

IN THE CASE OF: [REDACTED]

BOARD DATE: 17 January 2025

DOCKET NUMBER: AR20240004994

APPLICANT REQUESTS: Correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) by changing the narrative reason for his separation and corresponding Separation Program Designator (SPD) code to show he was voluntarily discharged as a result of "Hardship."

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Self-authored statement (9 pages)
- Extracts from Army Regulation 635-200 (Personnel Separations - Enlisted Personnel) (5 pages)
- Information about post-traumatic stress disorder (PTSD) (2 pages)
- One Station Unit Training (OSUT) documents (14 pages)
- Documents extracted from his separation packet (4 pages)
- Documents related to his Army Discharge Review Board (ADRB) case (15 pages)
- Post-service character references (2)
- Post-service training certifications (12)
- Department of Veterans Affairs (VA) certificates (2)

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 granting the requested relief would more accurately reflect his service and the challenges he faced. Given recent advancements in understanding mental health, particularly PTSD, and the increased recognition of harassment, he respectfully requests a reevaluation of his discharge. The challenges he faced while serving, coupled with personal hardships, significantly affected his well-being and ability to meet the expected standards.

a. While participating in the OSUT program at Fort Knox, KY, the members of his platoon supported each other through the tough mental and physical challenges and went on to achieve the Honor Platoon designation. Upon their graduation, they received orders to Germany.

b. However, he had an unforeseen family crisis that demanded his immediate attention and resulted in him receiving a compassionate reassignment to Fort Hood, TX. This arrangement kept him in the U.S. so he could be readily available to provide crucial support to his family if needed back home.

c. Unfortunately, this marked the onset of a stark change in his military experience, characterized by feelings of resentment, hostility, and ongoing mistreatment. He endured menial tasks, such as latrine duty, while enduring continuous reprimands and harassment. Every action he took seemed to invite criticism, resulting in a relentless assault on both his mental and physical well-being. These conditions took a toll on his mental health, plunging him into a state of depression, fear, anger, and confusion. Consequently, his behavior changed, hindering his ability to fulfill his duties effectively and causing a significant departure from his previous state of mind.

d. Prior to enlisting, he had no history of mental health issues. However, the environment at his new assignment triggered symptoms akin to PTSD, which persist to this day. The mere mention of his military experience evokes vivid memories of this highly stressful period. He firmly believes that had proper treatment and procedures been administered at the time, he would have received the necessary support to achieve a more favorable discharge, recognizing the impact on his mental and emotional well-being.

e. Merely a month after reporting to Fort Hood, he received notification of an impending discharge classified as "Under Honorable Conditions." which would take place the following month. The entire experience was profoundly traumatic, and he still bears the weight of being discharged after only *seven* months of military service.

f. After his discharge and return home, the circumstances that caused significant challenges were successfully addressed. He contacted his recruiter, explained what took place, and asked for her advice. She advised him of the possibility of returning to the Army in the Reserve or National Guard where he would be closer to family, but he would have to contact the ADRB to seek an upgrade to an Honorable discharge. He submitted a formal request to the ADRB seeking an upgrade. At that time, he did not specifically request a modification to the narrative reason for his separation, nor did he fully grasp the significance it would hold for his eligibility for health benefits, particularly in relation to a discharge labeled as "Hardship" versus "Failure to Meet Military Standards." The findings of the ADRB affirmed the impropriety

and inequitable procedure in the process surrounding his discharge, primarily due to the inadequate evaluation period of less than 60 days at his new assignment. As a result, his discharge status was upgraded to "Honorable," yet the narrative reason of "Failure to maintain acceptable standards for retention" remained unchanged.

