

IN THE CASE OF: [REDACTED]

BOARD DATE: 18 November 2024

DOCKET NUMBER: AR20240006817

APPLICANT REQUESTS: reconsideration of his previous request for:

- an upgrade of his already upgraded general, under honorable conditions discharge to honorable
- a change to the narrative reason for separation to completion of required active service

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

- DD Form 149 (Application for Correction of Military Record)
- Letter addressed to the Board
- Five (5) Character Statements
- Department of Veterans Affairs Rating Decision

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 AR20220006698 on 20 January 2023.

2. The applicant states, via letter addressed to the Board:

a. Shortly after graduating high school his father was hospitalized after suffering a massive stroke resulting in paralysis on his left side. He then found out that his then high school sweetheart was pregnant. These events led him to decline an offer [REDACTED] University due to the hardships of his family and new family. Being [REDACTED], he felt obligated to defend his country due to the 9/11 attacks.

b. He needed a change because he needed to provide for him and his new family, so he joined the military with the expectation of acquiring tuition assistance and financial stability. Upon arrival to his first duty station, he was informed that his unit was currently deployed to Iraq and Afghanistan. Furthermore, they were going to deploy within the next 30 days and that they were to enjoy their remaining time in garrison, as some of

them will not be returning. Hearing him say those words were alarming as this was his welcome to the "Real Army."

c. While deployed, he was witness to two Soldiers burned alive during a suicide mission, he received his first confirmed kill while setting up a vehicle control point, witnessed the sky turn orange and red after a Christian Church was struck by a fuel truck, and knew of two comrades who were on suicide watch commit suicide via inhalant abuse which was improperly documented and reported as if they were killed in action. As an impressionable 18-year old, he did not fully understand the significance of self-care, mental health and the impact that the "War Zone" ultimately can have on an individual psyche.

d. His experience in the military has left him physically and emotionally scarred. After his separation, he returned home [REDACTED]. He was glad to see his family and friends to share his experiences in the service. Once these feelings of delight left, life slapped him 10,000 times harder. The realization of why he initially joined was now his reality - he struggled finding and maintaining employment; making poor relationship choices; involved in many physical and verbal altercations; struggled with expressing his emotions; had trouble sleeping at night, which led to him being kicked out of his mother's house; and, he struggled meeting goals and objectives due to his lack of fiscal resources due to his anxiety disorder (PTSD). The applicant provides:

(1) Five (5) character statements written by the applicant's daughter's mother, Veteran Services Specialist, and former comrades, all of which attest to his approachable and welcoming attitude, his reliability, and his struggle with his mental health.

(2) Department of Veterans Affairs Rating Decision, dated 23 March 2019, reflects the applicant was granted service connection for treatment purposes only for post traumatic stress disorder (PTSD) and facial scars.

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

a. He enlisted in the Regular Army on 12 November 2003.

b. He accepted nonjudicial punishment (NJP) as follows:

(1) On 15 July 2005, Company Grade (CG) Article 15 for being disrespectful in language towards a noncommissioned officer (NCO), on or about 23 June 2005 and disobeying a lawful order on or about 6 May 2005. The punishment consisted of a reduction to E-3.

(2) On 21 September 2005, CG Article 15 for wrongfully communicate a threat to SGT R. on or about 8 September 2005; failing to go at the time prescribed to

appointed place of duty on or about 8 September 2005; and, making a false official statement on or about 8 September 2005. The punishment consisted of a reduction to E-2.

(3) On 2 April 2006, Field Grade Article 15 for wrongfully using marijuana between 22 February 2006 and 22 March 2006.

a. DD Form 458 (Charge Sheet) and Record of Trial by Summary Court-Martial, reflects the applicant was charged with:

(1) Charge I: Article 90, UCMJ, having received a lawful command from 1LT [REDACTED] his superior commissioned officer, then known by the applicant to be his superior commissioned officer, to park his privately owned vehicle, or words to that effect, did, at or near Fort Hood, Texas, on or about 5 April 2006, willfully disobey the same. Guilty, consistent with the plea.

