

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 February 2025

DOCKET NUMBER: AR20240006773

APPLICANT REQUESTS: in effect:

- correction of her DD Form 214 (Certificate of Release or Discharge from Active Duty) item 1 (Name), period ending 13 February 1970, to show her legal name change
- change her character of service to honorable
- do not include her formal name in the remarks section of the newly issued DD Form 214
- appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored Statement
- DD Form 214
- Court Order
- Certificate of Birth
- Social Security Card
- Driver's License/Veterans Affairs ID Card/Passport
- Birth Sex Change Request

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. She requests a legal name and gender change. Her current name is necessary to remove an injustice also changing her DD Form 214 to reflect an honorable discharge is necessary to remove an injustice. She was unaware veterans could request to have their DD form 214 reflect their current name and gender. Therefore, she requests that

her application be considered in the interest of justice. The applicant lists post-traumatic stress disorder (PTSD), sexual assault/harassment and transgender, as related to her request.

b. Her self-authored statement shows she is 73 years old. She never married and does not have any biological children. She was born intersexed with ambiguous genitalia; her parents decided to raise her as a male even though she reflected female child behavior. During military service, she experienced sexual harassment and prejudice due to her female characteristics. Due to how she was treated by her superiors, she believes she faced false allegations and was removed from her military occupational specialty (MOS) and detailed to nondescript details. She was offered a under honorable conditions (general) discharge, but she refused to sign document since she wanted to make the Army her career. Due to not signing discharge order, she was eventually forced out of the Army with a under other than honorable discharge.

c. After discharge from the military, she began living fully as female in 1978. In 1996, she started the legal process to change her name and gender to reflect her physical body. The Harris County District Court Judge, TX entered court order to legally change her name to MLD___. In 2001, the State of Michigan updated her birth certificate to reflect female birth sex based on statement from medical provider and court order from TX. Due to current DD Form 214 reflecting male birth sex and name, she has faced many issues of discrimination and degrading treatment. She has also experienced issues with obtaining resources due to DD Form 214 birth sex and name not matching her other legal documents.

d. Also, due to current discharge on DD Form 214, she has had limited opportunities through the VA for benefits (i.e., educational benefits). She would also like to request that the board do not include her formal name in the remarks section of the newly issued DD Form 214, as doing so would defeat the purpose of making this request.

3. The applicant provides:

a. Court Order, 3 September 1988 shows an order to change name along with the corresponding gender identification correction. Ordered original name WJD___ be, and the same is hereby changed to MLD___ and upon her application for same, with a corrected license or ID card reflecting her new name and her identification as being of the female gender, a woman.

b. Her Certification of Birth, certified on 27 June 2001, shows her name as MLD___.

c. Social Security Card shows her name as MLD___.

d. Driver's License/Department of Veterans Affairs Identification Card/Passport show her name as MLD__.

e. Birth Sex Change Request form, 15 March 2024 shows a request for change of birth sex from male to female.

4. Review of the applicant's service record shows:

a. DD Form 4 (Enlistment Record-Armed Forces of the United States) shows the applicant enlisted in the Regular Army on 31 July 1967. The applicant's name on the form is WJD__.

b. The applicant's DA Form 20 (Enlisted Qualification Record) shows the applicant served in Korea from 8 January 1968 through 7 January 1969 and in Vietnam 17 July 1969 through 16 July 1970.

c. The consultation sheet, October 1969 shows the applicant stated volunteering for Vietnam was to get away from "stateside harassment". The applicant felt targeted by the command. Diagnosis: Immature Personality/deep seated hostility toward authority.

d. The consultation sheet, 12 January 1970 shows the applicant claims their depression began following disciplinary action in Vietnam, which they believe was unjustly imposed.

e. The applicant's commanders' letters, 14 January 1970 how the applicant resented any type of supervision and consequently repeatedly shirks their assigned duties and admitted smoking marijuana every day for three months. Clearly demonstrated that the applicant is unfit for further military service in the Regular Army. Military appearance, bearing, courtesy, and personal conduct fall far below the expected standards.