g. Over the years, he continued to advance his education, obtaining numerous certifications and receiving commendations from previous employers. Notable achievements include becoming an Automotive Service Excellence (ASE) certified Technician, working for the [REDACTED] from 1987 to 1991, obtaining a license as an official smog inspector and authorized repairman from the [REDACTED] Automotive Repairs, and furthering his expertise in Microsoft systems administration. He currently holds the position of Emergency Vehicle Technician (EVT) [REDACTED] [REDACTED] where he has earned numerous awards and certifications. He shares these accomplishments to provide insight into his character, discipline, integrity, and trustworthiness.

h. In 1986, he applied for and received a VA certificate of eligibility for a home loan, but financial constraints prevented him from proceeding. He also obtained a certificate of Veteran status, indicating his eligibility for VA benefits. While he did not initially apply for VA benefits, he believed he was eligible based on the certificates and discharge upgrade he received.

i. He recently applied for VA health benefits and his request was denied based upon the fact that he served for less than 24 months, and his discharge was not the result of either hardship or a disability incurred in or aggravated in the line of duty. He believes his situation at the time warranted a hardship discharge.

j. Despite accepting the discharge as presented to him at the time, he remains steadfast in his belief that an injustice was committed. He was swiftly discharged without an evaluation of the mental trauma engendered by the hostile and toxic environment he endured. He firmly believes that had a diagnosis and treatment been administered at that time, it would have been possible for him to remain in the military, affording him the chance to serve out his military obligations instead of being offered a sole option of discharge.

k. The applicant indicates on his DD Form 149, that PTSD, other mental health, and sexual assault/harassment issues are related to his request.

3. The applicant enlisted in the Regular Army on 20 October 1981 for a period of three years. Upon completion of OSUT he was awarded military occupational specialty 19E (Armor Crewman). He was assigned to a unit at Fort Hood, TX and arrived on station on 15 March 1982.

4. On 2 April 1982, the applicant declined the opportunity to undergo a medical examination for separation.
5. On 13 April 1982, the applicant was counseled regarding his poor performance and attitude. It was noted that his attitude indicated he did not care what happened within his platoon, to himself, or to anyone. He was advised that this kind of performance could not be tolerated within his platoon or the Army.
6. On 14 April 1982, the applicant was counseled regarding being absent from morning accountability formation. The senior noncommissioned officer informed the applicant that he believed he should be put out of the Army because he did not seem to care about himself or the Army.
7. On 14 April 1982, the applicant was counseled by his immediate commander, who noted the applicant did not wear a watch and admitted to being in the latrine when he missed formation. He showed signs of distress about problems at home and had not written home in over two weeks. The applicant said all but \$20.00 of his pay went to his mother and he could not afford a stamp. The commander stated he would provide a stamp to the applicant so he could write home.
8. On 15 April 1982, the applicant's immediate commander requested the applicant undergo a mental health consultation to obtain psychiatric clearance for administrative action under the provisions of Army Regulation 635-200 (Personnel Separations - Enlisted Personnel). The commander noted the applicant perceived military duty as "more stress that he can handle." During his initial interview upon assignment to the unit, the applicant disclosed a pregnant fiancée at home; his mother was financially destitute, and he worried abnormally about problems over which he had no control. The applicant also disclosed that he desired either a hardship or expeditious discharge under the provisions of 635-200 so he could return home and render assistance. He seemed aloof to duty requirements and had not tried to excel in duty. He showed signs of great depression due to family problems at home and appeared lethargic and apathetic. The commander opined the applicant did not possess stability or maturity to perform duties as a tank crewman.
9. On 6 May 1982, the applicant underwent a mental status evaluation. It was determined that he did not have any significant mental illness; he was mentally responsible; he was able to distinguish right from wrong and adhere to the right; he had the mental capacity to understand and participate in board proceedings; and he met regulatory retention standards.
10. On 6 May 1982, the applicant rendered a statement wherein he stated he requested to be separated because he was unable to adjust to the Army. He also had been worrying about his family and home and could not concentrate on his work. He

also wanted to be separated before he got into trouble. He had consumed a lot of alcohol and was smoking a lot of cigarettes, two things he had never done much of previously, and he did not want them to become habits.

