

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 30 January 2025

DOCKET NUMBER: AR20240005013

APPLICANT REQUESTS: reconsideration of his previous request that his DD Form 214 (Report of Separation from Active Duty) ending 9 October 1974, be upgraded to honorable.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214
- ABCMR letter 21 December 1984
- Service Certificate
- Marriage Certificate
- Death Certificate

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AC83-08686 on 7 November 1984.
2. The applicant requests the former service member's DD Form 214 from 5 November 1969 – 9 October 1974, be upgraded to an honorable discharge. The FSM was under the impression both terms of service was corrected. However, the second term 1969-1974 was not upgraded. This upgrade is needed as soon as possible for burial in Arlington. This was not discovered until rejected by Arlington National Cemetery.
3. The applicant enlisted in the Regular Army on 30 August 1968. He held military occupational specialty 76W (Petroleum Storage Specialist).
4. He served in Vietnam from 18 January 1969 to 18 November 1969 with 512th Quartermaster Company. He then served in Thailand from 6 January 1970 to 9 March 1971 with U.S. Army Depot Thailand.

5. He was honorably discharged for immediate reenlistment on 4 November 1969. He reenlisted on 5 November 1969 for a period of 4 years.

6. DA Form 20 (Enlisted Qualification Record) shows in item 44 (Time Lost under Section 972, Title 10, USC and Subsequent to Normal Date ETS (expiration term of service) several periods of Absent Without Leave:

- 28 October 1971 – 30 October 1971
- 20 April 1972 – 24 June 1972
- 25 June 1972 – 29 June 1972
- 21 April 1973 – 25 April 1973
- 2 August 1973 – 30 June 1974
- 1 July 1974 – 9 August 1974

7. He underwent a mental status evaluation on 6 September 1974, and was found to have no noted significant mental illness, was mentally responsible, able to distinguish right from wrong, able to adhere to the right, had the mental capacity to understand and participate in board proceedings.

8. The applicant's record is void of the complete facts and circumstances that led to his separation. However, his service record contains a DD Form 214 that shows he was discharged for the good of the service in lieu of trial by court martial with a characterization of service of under other than honorable conditions. It also shows he completed 3 years, 8 months, and 12 days of net active service this period. He had a total of 4 years, 10 months, and 17 days total active service with 449 days lost under 10 USC 972. He was awarded or authorized:

- Vietnam Service Medal with 4 bronze service stars
- National Defense Service Medal
- Republic of Vietnam Campaign Medal

9. On 29 June 1981, the Army Discharge Review Board (ADRB), after careful consideration of his military records and all other available evidence, determined that he was properly discharged. Accordingly, the Secretary of the Army has directed that he be advised that his request for a change in the type and nature of his discharge was denied.

10. On 14 November 1983, the ADRB after careful consideration of his military records and all other available evidence, determined that he was properly discharged. Accordingly, the Secretary of the Army has directed that he be advised that his request for a change in the type and/or reason of his discharge was denied.

11. On 7 November 1984, the ABCMR case (AC83-08686) board determined that:

- All of the Department of the Army records of the applicant be corrected to show that he was eligible for a complete and unconditional separation from the military service at the time of his honorable discharge on 4 November 1969
- So much of his application which is in excess of the foregoing be, and hereby was, denied
- He was notified on 23 November 1984

12. On 28 July 1998, under the ABCMR Reconsideration Project. After careful review of his records, it was determined that the prior administrative reviews of his records were properly handled.

13. The applicant provides:

a. ABCMR letter, 21 December 1984, which states complete and unconditional honorable discharge from the Army on 4 November 1969 shows he had two complete periods of service. He may now apply to the Veterans Administration for any benefits to which he may be entitled based on his honorable period of service.

b. Service Certificate which states this is to certify that the records of the applicant, SSN [REDACTED] have been corrected Under the Provisions of Title 10, United States Code, Section 1552, to show that he was eligible for a complete and unconditional separation from the military service at the time of his honorable discharge on 4 November 1969. This certificate furnished 17 December 1984.

c. Marriage Certificate which shows validity of his spouse to apply on his behalf.

d. Death Certification which shows he was deceased as of 2 December 2023.

14. By regulation, (AR 635-200) sets forth the basic authority for the separation of enlisted personnel. Chapter 10 of that regulation provides, in pertinent part, that a member who has committed an offense or offenses for which the authorized punishment includes a punitive discharge may submit a request for discharge for the good of the service in lieu of trial by court-martial. The request may be submitted at any time after charges have been preferred and must include the individual's admission of guilt. Although an honorable or general discharge is authorized, a discharge under other than honorable conditions is normally considered appropriate.

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

BOARD DISCUSSION:

After reviewing the application and all supporting documents, to include the DoD guidance on liberal consideration when reviewing discharge upgrade requests, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the multiple period of AWOL leading to the FSM's separation and a lack of any mitigating evidence for such misconduct provided by the applicant or found in the FSM's record, the Board concluded there was insufficient evidence of an error or injustice warranting a discharge upgrade.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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.

//SIGNED//
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. Army Regulation (AR) 635-200 (Personnel Separations-Enlisted Personnel) sets forth the basic authority for the separation of enlisted personnel. Chapter 10 of that regulation provides, in pertinent part, that a member who has committed an offense or offenses for which the authorized punishment includes a punitive discharge may submit a request for discharge for the good of the service in lieu of trial by court-martial. The request may be submitted at any time after charges have been preferred and must include the individual's admission of guilt. Although an honorable or general discharge is authorized, a discharge under other than honorable conditions is normally considered appropriate.

a. Paragraph 3-7a (1) states an honorable discharge is a separation with honor. 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. Only the honorable characterization may be awarded a member upon completion of his or her period of enlistment or period for which called or ordered to active duty or active duty for training, or where required under specific reasons for separation, unless an entry level status separation (uncharacterized) is warranted.

b. Paragraph 3-7b (1) states a general discharge is a separation from the Army under honorable conditions. When authorized, it is issued to a member whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

c. Paragraph 3-7b (2) states a characterization of under honorable conditions may be issued only when the reason for the member's separation specifically allows such characterization. It will not be issued to members upon separation at expiration of their period of enlistment, military service obligation, or period for which called or ordered to active duty.

2. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the type of court-martial. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice. 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, BCM/NRs 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.

//NOTHING FOLLOWS//