

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 February 2025

DOCKET NUMBER: AR20240006168

APPLICANT REQUESTS: an upgrade of his uncharacterized discharge.

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

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- Self-Authored Letter
- DD Form 214 (Certificate of Release or Discharge from Active Duty)

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 that he had many dreams upon entering the Army, and it frustrates him that he had to leave. He describes feeling defeated by his own mind. Upon his discharge, he was not mentally stable and found it distressing to see or hear anything related to the Army, which led to depression. At the time, he did not want any paperwork related to his service, as he was struggling with severe mental distress, frequently crying, experiencing anxiety, and having thoughts of self-harm. He states that his mental health struggles affected his personal relationships, including his marriage, which ultimately ended in divorce because his ex-wife could not cope with his behavior. Over the years, he has suffered from chronic sleep disturbances, headaches, and excessive daytime sleepiness, which have impacted his daily life.

3. The applicant provide a DD Form 214 for his service from 3 May 1988 through 15 June 1988.

4. A review of the applicant's service record shows:

- a. He enlisted in the Regular Army on 3 May 1988.

b. An ATC Form 582 (Mental Health Evaluation of Active-Duty Air Force Personnel) dated 13 May 1988 shows, the immediate commander referred the applicant to Behavior Health for emotionally disturbed, the applicant refuses to follow instructions, and he stated his desire to be returned home. The immediate commander was concerned the applicant would attempt suicide.

c. On 16 May 1988, the Chief, Mental Hygiene Clinic, recommended the applicant be administratively separated for the benefit of the Army. He felt the applicant's suitability for continued military service was poor.

d. On 25 May 1988, the applicant's immediate commander notified the applicant of his intent to separate the applicant under the provisions of Chapter 11, Army Regulation (AR) 635-200 (Personnel Separation – Enlisted Personnel), for failure to adapt to the rigors of military life. The reasons for his proposed action were the applicant wished to go home to his mother and his threat to commit suicide. He acknowledged receipt on the same day.

e. On 25 May 1988, after declining consultation with legal counsel, he acknowledged:

- he did not desire legal counsel.
- he did not desire to make statements or submit rebuttal on his behalf.
- he did not desire to have a separation medical examination.
- he acknowledged he will not be permitted to apply for the United States Army within 2 years from his separation.

f. On 7 June 1988, the immediate commander-initiated separation action against the applicant for failure to adapt to the rigors of military life, he completed approximately 43 days of active service. The commander recommended immediate separation.

g. The separation authority approved the discharge recommendation for immediate separation under the provisions of AR 635-200, Chapter 11, for entry level performance and conduct.

h. Orders 112-42, dated 10 June 1988, discharged the applicant from active duty with an effective date of 15 June 1988.

i. On 15 June 1988, he was discharged from active duty with uncharacterized service. His DD Form 214 shows he completed 1 month and 13 days of active service. The narrative reason for separation was listed as "Entry Level Status."

5. By regulation (AR 635-200), a separation is described as an entry-level separation if processing is initiated while a member is in an entry-level status. This separation policy

applies to Soldiers who enlisted in the Regular Army, Army National Guard, or U.S. Army Reserve who are in entry level status and, before the date of initiation of separation action, have completed no more than 180 days of creditable continuous active duty or IADT by the date of separation and have demonstrated they are not qualified for retention.

6. By regulation (AR 635-8), the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

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

8. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting a change to his uncharacterized discharge. He contends he experienced mental health conditions that mitigate 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 enlisted in the Regular Army on 3 May 1988; 2) On 25 May 1988, the applicant's immediate commander notified him of his intent to separate the applicant for failure to adapt to the rigors of military life; 3) On 15 June 1988, the applicant was discharged, Chapter 11, for entry level performance and conduct with an uncharacterized characterization of service. He completed 1 month and 13 days of active service.

b. The Army Review Boards Agency (ARBA) Medical Advisor reviewed the available supporting documents and the applicant's available military service and medical records. The VA's Joint Legacy Viewer (JLV) was also examined. No additional medical documentation was provided for review.