11. On 17 May 1982, the applicant's immediate commander notified the applicant that he was initiating actions to separate him from service under the provisions of Army Regulation 635-200, paragraph 5-37 (Expeditionary Discharge Program (EDP)), with an under honorable conditions (general) discharge. As reasons for the proposed separation, the commander cited his demonstrated lack of motivation, inability to adapt socially, inability to adapt emotionally, failure to demonstrate promotional potential, inability to accept instructions and directions, and clearly substandard performance. He advised the applicant he had the right to decline this discharge but, if he declined and his subsequent conduct indicated that such action was warranted, he could be subject to disciplinary or administrative separation.

12. The applicant acknowledged receipt of the separation notification. He was advised of the rights available to him and the effect of waiving his rights. He voluntarily consented to the separation and elected not to submit a statement in his own behalf.

13. The applicant's commander formally recommended the applicant's separation from service under the provisions of Army Regulation 635-200, paragraph 5-37. The separation authority approved the recommended action on 19 July 1979 and directed the issuance of a General Discharge Certificate.

14. On 18 May 1982, the separation authority approved the recommendation and directed the applicant be issued a General Discharge Certificate.

15. Orders and the applicant's DD Form 214 show he was discharged on 20 May 1982 under the provisions of Army Regulation 635-200, paragraph 5-31h, by reason of - Failure to maintain acceptable standards for retention. His service was characterized as under honorable conditions (General), and he was assigned SPD code "JGH" and Reenlistment code "RE-3." He was credited with completion of 7 months and 1 day of net active service.

16. On 20 May 1982, the applicant was provided written guidance on how to apply to the ADRB for a review of his discharge.

17. The applicant petitioned the ADRB for an upgrade of the characterization of his service to honorable. On 23 November 1983, the applicant was informed that after reviewing the findings and conclusions of the ADRB, the Secretary of the Army directed he be informed that his discharge had been changed to honorable. The applicant was provided a revised DD Form 214 depicting his characterization of service as honorable.

18. On 22 October 2024, a member of the Army Review Boards Agency (ARBA) staff requested the applicant provide medical documents in support of his issue of PTSD. To date, the applicant has not responded.

19. On 18 November 2024, in response to a request from an ARBA staff member, the Department of the Army, Criminal Investigation Division, Quantico, VA informed ARBA a search of the Army criminal file indexes revealed no sexual assault investigation pertaining to the applicant.

20. In addition to the previously discussed evidence, the applicant provides:

- a. Extracts from Army Regulation 635-200 pertaining to the administrative separation process.
- b. Information about PTSD and its potential impact on Soldiers.
- c. Documents depicting the various training and testing the applicant underwent during OSUT.
- d. Two post-service character references wherein the authors rendered favorable comments about the applicant's abilities and performance.
- e. Documents showing the various training certifications the applicant earned following his separation from the Army.
- f. Two certificates which indicate the applicant was determined to be eligible for receipt of VA benefits, dated 25 January 1986 and 5 January 1988, respectively.

21. In reaching its determination, the Board can consider the applicant's petition, arguments and assertions, and service record in accordance with the published equity, injustice, or clemency guidance.

22. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting a correction of his DD Form 214 by changing the narrative reason for his separation and corresponding Separation Program Designator (SPD) code to show he was voluntarily discharged as a result of "Hardship." On his DD Form 149, the applicant indicated Posttraumatic Stress Disorder (PTSD) and sexual assault/harassment are related to his request. 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 enlisted in the Regular Army (RA) on 20 October 1981, 2) the applicant was counseled on three occasions between 13-14 April 1982 for poor performance and attitude, being absent from morning