(2) Charge II: Article 108, UCMJ, did at or near Fort Hood, Texas. on or about 22 March 2006, without proper authority, willfully damage by throwing on the ground a Micron GX3 laptop computer (Serial#: [REDACTED]), military property of the United State, the amount of said damage being in the sum of about \$243.62. Guilty, consistent with the plea.

(3) Charge III: two specifications of Article 112a, UCMJ: Specification 1: did, between on or about 6 April 2006 and on or about 5 May 2006, wrongfully use marijuana. Guilty, consistent with the plea and Specification 2: did, between on or about 21 May 2006 and on or about 20 June 2006, wrongfully use marijuana. Guilty, consistent with the plea.

(4) Charge IV: Article 121, UCMJ: did, on or about 4 April 2006, steal approximately 15 gallons of unleaded gasoline, of a value of about \$38.70, property of the Army Air Force Exchange Service a Department of Defense non-appropriated fund activity.

(5) The sentenced adjudged: Forfeiture \$849 pay per month for one month; and, confinement for 30 days.

b. DD Form 5111 (Summary Court-Martial Rights Notification/Waiver Statement), dated 16 August 2006, reflects the applicant acknowledged his understanding of his rights under Article 20 and voluntarily decided to consent to trial by Summary Court-Martial.

c. On 16 August 2006, the applicant, having had the opportunity to examine the Charge and Specifications preferred against him on 25 July 2006, and all statements and documents attached thereto, and after consulting with is defense counsel, and

being fully advised that he has a legal and moral right to plead not guilty, offer to plead "To the Charge and its Specifications: Guilty." On 28 August 2006, the forgoing offer was accepted.

d. MEDCOM Form 699-R (Report of Mental Status Evaluation), dated 29 August 2006, reflects the applicant was evaluated and was found to have the mental capacity to understand and participated in the proceedings, was mentally responsible, and met the retention requirements of Chapter 3, AR 40-501. The evaluation revealed no evidence of suicidal or homicidal behavior, altered thought process or any other mental health condition that would explain the behavior that resulted in the initiation of this administration action.

e. DD Form 2707 (Confinement Order), dated 30 August 2006, reflects the applicant was to be confined for 30 days and to forfeit \$849.00 pay per month for one month as a result of court-martial.

f. On 30 August 2006, the applicant's immediate commander notified the applicant of his intent to initiate separation action against him under the provisions of Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations), paragraph 14-12c, commission of a serious offense. Specifically for being convicted through a Summary Court Martial on 30 August 2006 and for receiving four Article 15s.

g. The applicant acknowledged receipt of the commander's intent to separate him and consulted with legal counsel on 30 August 2006. He was advised of the basis for the contemplated action to separate him for Commission of a Serious Offense under AR 635-200, Chapter 14-12c and its effects; of the rights available to him; and of the effect of any action taken by him in waiving my rights. He understood that if he has less than 6 years of total active and reserve military service on the date of initiation of recommendation for separation, he is not entitled to have his case heard by an administrative separation board unless he is being considered under Other Than Honorable conditions. He acknowledged he:

- understood he could expect to encounter substantial prejudice in civilian life if a general discharge under honorable conditions were issued to him
- understood he could be ineligible for many or all benefits as a veteran under Federal and State laws as a result of the issuance of a discharge under other than honorable conditions
- understood if he received a discharge characterization of less than honorable, he could make an application to the Army Discharge Review Board (ADRB) or the ABCMR for an upgrade, but he understood that an act of consideration by either board did not imply his discharge would be upgraded

h. On 28 September 2006, the separation authority approved the applicant's discharge under the provisions of Army Regular 635-200, paragraph 14-12c, with his service characterized as general under honorable conditions.

i. His DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects he was discharged on 12 October 2006, under the provisions of Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations), chapter 14-12c(2), misconduct (drug abuse), with an under other than honorable conditions characterization of service (Separation Code JKK; Reentry Code 4). He served 2 years and 11 months of net active service this period.

4. On 20 October 2020, in a records review and by a 3-2 vote, the Army Discharge Review Board (ADRB) determined the discharge is inequitable based on the applicant's length of service, to include combat service, and the circumstances surrounding the discharge (PTSD diagnosis). Therefore, the ADRB Board voted to grant relief in the form of an upgrade of the characterization of service to general under honorable conditions.