c. The applicant asserts his experience of mental health conditions is related to his request for a change to his uncharacterized discharge. The applicant was referred by his commander to be seen by mental health services for an evaluation on 13 May 1988. The applicant was noted to be emotionally distressed, not following instruction, and the commander was concerned the applicant may attempt suicide. On 16 May 1988, the Mental Hygiene Clinic responded to the commander's request for an evaluation, and the applicant was recommended for administrative separation from the military. The applicant was diagnosed with an Adjustment Disorder with mixed emotional features and was determined to be unsuitable for continued military service.

d. A review of JLV provided insufficient evidence the applicant has ever been diagnosed with a mental health condition, and he does not receive any service-connected disability. The applicant underwent a Compensation and Pension evaluation for mental health conditions in August 2024, and he was not diagnosed with a service-connected mental health condition.

e. Based on the available information, it is the opinion of the Agency Medical Advisor that there is insufficient evidence to support the applicant had a mental health condition or experience that mitigates his discharge.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? Yes, the applicant asserts he experienced mental health conditions which mitigates his discharge. The applicant was diagnosed with an Adjustment Disorder while on active service.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts he experienced mental health conditions which mitigates his discharge. The applicant was diagnosed with an Adjustment Disorder while on active service.

(3) Does the condition or experience actually excuse or mitigate the misconduct? No, there is sufficient evidence the applicant was experiencing difficulty adjusting to military training, and he was quickly identified, properly evaluated, and appropriately administratively separated from the military. However, the applicant contends he was experiencing a mental health condition or an experience that mitigates his discharge, and per Liberal Consideration the contention is sufficient for the board's consideration.

BOARD DISCUSSION:

1. After reviewing the application and all supporting documents, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy and regulation. The governing regulation provides that a separation will be described as an entry-level separation, with service uncharacterized, if the separation action is initiated while a Soldier is in entry-level status. The applicant did not complete training and was released from active duty due to failure to meet procurement medical fitness standards. The Board reviewed and concurred with the medical advisor's review finding insufficient evidence to support the applicant had a mental health condition that mitigates his discharge. The Board determined his DD

Form 214 properly shows the appropriate characterization of service as uncharacterized.

2. An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It merely means the Soldier has not been in the Army long enough for his or her character of service to be rated as honorable or otherwise. As a result, there is no basis for granting the applicant's request.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XX	:XX	:XX	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
Signed by:

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 635-200 (Personnel Separation – Enlisted Personnel), in effect at the time, sets forth the basic authority for the separation of enlisted personnel.

a. Paragraph 3-7a (Honorable Discharge) 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.

b. Paragraph 3-7b (General Discharge) 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. Chapter 11 sets policy and provides guidance for the separation of personnel because of unsatisfactory performance or conduct (or both) while in an entry-level status. It states when separation of a member in entry-level status is warranted by unsatisfactory performance or minor disciplinary infractions (or both) as evidenced by inability, lack of reasonable effort, or failure to adapt to the military environment, the member normally will be separated per this chapter. This separation policy applies to Soldiers who enlisted in the Regular Army, Army National Guard, or U.S. Army Reserve who are in entry level status and, before the date of initiation of separation action, have completed no more than 180 days of creditable continuous active duty or IADT by the date of separation and have demonstrated they are not qualified for retention for one or more of the following reasons:

- cannot or will not adapt socially or emotionally to military life
- cannot meet the minimum standards prescribed for successful completion of training because of lack of aptitude, ability, motivation or self-discipline
- have demonstrated character and behavior characteristics not compatible with satisfactory continued service
- failed to respond to counseling

3. Army Regulation 635-8 (Separation and Processing Documents) states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It

provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

4. On 3 September 2014, the Secretary of Defense directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) 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.

5. 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, on 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.

6. 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 (BCM/NRs) regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the type of court-martial. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

a. This guidance does not mandate relief, but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief based on 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.

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//