f. The applicant's commander notified the applicant on 14 January 1970 of the intent to eliminate the applicant from the service under the provisions of Army Regulation 635-212 (Personnel Separations – Discharge – Unfitness and Unsuitability), Paragraph 6a, for unfitness due to an established pattern of shirking duties, immature personality, and deeply rooted hostility toward authority. The applicant acknowledged receipt on the same date.

g. After consulting with counsel on 14 January 1970, the applicant acknowledged being advised by legal counsel of the basis for the contemplated action to separate the applicant from service for unfitness. The applicant waived consideration of the case by a board of officers and personal appearance. No statements were submitted on the

applicant's behalf, and representation by military counsel was also waived. The applicant further understood they:

- may encounter substantial prejudice in civilian life if they were issued an undesirable discharge
- may be ineligible for many or all benefits as a Veteran under both Federal and State laws
- may expect to encounter substantial prejudice in civilian

h. On 14 January 1970, the applicant's commander formally recommended elimination from service under the provisions of Army Regulation 635-212, based on unfitness. The commander noted the applicant has an immature personality and deep-seated hostility toward authority, manifested by repeated commission of petty offenses and habitual shirking. The applicant's chain of command recommended approval.

i. The applicant's commander approved the waiver rehabilitation transfer regarding the applicant on 6 February 1970.

j. The separation authority approved the recommended discharge for an "Undesirable Discharge" on 7 February 1970, directed the applicant's reduction to the lowest enlisted grade, and that the applicant be issued a DD Form 257A (Undesirable Discharge Certificate).

k. The applicant was discharged on 13 February 1970. The (voided) DD Form 214 shows the applicant was discharged under the provisions of Army Regulation 635-212, with Separation Program Number (SPN) 28B [unfitness] and a reenlistment code of 4. The applicant's service was characterized as under other than honorable conditions. The form reflects completion of 2 years, 6 months, and 13 days of net active service. It also shows the applicant was awarded or authorized the:

- National Defense Service Medal
- Vietnam Service Medal
- Vietnam Campaign Medal
- Marksman Marksmanship Qualification Badge with Rifle bar M-14
- Armed Forces Expeditionary Medal

5. In an application request to the Army Discharge Review Board (ADRB), the Board determined on 17 November 1972, that the applicant was properly discharged and denied a change in the type and nature of her discharge. However, they issued the applicant a DD Form 215 (Correction to DD Form 214) amending item [26 Separation Authority] to add the paragraph number to AR 635-212 (Unsuitability).

6. In a reconsideration request to the ADRB on 22 January 1982, the ADRB directed the applicant's discharge be changed to under honorable conditions (general) and that a new DD Form 214 be issued. The applicant's new DD Form 214 shows:

- item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized): National Defense Service Medal, Vietnam Service Medal, Armed Forces Expeditionary Medal (Korea), Expert Marksmanship Qualification Badge with Rifle Bar, Republic of Vietnam Campaign Medal, Oversea service bar (one)
- item 24 (Character of Service): under honorable conditions (general)
- item 28 (Narrative Reason for Separation): Misconduct-an established pattern for shirking

7. The DD Form 214 is a historical document that should reflect the record as it existed at the time the DD Form 214 was created. A post-service name change does not retroactively create an error on the DD Form 214. However, the unique circumstances of transgender individuals may prevent or delay receipt of benefits for which these individuals must provide a DD Form 214 as proof of military service.

8. The ABCMR has, in the past, denied similar applications on the basis that the DD Form 214 is a historical document that should reflect the record as it existed at the time the DD Form 214 was created. The underlying reasoning has been that a post-service name change does not retroactively create an error on the DD Form 214.

9. The applicant's unique circumstances as a transgender individual warrant further consideration, because denying her request could prevent or delay receipt of benefits for which she must provide a DD Form(s) 214 as proof of military service. Therefore, the applicant's request for a name change and for reissuance of a DD Form 214 with the correct name will be administratively corrected in the "Administrative Notes" section of this document without Board action. The Board will, however, review the applicant's request for an upgrade to the character of service.

