-martial.

6. The Board should consider the applicant's overall record in accordance with the published equity, injustice, or clemency determination guidance.

7. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting an upgrade of his under other than honorable conditions (UOTHC) characterization of service. On his DD Form 149, the applicant indicated Posttraumatic Stress Disorder (PTSD) and Other Mental Health Issues are related to his request. More specifically, he indicated that he served in combat and his diagnosis of PTSD was unknown to him during his service. He reported that he saw "dead bodies, killings of Vietnamese in the worst way" and coped with drugs and misconduct. He also indicated that he has presented to the VA on numerous occasions but was informed he was ineligible for care due to his discharge. 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 was inducted into the U.S. Army on 02 July 1969, 2) on 11 December 1969 he received an Article 15 for being absent without leave (AWOL) from on or about 28 November 1969

to on or about 10 December 1969, 3) Special Court-Martial Orders dated 02 September 1970 show the applicant was found guilty of the following: striking his superior commissioned officer, willfully disobeying a lawful command from his superior commissioned officer, wrongfully communicating a threat to hurt a first lieutenant, and wrongfully communicating a threat to kill anyone who attempted to place him in a Conex, 4) Special Court-Martial Orders dated 19 March 1971 shows the applicant was found guilty of being AWOL from on or about 07 January 1971 to on or about 09 February 1971, 5) court-martial charges were preferred against the applicant on 27 December 1972 for four separate specifications of being AWOL (16 March 1971 to 25 March 1971; 20 April 1971 to 22 April 1971; 03 May 1971 to 25 May 1971; and 21 June 1971 to 27 December 1972), 6) on 22 January 1973, the applicant voluntarily requested discharge for the good of the service in lieu of trial by court-martial under Army Regulation (AR) 635-200, Chapter 10. The applicant provided a statement in his own behalf to the Commanding General requesting a General Discharge. In effect, the applicant stated that his mother was in bad health and needed him at home so he went AWOL so he could 'see about his mother,' 7) the applicant was discharged on 26 February 1973 under the provisions of AR 635-200, Chapter 10, with a reenlistment code of RE-3B, and 1B. His DD Form 214 shows service in Vietnam from 14 December 1969 through 03 December 1970. He received several Medals and awards to include the Vietnam Service Medal with 2 Bronze Service Stars, Republic of Vietnam Campaign Medal, Combat Infantryman Badge, Army Commendation Medal with one Oak Leaf cluster, and Sharpshooter (Rifle).

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the ROP and casefiles, supporting documents and the applicant's military service and available medical records. The VA's Joint Legacy Viewer (JLV) was also examined. The electronic military medical record (AHLTA) was not reviewed as it was not in use during the applicant's time in service. Lack of citation or discussion in this section should not be interpreted as lack of consideration.

c. Review of the applicant's service records shows his PULHES on his induction paperwork dated 02 July 1969 as 11112R1, indicating there were no BH concerns noted at the time of his enlistment. DA Form 20 shows his PULHES on 05 February 1973 as 111111, indicating there were no BH concerns at the time the form was completed. The form also shows his conduct and efficiency were documented as 'excellent' from July 1969 through 30 December 1969. He was rated as 'unsatisfactory' on 07 April 1970 though was again documented as 'excellent' on 21 September 1970. His remaining ratings were documented as 'unsat' and 'unknown.' There were no in-service medical records available for review.

d. A review of JLV shows the applicant is not service-connected through the VA for any conditions. However, it is of note that his UOTHC discharge renders him ineligible for clinical services. VA records show that the applicant initiated VA services for housing

assistance once in 2021 and began more consistent follow-up beginning 08 June 2023. He has maintained services through the Veterans Affairs Supportive Housing (VASH) mental health program through present day. On 01 August 2023, a Social Work Homes Assessment note shows the evaluating provider marked 'yes' regarding Military PTSD being a treatment concern that applied to the applicant. On 03 August 2023, it was documented that he was ineligible for the VA substance abuse treatment program, SARRTP, due to his character of discharge. On 10 August 2023, the applicant was screened for suicide, PTSD, and depression. Although he screened negative for PTSD on the PC-PTSD (Advisor's Note: the applicant responded 'yes' to two out of five questions, 'yes' to 4/5 is generally considered a positive screen), he endorsed a history of trauma, re-experiencing symptoms (e.g., nightmares/intrusive thoughts), and avoidance behaviors. He also screened negative for suicidal ideation and depression at the time of the screening.

e. A Social Work Psychosocial Assessment note dated 27 February 2024 shows that the applicant reported he was exposed to combat 'with explosives and seeing individuals dying.' It was documented that he reported he became addicted to heroin to cope while he was in-service and then went AWOL. Furthermore, the applicant reported he has self-medicated his entire life after exposure to combat. A Social Work note dated 05 March 2024 shows that the applicant reported experiencing trauma from his service in Vietnam though has been unable to seek treatment due to his discharge. The social worker attempted to refer him to a non-VA clinic, Cohen Clinic; however, it was documented that the clinic was only working with post 9/11 veterans at the time of the writing. Per JLV the applicant has been diagnosed with Adjustment Disorder, Unspecified, Cocaine Dependence, Uncomplicated, Other Problems Related to Housing and Economic Circumstances, Sheltered Homelessness, and Unspecified Problems Related to Employment. His diagnosis of Adjustment Disorder, Unspecified appears to be related to his psychosocial circumstances and was not associated with his military service.