accountability formation, and not wearing a watch and being in the latrine when missing formation. His counseling dated 14 April 1982 by his immediate commander noted he showed signs of distress about problems at home and had not written home in over two weeks. The applicant said all but \$20.00 of his pay went to his mother and he could not afford a stamp. 3) He underwent a mental status evaluation (MSE) on 06 May 1982 for psychiatric clearance for administrative separation under the provisions of Army Regulation (AR) 635-200 and it was determined that he did not have any significant mental illness; he was mentally responsible; he was able to distinguish right from wrong and adhere to the right; he had the mental capacity to understand and participate in board proceedings; and he met regulatory retention standards, 5) on 17 May 1982, the applicant's commander notified him he was initiating actions to separate him from service under the provisions of AR 635-200, paragraph 5-37 (Expeditious Discharge Program (EDP)). As reasons for the proposed separation, the commander cited his demonstrated lack of motivation, inability to adapt socially, inability to adapt emotionally, failure to demonstrate promotional potential, inability to accept instructions and directions, and clearly substandard performance, 6) the applicant was discharged on 20 May 1982 under the provisions of AR 635-200, paragraph 5-31h, by reason of-Failure to maintain acceptable standards of retention, with a separation code of JGH and reenlistment code of "RE-3," 7) The applicant previously petitioned the ADRB for an upgrade of the characterization of his service to honorable. On 23 November 1983, the applicant was informed that after reviewing the findings and conclusions of the ADRB, the Secretary of the Army directed he be informed that his discharge had been changed to honorable. The applicant was provided a revised DD Form 214 depicting his characterization of service as honorable.

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. A Report of Medical History dated 25 June 1981 for the purposes of enlistment shows the applicant stated he was in "good health" and did not indicate any prior history of BH-related concerns. The associated Report of Medical Examination dated 25 June 1981 shows item number 42, psychiatric, as 'normal' on clinical evaluation. A note from the Community Mental Health Activity [date illegible] authored by a Social Work Officer shows the chief complaint as wanting to get out of the army and the impressions were noted as Adjustment Reaction (now known as Adjustment Disorder). The provider noted the applicant would return to the clinic for follow-up; however, there were no additional follow-ups noted. On 15 April 1982, the applicant's commander requested a mental health consultation for the purposes of psychiatric clearance for administrative action under the provisions of AR 635-200, Chapter 5. It was specifically noted that the

applicant perceived the military as more stress than he could handle and noted several psychosocial stressors as contributing to his stress. It was further noted that the applicant desired a hardship or expeditious discharge to return home. The commander described the applicant as “aloof to duty requirements and has not made an effort to excel in duty.” The commander further noted that the applicant showed signs of “great depression to family problems at home. Appears lethargic and apathetic.” The applicant’s MSE dated 06 May 1982 shows his behavior, orientation, thinking process, thought content and memory fell within normal limits (WNL). His level of alertness was noted as “dull” and his mood was marked as “level.” The provider marked that the applicant did not have significant mental illness, that he was mentally responsible, was able to distinguish right from wrong and able to adhere to the right, had the mental capacity to understand and participate in board proceedings, and met retention standards in accordance with (IAW) AR 40-501. On 6 May 1982, the applicant rendered a statement wherein he stated he requested to be separated because he was unable to adjust to the Army. He also had been worrying about his family and home and could not concentrate on his work. He also wanted to be separated before he got into trouble as he indicated he had consumed a lot of alcohol and was smoking a lot of cigarettes, two things he had never done much of previously.

d. A review of JLV was void of medical information. The applicant is not service-connected through the VA for any conditions.

e. A memorandum from the Criminal Investigation Division (CID) dated 18 November 2024 shows a search of the Army criminal file indexes revealed no sexual assault investigation pertaining to the applicant.

f. In his self-authored statement to the board [undated], the applicant noted that while in the Army he endured “menial tasks, such as latrine duty, while enduring continuous reprimands and harassment.” He further stated, “every action I took seemed to invite criticism, resulting in a relentless assault on both my mental and physical well-being.” As a result of his experiences at his first assignment, the applicant noted that he developed symptoms of PTSD.

g. Based on the available information, it is the opinion of the Agency Medical Advisor that there is insufficient evidence that the applicant had a condition or experience during his time in service that mitigated his discharge. However, he contends that his discharge was related to PTSD and sexual assault/harassment, and, per liberal guidance, his assertion is sufficient to warrant the Board’s consideration.

h. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant contends his discharge was related to PTSD and sexual assault/harassment.