11. By regulation, (AR 15-185), the ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

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

13. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting an honorable discharge. The applicant contends they experienced issues related to being transgender, sexual assault/harassment, and PTSD, which mitigate their misconduct. 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:

- The applicant enlisted in the Regular Army on 31 July 1967;
- The applicant served in Korea from 8 January 1968 to 7 January 1969 and in Vietnam from 17 July 1969 to 16 July 1970;
- The applicant's commander noted, on 14 January 1970, that the applicant resented any type of supervision and consequently repeatedly shirked assigned duties, admitted to smoking marijuana every day for three months, and was unfit for further military service in the Regular Army;
- The applicant was discharged on 13 February 1970 with Separation Program Number (SPN) 28B [unfitness] and a reenlistment code of 4. The applicant's service was characterized as under other than honorable conditions.
- The ADRB determined, on 17 November 1972, that the applicant was properly discharged and denied a change in the type and nature of the discharge. However, a DD Form 215 was issued amending item [26 Separation Authority] to add the paragraph number to AR 635-212 (Unsuitability);
- In a reconsideration request to the ADRB on 22 January 1982, the ADRB directed the applicant's discharge be changed to under honorable conditions (general) with a narrative reason of Misconduct—an established pattern for shirking.

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

c. The applicant asserts that, while on active service, they experienced issues related to being transgender, sexual assault/harassment, and PTSD, which they believe mitigate their misconduct. There is evidence the applicant was evaluated by psychiatry for difficulty adjusting to military life and for symptoms of anxiety and depression. They reported challenges in getting along with others and maintaining their duties, despite multiple rehabilitative transfer attempts. The applicant was diagnosed with a personality

disorder and, following a clinical interview on 13 January 1970, was not recommended for further rehabilitative efforts.

d. A review of JLV provided evidence the applicant began engaging with the VA in 2022 for treatment of physical and mental health conditions. The applicant underwent a Compensation and Pension Evaluation for PTSD in 2024 and was diagnosed with service-connected PTSD (50%SC), related to experiences during the Vietnam deployment and harassment stemming from their feminine presentation.

e. Based on the available information, it is the opinion of the Medical Advisor that there is sufficient evidence to support the applicant had a condition or experience that mitigates the misconduct which led to their discharge.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant was reported to be experiencing depression and anxiety while on active duty. After discharge, the applicant was diagnosed with service-connected PTSD related to deployment and harassment stemming from their feminine appearance, which aligns with their assertion of discrimination due to transgender identity and potentially sexual harassment.

(2) Did the condition exist or experience occur during military service? Yes, the applicant was reported to be experiencing depression and anxiety while on active duty. After discharge, the applicant was diagnosed with service-connected PTSD related to deployment and harassment stemming from their feminine appearance, which aligns with their assertion of discrimination due to transgender identity and potentially sexual harassment.

(3) Does the condition/experience actually excuse or mitigate the discharge? Yes, there is sufficient evidence beyond self-report that the applicant was experiencing PTSD while on active service and harassment stemming from their feminine appearance, which aligns with their assertion of discrimination due to transgender identity and potentially sexual harassment. The applicant did use illegal drugs while on active service and engaged in other erratic and avoidant misconduct. These types of behaviors can be a natural sequelae to PTSD and exposure to harassment. Therefore, under the guidance of Liberal Consideration, the applicant's misconduct that led to discharge is considered mitigable.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, 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 and standard review based on law, policy and regulation and published Department of Defense guidance for liberal and clemency determinations requests for upgrade of the applicant's characterization of service. One possible outcome was to grant partial relief with correction of applicant's name and deny discharge upgrade to honorable. However, upon review of the applicant's petition, available military records and medical review, the Board concurred with the advising opinion of the Medical Advisor that there is sufficient evidence to support the applicant had a condition or experience that mitigates her misconduct which led to the applicant's discharge.

2. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant was reported to be experiencing depression and anxiety while on active duty. After discharge, the applicant was diagnosed with service-connected PTSD related to deployment and harassment stemming from their feminine appearance, which aligns with their assertion of discrimination due to transgender identity and potentially sexual harassment.

(2) Did the condition exist or experience occur during military service? Yes, the applicant was reported to be experiencing depression and anxiety while on active duty. After discharge, the applicant was diagnosed with service-connected PTSD related to deployment and harassment stemming from their feminine appearance, which aligns with their assertion of discrimination due to transgender identity and potentially sexual harassment.

(3) Does the condition/experience actually excuse or mitigate the discharge? Yes, there is sufficient evidence beyond self-report that the applicant was experiencing PTSD while on active service and harassment stemming from their feminine appearance, which aligns with their assertion of discrimination due to transgender identity and potentially sexual harassment. The applicant did use illegal drugs while on active service and engaged in other erratic and avoidant misconduct. These types of behaviors can be a natural sequelae to PTSD and exposure to harassment. Therefore, under the guidance of Liberal Consideration, the applicant's misconduct that led to discharge is considered mitigable.

3. The Board found there is sufficient evidence to support an upgrade of the applicant’s discharge to honorable. The Board noted the applicant served honorably in Korea and Vietnam, completing 2 years, 6 months, and 13 days of active duty. The applicant was awarded multiple decoration, reflecting contributions during a period of sustained combat operations. The Board found the characterization of service does not adequately reflect the totality of the applicant’s honorable service. The record indicates that the applicant volunteered for Vietnam to escape harassment and later reported depression following disciplinary action they believed to be unjust. These factors, combined with the absence of serious misconduct or criminal behavior, suggest that the discharge was more reflective of administrative and behavioral challenges than of conduct warranting a stigmatizing characterization. As such, the Board granted relief to upgrade the applicant’s characterization of service to honorable.

4. Prior to closing the case, the Board did note the analyst of record administrative notes below, and recommended the correction is completed to more accurately depict the military service of the applicant. The applicant’s request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

In addition to the administrative notes annotated by the Analyst of Record (below the signature), the Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by reissuing the applicant a DD Form 214 for the period ending 13 February 1970, showing his characterization of service as honorable.

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.

ADMINISTRATIVE NOTES:

Correct the applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 13 February 1970 to reflect the applicant's current legal name as shown in the Order for Name Change. Please reissue the DD Form 214 without including a statement indicating it was administratively reissued.

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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 635-5 (Personnel Separations-Separation Documents) prescribed the separation documents prepared for Soldiers upon retirement, discharge, or release from active military service or control of the Army. It established the standardized policy for the preparation of the DD Form 214. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active service. The general instructions stated all available records would be used as a basis for preparation of the DD Form 214. The information entered thereon reflects the conditions as they existed at the time of separation. It states for:

a. Item 24 (Character of Service) characterization or description of service is determined by directives authorizing separation. Proper completion of this block is vital since it affects the Soldier's eligibility for post-service benefits. Only six standard characterizations in this block are authorized: honorable, under honorable conditions (general), under other than honorable conditions, bad conduct, dishonorable and uncharacterized.

b. Item 28 (Narrative Reason for Separation), is based on regulatory or other authority and can be checked against the cross reference in Army Regulation 635-5-1 and the narrative reason for separation will be entered as provided in Army Regulation 635-5-1

4. Army Regulation 635-212 (Personnel Separations-Discharge-Unfitness and Unsuitability), then in effect, set forth the policy and procedures for administrative separation of enlisted personnel for unfitness and unsuitability.

a. Paragraph 6a of the regulation provided for the discharge of individuals by reason of unfitness with an undesirable discharge when it had been determined that an individual's military record was characterized by one of more of the following: frequent incidents of a discreditable nature with civil or military authorities; sexual perversion;

drug addiction or the unauthorized use or possession of habit forming narcotic drugs or marijuana; an established pattern for shirking; or an established pattern showing dishonorable failure to pay just debts.