5. As a result, the applicant was reissued a DD Form 214 that shows he was discharged on 12 October 2006, under the provisions of Army Regulation (AR) 635-200, chapter 14-12c(2), misconduct (drug abuse), with a general, under honorable conditions characterization of service (Separation Code JKK; Reentry Code 4).

6. On 20 January 2023, the ABCMR considered his petition for his previously upgraded under honorable conditions (general) discharge be further upgraded to an honorable discharge.

a. The Board carefully considered the applicant's request, supporting documents, evidence in the records, and published DoD guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, the applicant's record of service, the frequency and nature of the applicant's misconduct and the reason for separation. The applicant was discharged due to misconduct - commission of serious offense. The Board considered the medical records, any VA documents provided by the applicant and the review and conclusions of the advising official.

b. The Board concurred with the medical advisory opinion finding insufficient evidence of in-service mitigating factors to overcome the misconduct. The applicant had PTSD. As there is a nexus between PTSD and difficulty with authority figures, and self-medicating with illicit substances, his PTSD mitigates the acts of disobeying a superior commissioned officer, disrespect, disobeying lawful orders, and multiple incidents of marijuana use. However, PTSD does not mitigate applicant's damaging government property or stealing gasoline since PTSD does not interfere with one's ability to

distinguish between right and wrong and act in accordance with the right. Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was not in error or unjust.

7. By regulation (AR 635-200), action will be taken to separate a member for misconduct such as drug abuse. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter.

8. 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.

9. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting an upgrade of his under other than honorable conditions (UOTHC) characterization of service to general, under honorable conditions and a change to his narrative reason for separation. On his DD Form 149, the applicant indicated Posttraumatic Stress Disorder (PTSD) is 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 12 November 2003, 2) he received three Article 15s between 15 July 2005 and April 2006 for the following: disobeying a lawful order; wrongful communication to a Sergeant, failing to go at the time prescribed to his appointed place of duty, and making false official statements, and wrongful use of marijuana, 3) a charge sheet shows the applicant was charged with the following: disobeying a superior commissioned officer, willfully damaging military property, two specifications of wrongful use of marijuana on two separate occasions, and larceny. On 16 August 2006, the applicant plead guilty to the charges, 4) on 30 August 2006 the applicant's commander notified him of his intent to initiate separation under the provisions of Army Regulation (AR) 635-200, paragraph 14-12c, commission of a serious offense, specifically for being convicted through a Summary Court Martial on 30 August 2006 and for receiving Article 15s (noted as two for disrespect and disobeying lawful orders and two for drug use). 5) his DD Form 214 shows he was discharged on 12 October 2006 under the provisions of AR 635-200, chapter 14-12c, misconduct (drug abuse) with a characterization of service of general, under honorable conditions. Item 18 (Remarks) reflects the applicant's characterization was upgraded per ADRB proceedings AR20190011711 on 20 October 2020, 7) the ADRB denied his previous request for an upgrade of his discharge on 26 April 2021.

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. Lack of citation or discussion in this section should not be interpreted as lack of consideration.

c. In-service medical records were available for review via JLV from 17 October 2005 through 09 November 2006. An Alcohol and Drug Abuse and Control Program (ADACP) program note dated 17 October 2005 shows the applicant was seen for triage purposes though no additional details were documented. Records show a CT scan was ordered on 05 November 2005 due to head trauma which noted minimal prefrontal scalp swelling and an otherwise negative head CT without contrast. At his follow-up visit on 08 November 2005 status-post injury, he reported experiencing headache though denied experiencing a loss of consciousness (LOC). His diagnoses were noted as Observation following inflicted injury, Abrasion or Friction Burn Multiple, and Headache Syndromes: Probably Secondary to Concussion and was put on profile from 08 November 2005 to 22 November 2005. There were no additional medical visits pertaining to this injury aside from suture removal on 10 November 2005. He was seen by BH on 31 March 2006 for a Mental Status Evaluation (MSE) for the purposes of Chapter 14 separation following a positive urinalysis (UA) for cannabis. He was cleared for separation and his diagnosis was noted as Occupational problem. The applicant completed a second MSE on 29 August 2006 for Chapter separation following the positive UA, noting that he needed to be re-evaluated as his previous evaluation was over 90 days old and needed a current evaluation for his court martial. All domains of his MSE were within normal limits. The provider noted that the had the mental capacity to understand and participate in the proceedings, was mentally responsible, and met retention requirements of Chapter 3, AR 40-501. The provider further opined that the evaluation revealed no altered thought processes or a mental health condition that would explain the behavior that resulted in the initiation of the administrative action, and he was psychiatrically cleared for administrative action deemed appropriate by his command. He was diagnosed with Occupational Problem.