f. Based on the available information, it is the opinion of the Agency Medical Advisor that there is evidence that the applicant experienced trauma-related symptoms due to his service in Vietnam. There were no in-service medical records available for review. The applicant's diagnoses through the VA include Adjustment Disorder, Unspecified, Cocaine Dependence, Uncomplicated, Other Problems Related to Housing and Economic Circumstances, Sheltered Homelessness, and Unspecified Problems Related to Employment do not constitute BH mitigating conditions. Review of the applicant's VA records and self-authored statement(s) indicate that the applicant reported a history of exposure to combat-related traumatic events while deployed to Vietnam. Additionally, a PTSD screening through the VA showed that the applicant endorsed symptoms of re-experiencing and avoidance. Furthermore, his records indicate that he reported self-medicating with substances in order to cope with his trauma exposure. Although the applicant was not formally diagnosed with a BH condition in-service and is not service-

connected through the VA for a BH condition, this Advisor would contend there is evidence that the applicant has experienced PTSD-related symptoms secondary to his service in Vietnam and thus provides support for BH mitigation.

g. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant contends his misconduct was related to PTSD and Other Mental Health Issues.

(2) Did the condition exist or experience occur during military service? Yes, per the applicant's assertion.

(3) Does the condition or experience actually excuse or mitigate the discharge? Yes. There were no in-service medical records available for review. Although the applicant is not service connected for any conditions through the VA and has not been formally diagnosed with any mitigating BH conditions, it is of note that his UOTHC discharge renders him ineligible for VA services. The lack of documentation of PTSD symptoms in the applicant's military records does not necessarily indicate he did not have in-service PTSD. In the era of the applicant's military service, PTSD symptoms were frequently not recognized. In such cases, the presence of PTSD has to be inferred from behavioral indicators documented in the applicant's record. Such is the case with this applicant. Although there is evidence of one episode of misconduct prior to his service in Vietnam, his conduct and efficiency were largely rated as 'excellent' prior to his deployment to Vietnam. Additionally, records show that he received at least two ARCOMs during his service, indicative of outstanding performance during his period of enlistment. This pattern of performing well followed by a period of decline is not uncommon in Soldiers suffering from PTSD. Furthermore, his capacity to cope was further aggravated by his familial stressors due to his mother's declining health. Post-discharge VA records and his self-authored statement show that he reported a history of combat-related trauma exposures during his service to Vietnam. Additionally, a PTSD screening through the VA shows he endorsed symptoms related to re-experiencing and avoidance. As there is an association between avoidance behaviors and combat-related trauma exposure, there is a nexus between his going AWOL and underlying BH symptoms associated with combat-related trauma/PTSD symptoms. As such, BH mitigation is supported.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy

and regulation, and published Department of Defense guidance for liberal and clemency determinations requests for upgrade of his characterization of service. Upon review of the applicant's petition, available military records, and the medical review, the Board considered the advising opinion of the Agency Medical Advisor, which found credible evidence indicating the applicant experienced trauma-related symptoms stemming from his service in Vietnam. Although no in-service medical documentation was available for review, the applicant's Department of Veterans Affairs (VA) records and personal statements reflect a history of exposure to combat-related traumatic events during his deployment. The medical opinion noted that, given the established link between avoidance behaviors and exposure to combat trauma, the applicant's AWOL incidents could reasonably be interpreted as connected to underlying behavioral health symptoms consistent with PTSD. As such, the Board acknowledged that behavioral health mitigation is applicable in this case.

2. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant contends his misconduct was related to PTSD and Other Mental Health Issues.

(2) Did the condition exist or experience occur during military service? Yes, per the applicant's assertion.

(3) Does the condition or experience actually excuse or mitigate the discharge? Yes. There were no in-service medical records available for review. Although the applicant is not service connected for any conditions through the VA and has not been formally diagnosed with any mitigating BH conditions, it is of note that his UOTHC discharge renders him ineligible for VA services. The lack of documentation of PTSD symptoms in the applicant's military records does not necessarily indicate he did not have in-service PTSD. In the era of the applicant's military service, PTSD symptoms were frequently not recognized. In such cases, the presence of PTSD has to be inferred from behavioral indicators documented in the applicant's record. Such is the case with this applicant. Although there is evidence of one episode of misconduct prior to his service in Vietnam, his conduct and efficiency were largely rated as 'excellent' prior to his deployment to Vietnam. Additionally, records show that he received at least two ARCOMs during his service, indicative of outstanding performance during his period of enlistment. This pattern of performing well followed by a period of decline is not uncommon in Soldiers suffering from PTSD. Furthermore, his capacity to cope was further aggravated by his familial stressors due to his mother's declining health. Post-discharge VA records and his self-authored statement show that he reported a history of combat-related trauma exposures during his service to Vietnam. Additionally, a PTSD screening through the

VA shows he endorsed symptoms related to re-experiencing and avoidance. As there is an association between avoidance behaviors and combat-related trauma exposure, there is a nexus between his going AWOL and underlying BH symptoms associated with combat-related trauma/PTSD symptoms. As such, BH mitigation is supported.