b. Paragraph 6b provided that an individual was subject to separation for unsuitability when one or more of the following conditions existed: (1) inaptitude; (2) character and behavior disorders; (3) apathy (lack of appropriate interest, defective attitudes, and inability to expend effort constructively); (4) alcoholism; (5) enuresis; and (6) homosexuality (Class III - evidenced homosexual tendencies, desires, or interest, but was without overt homosexual acts). When separation for unsuitability was warranted, an honorable or general discharge was issued as determined by the separation authority based upon the individual's entire record.

c. Paragraph 3-7a (Honorable Discharge) states an honorable discharge is a separation with honor. The honorable characterization is appropriate when the quality of the Soldier'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.

d. Paragraph 3-7b (General Discharge) states A general discharge is a separation from the Army under honorable conditions.

5. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel) governs the policies and procedures for the separation of enlisted personnel. This regulation was revised on 1 December 1976, following settlement of a civil suit. Thereafter, the type of discharge and the character of service were to be determined solely by the individual's military record during the current enlistment. Further, any separation for unsuitability based on personality disorder must include a diagnosis of a personality disorder made by a physician trained in psychiatry. In connection with these changes, a Department of the Army memorandum, dated 14 January 1977, and better known as the Brotzman Memorandum, was promulgated. It required retroactive application of revised policies, attitudes, and changes in reviewing applications for upgrade of discharges based on personality disorders.

6. PTSD can occur after someone goes through a traumatic event like combat, assault, or disaster. The Diagnostic and Statistical Manual of Mental Disorders (DSM) is published by the American Psychiatric Association (APA) and provides standard criteria and common language for the classification of mental disorders. In 1980, the APA added PTSD to the third edition of its DSM nosologic classification scheme. Although controversial when first introduced, the PTSD diagnosis has filled an important gap in psychiatric theory and practice. From a historical perspective, the significant change ushered in by the PTSD concept was the stipulation that the etiological agent was outside the individual (i.e., a traumatic event) rather than an inherent individual

weakness (i.e., a traumatic neurosis). The key to understanding the scientific basis and clinical expression of PTSD is the concept of "trauma."

7. PTSD is unique among psychiatric diagnoses because of the great importance placed upon the etiological agent, the traumatic stressor. In fact, one cannot make a PTSD diagnosis unless the patient has actually met the "stressor criterion," which means that he or she has been exposed to an event that is considered traumatic. Clinical experience with the PTSD diagnosis has shown, however, that there are individual differences regarding the capacity to cope with catastrophic stress. Therefore, while most people exposed to traumatic events do not develop PTSD, others go on to develop the full-blown syndrome. Such observations have prompted the recognition that trauma, like pain, is not an external phenomenon that can be completely objectified. Like pain, the traumatic experience is filtered through cognitive and emotional processes before it can be appraised as an extreme threat. Because of individual differences in this appraisal process, different people appear to have different trauma thresholds, some more protected from and some more vulnerable to developing clinical symptoms after exposure to extremely stressful situations.

8. The fifth edition of the DSM was released in May 2013. This revision includes changes to the diagnostic criteria for PTSD and acute stress disorder. The PTSD diagnostic criteria were revised to take into account things that have been learned from scientific research and clinical experience. The revised diagnostic criteria for PTSD include a history of exposure to a traumatic event that meets specific stipulations and symptoms from each of four symptom clusters: intrusion, avoidance, negative alterations in cognitions and mood, and alterations in arousal and reactivity. The sixth criterion concerns duration of symptoms, the seventh criterion assesses functioning, and the eighth criterion clarifies symptoms as not attributable to a substance or co-occurring medical condition.

9. 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 UOTHC 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.

10. 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.

11. The Under Secretary of Defense (Personnel and Readiness) issued guidance to Service DRBs and Service BCM/NRs on 25 July 2018 [Wilkie Memorandum], 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.

12. Section 1556 of Title 10, USC, 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//