d. A VA Rating Decision Letter dated 23 April 2019 shows the applicant is service-connected for treatment purposes only for PTSD (previously rated as depression/adjustment disorder) as well as residual facial scars. A review of JLV confirmed his service connections and also shows he is 0% service-connected for migraine headaches. The letter shows that service connection for Traumatic Brain Injury (TBI) was denied. He completed an initial Compensation and Pension (C&P) examination for PTSD on 14 February 2019. Review of the Disability Benefits Questionnaire (DBQ) shows the applicant was diagnosed with PTSD, which was noted to be related to combat-related traumas, and indicated he did not have a diagnosis of TBI. It was noted that he deployed to Iraq in 2004 and served as a gunner in an armored vehicle and reported multiple traumatic events. It was noted that he denied any history of substance use prior to the military though started using cannabis following his deployment to Iraq to cope with intrusive thoughts, hypervigilance, anxiety, and poor sleep. The stressors associated with his diagnosis of PTSD were identified as: setting

up multiple perimeters around IED blasts and other attacks, witnessing a lot of brain fragments and body parts, having to shoot and kill someone due to a vehicle approaching a checkpoint and not following orders, and an RPG struck near the applicant resulting in shrapnel hitting him in the face. He underwent an Initial Evaluation of Residuals of Traumatic Brain Injury (I-TBI) C&P examination on 28 March 2019. The provider marked 'no' that the applicant did not have a TBI or residuals of a TBI. The provider documented several incidents where he experienced a head injury while deployed to Iraq as well as in garrison. Review of the DBQ shows that all evaluated domains (e.g., judgment, social interaction, etc.) were within normal limits.

e. The applicant's previous petition for upgrade to the ADRB dated 26 April 2021 (Docket Number AR20210003304) was reviewed. The Advisor opined that the applicant did have a mitigating condition, combat-related PTSD and indicated that the applicant's misconduct was partially mitigated. More specifically, that there was a nexus between PTSD, difficulty with authority figures, and substance use. Thus, the Advisor opined that PTSD mitigated the applicant's misconduct of disobeying a superior commissioned officer and multiple incidents of marijuana use. However, the Advisor noted that PTSD did not mitigate the applicant's misconduct of damaging government property or stealing gasoline and thus his diagnosis of PTSD did not fully mitigate the basis for his separation.

f. The applicant provided a self-authored statement as part of his application dated 22 January 2023. In his statement, regarding his misconduct, he asserted that the destruction of government property was the result of self-defense. More specifically, he asserted he was assaulted by a staff sergeant who he struck back with government property. Pertaining to the misconduct of stealing gasoline, he asserted that the time stamp of the picture of his vehicle license plate and person were not him and that the time stamp of the incident was not considered as he was serving on extra duty. He also stated that he permitted another Soldier to borrow his car.

g. Based on the available information, it is the opinion of the Agency Medical Advisor that there is evidence to support that the applicant had one potentially mitigating condition during his time in service, PTSD. This Advisor would contend that BH mitigation is partially supported.

h. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant has been diagnosed and service-connected through the VA with PTSD.

(2) Did the condition exist or experience occur during military service? Yes, the applicant has been diagnosed and service-connected through the VA with PTSD. Service connection establishes that the condition existed during service.