3. Notwithstanding the medical opinion indicating behavioral health mitigation and a nexus between the applicant's prolonged AWOL and underlying mental health symptoms, the Board determined that the evidence of in-service mitigating factors was insufficient to overcome the severity of the applicant's misconduct. The applicant cited his combat service in Vietnam and subsequent struggles with post-traumatic stress disorder (PTSD), substance use, and homelessness, asserting that his misconduct stemmed from trauma experienced during combat. While the Board acknowledges the applicant's Vietnam service and the potential long-term impact of combat exposure on his mental health, the official record reflects a sustained and serious pattern of misconduct throughout his military tenure.

4. Although the applicant referenced family hardship and his mother's deteriorating health as contributing factors, the record indicates he did not communicate these concerns to his chain of command, nor did he seek assistance through available military support systems. Additionally, the applicant did not submit any post-service achievements or character references for the Board to consider in support of a clemency determination. The record documents multiple instances of nonjudicial punishment and convictions by special courts-martial for offenses including repeated unauthorized absences, assault and threats against a superior officer, and willful disobedience. His final AWOL period extended over 18 months, further underscoring a disregard for military discipline and the standards expected of a Soldier.

5. In the absence of compelling evidence of error, injustice, or behavioral health mitigation sufficient to outweigh the frequency and gravity of the applicant's misconduct, the Board agreed that the characterization of service the applicant received at the time of discharge was both proper and equitable. As such, the Board denied relief.

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//

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. Army Regulation (AR) 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 provided that an individual whose conduct has rendered him triable by court-martial under circumstances which could lead to a bad conduct or dishonorable discharge may submit a request for discharge for the good of the service. The request for discharge may be submitted at any time after court-martial charges are preferred against him. Commanders will ensure that there is no element of coercion in submitting a request for discharge for the good of the service. The member will be given a reasonable time to consult with counsel and to consider the wisdom of submitting such a request for discharge. If he elects to submit the request, the member will personally sign the written request, certifying that he understands that he may receive a discharge under other than honorable conditions and that he understands the adverse nature of such a discharge and the possible consequences thereof. An undesirable discharge certificate was normally furnished to an individual who was discharged for the good of the service. However, the discharge authority may direct an honorable or general discharge, if warranted.

b. An honorable discharge is a separation with honor. Issuance of an honorable discharge certificate is predicated upon proper military behavior and proficient performance of duty during the member's current enlistment or period of obligated service with due consideration for the member's age, length of service, grade, and general aptitude. Where a member has served faithfully and performed to the best of his ability and has been cooperative and conscientious in doing his assigned tasks, he may be furnished an honorable discharge.

c. A general discharge is a separation from the Army under honorable conditions. It is issued to a member whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

d. An undesirable discharge is an administrative separation from the service under conditions other than honorable. It may be issued for unfitness or misconduct. An undesirable discharge will be directed only by a commander exercising general court-martial jurisdiction, a general officer in command who has a judge advocate officer on his staff, or by higher authority, based on the approved recommendation of a board of officers, unless the member waives the board or requests discharge for the good of the Service.

3. AR 601-210 (Active and Reserve Components Enlistment Program) covers eligibility criteria, policies, and procedures for enlistment and processing into the Regular Army, U.S. Army Reserve, and Army National Guard. Table 3-1 provides a list of RE codes.

- RE code "1" applies to Soldiers completing their term of active service, who are considered qualified for enlistment if all other criteria are met

- RE code "2" is no longer in use but applied to Soldiers separated for the convenience of the government, when reenlistment is not contemplated, who are fully qualified for enlistment/reenlistment
- RE code "3" applies to Soldiers who are not considered fully qualified for reentry or continuous service at time of separation, whose disqualification is waivable; they are ineligible unless a waiver is granted
- RE code "4" applies to Soldiers separated from last period of service with a non-waivable disqualification
- RE code "3B" applied to Soldiers who had lost time during their last period of service, who were ineligible for enlistment unless a waiver was granted
- RE code "3C" applied to Soldiers who had completed over 4 months of service who did not meet the basic eligibility pay grade requirements or who have been denied reenlistment under the Qualitative Retention Process and were ineligible for enlistment unless a waiver was granted.

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 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; TBI; sexual assault; sexual harassment. Boards were directed 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 that misconduct which led to the discharge.

5. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. Boards for Correction of Military/Naval Records may grant clemency regardless of the court-martial forum. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to any other corrections, including changes in a discharge, which may be warranted on equity or relief from injustice. This guidance does not mandate relief but 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. 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.

6. Section 1556 of Title 10, United States Code, 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//