(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? No. Review of the applicant's in-service medical records show he was diagnosed with Adjustment Reaction on one occasion. An MSE conducted for the purposes of administrative separation showed he was not diagnosed with a BH condition at the time of the evaluation and that he met retention standards IAW AR 40-501. It is also of note that the applicant's records indicate he had significant psychosocial stressors while in-service. However, Adjustment Reactions lasting less than 6 months and psychosocial stressors do not constitute mitigating conditions. The applicant is not service-connected through the VA for any BH conditions and he did not provide any civilian BH documentation for review. In absence of documentation supporting his assertion there is insufficient evidence to establish his discharge was related to or mitigated by PTSD and insufficient evidence to support an upgrade based on BH mitigation. However, he contends that his discharge was related to PTSD, and, per liberal guidance, his assertion is sufficient to warrant the Board's consideration.

i. Although the applicant checked 'sexual assault/harassment' on his application, it is unclear if he is requesting consideration of his application based on a history of Military Sexual Trauma (MST) as there were no details of sexual assault/harassment provided in his application and no report of MST available for review in his medical records.

#### BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board found that relief was 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, regulation, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The evidence shows the applicant was discharged from active duty due to the Expeditious Discharge Program. The Board found no error in his separation processing. However, the Board found the preponderance of the evidence shows an injustice occurred when the applicant was not counseled to submit a request for separation from the service because of hardship.

The Board was convinced by the applicant's statements documented at the time of discharge and also contained in the application and determined relief was appropriate to amend his narrative reason for discharge and corresponding SPD code to align with the narrative.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 20 May 1982 to show in:

- item 25 (Separation Authority): Army Regulation 635-200
- item 26 (Separation Code): MDB
- item 28 (Narrative Reason for Separation): Hardship

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 three-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Title 10, USC, Section 1556, provides the Secretary of the Army shall ensure that an applicant seeking corrective action by ARBA is provided a copy of all correspondence and communications, including summaries of verbal communications, with any agencies or persons external to agency or board, or a member of the staff of the agency or Board, that directly pertains to or has material effect on the applicant's case, except as authorized by statute.
3. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The regulation provides that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. It is not an investigative body. The ABCMR may, in its discretion, hold a hearing.
4. Army Regulation 635-200 (Personnel Separations - Enlisted Personnel) sets forth the basic authority for the separation of enlisted personnel. The version in effect at the time provided that:
  - a. 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.
  - b. Paragraph 5-31 provided for the discharge of enlisted personnel who had completed at least 6 months but less than 36 months of active duty and who had demonstrated that they could not or would not meet acceptable standards required of enlisted personnel in the Army because of the existence of one or more of the following conditions: poor attitude, lack of motivation, lack of self-discipline, inability to adapt socially or emotionally, or failure to demonstrate promotion potential. No individual would be discharged under this program unless the individual voluntarily consented to the proposed discharge. Individuals discharged under this provision of the regulation were issued either a general or honorable discharge.

5. On 3 September 2014, the Secretary of Defense directed the Service Discharge Review Boards (DRB) and Service Boards for Correction of Military/Naval Records (BCM/NR) to carefully consider the revised post-traumatic stress disorder (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.

6. On 25 August 2017, the Office of the Undersecretary of Defense for Personnel and Readiness issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to: mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

7. The Under Secretary of Defense for Personnel and Readiness issued guidance to Service DRBs and Service BCM/NRs on 25 July 2018, 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 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 grounds.

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//