(3) Does the condition or experience actually excuse or mitigate the discharge? Partially. In-service BH records show the applicant was diagnosed with Occupational Problem; however, psychosocial issues are not constituted as mitigating conditions. Post-discharge, the applicant has been diagnosed and service-connected through the VA for PTSD. Consistent with the ARDB Medical Advisor's previous opine, there is an association between PTSD, difficulty with authority figures, and self-medicating with substances. As such, there is a nexus between his misconduct of disobeying a superior commissioned officer, multiple instances of marijuana use, and his diagnosis of PTSD. However, PTSD does not interfere with the ability to distinguish right from wrong and act in accordance with the right. While his self-authored statements are acknowledged as it pertains to his explanation behind his misconduct of damaging government property and larceny, there is no official military documentation available corroborating this information and the scope of this Advisory is limited to the facts of the case as documented in his official military records. As such, there is no nexus between his diagnosis of PTSD and his misconduct of damaging government property and larceny. Thus, BH mitigation is partially supported for marijuana use and disobeying a superior commissioned officer.

BOARD DISCUSSION:

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 request, supporting documents, evidence in the records, and published DoD guidance for liberal consideration of discharge upgrade requests.

a. Discharge upgrade: Deny. The evidence shows the applicant committed serious misconduct (assaulting spouse by striking her in the face and placing his hands around her neck (convicted through a Summary Court Martial and for receiving four Article 15)). As a result, his chain of command initiated separation action against him. He was discharged with an under other than honorable conditions discharge. The Board found no error or injustice in his separation processing. The applicant petitioned the ADRB for an upgrade of his discharge. The ADRB determined the discharge is inequitable based on the applicant's length of service, to include combat service, and the circumstances surrounding the discharge (PTSD diagnosis). Therefore, the ADRB Board voted to grant relief in the form of an upgrade of the characterization of service to general under honorable conditions. The Board also considered the medical records, any VA documents provided by the applicant and the review and conclusions of the medical reviewing official. The Board concurred with the medical official's finding although there

is a nexus between his misconduct of disobeying a superior commissioned officer, multiple instances of marijuana use, and his diagnosis of PTSD; there is no such nexus between his diagnosis of PTSD and his misconduct of damaging government property and larceny. Furthermore, although the applicant provided character reference letters in support of a clemency determination, the Board did not find such letters sufficient to outweigh the serious misconduct he committed. Therefore, based on a preponderance of available evidence, the Board determined that the upgraded character of service (general, under honorable conditions) the applicant received upon separation was not in error or unjust.

b. Narrative Reason for Separation: Deny. The narrative reason for separation is governed by specific directives. The applicant was discharged under the provisions of chapter 14-12c of AR 635-200, due to his serious misconduct. The narrative reason specified by Army Regulations for a discharge under this chapter for an enlisted Soldier is "Misconduct" and the separation code is "JKK." AR 635-8, Separation Documents, governs preparation of the DD Form 214 and dictates that entry of the narrative reason for separation, entered in Block 28, and separation code, entered in Block 26, will be entered exactly as listed in AR 635-5-1, Separation Program Designator Codes. The applicant did not complete his term of service and the Board found no mitigating factors that would merit a change to the applicant's narrative reason for discharge. In view of the foregoing, the Board determined that the reason for discharge was both proper and equitable and there is no reason to change it.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	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 to amend the decision of the ABCMR set forth in Docket Number AR20220006698 on 20 January 2023.

11/18/2024

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 635-200 (Active Duty Enlisted Administrative Separations), sets forth the basic authority for the separation of enlisted personnel.

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

c. Chapter 14, of the version in effect at the time, established policy and prescribed procedures for separating members for misconduct. Specific categories included minor disciplinary infractions, a pattern of misconduct, commission of a serious offense, and convictions by civil authorities. It provided that action would be taken to separate a member for misconduct when it was clearly established that rehabilitation was impracticable or was unlikely to succeed. A discharge under other than honorable conditions was normally appropriate for a Soldier discharged under this chapter. However, the separation authority could direct an honorable discharge if merited by the Soldier's overall record.

2. 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 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.

3. 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.

4. 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. 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. 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.

5. 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//