

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 25 March 2025

DOCKET NUMBER: AR20240007922

APPLICANT REQUESTS: upgrade of his general under honorable conditions discharge to medical 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 Statement
- Veteran Administration Letter (VA) dated 16 March 2023 that certifies the applicant is receiving 100 percent service-connected disability compensation for Post Traumatic Stress Disorder (PTSD) effective 2 December 2019
- Psychotherapist Letter dated 10 January 2024 provides clinical diagnoses (for the Boards review)
- Human Recourses Command Letter (HRC) shows the applicant's request could not be processed.
- 6-Awards/College Associate Degree and Honor Society (available for the Boards review)
- 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 he was separated from the military he was both physically and mentally unstable. His discharge process was rushed to ensure he did not get connected with military services post military. He was shot seven months prior to him exiting the military. He was confined to his room for four months. He had out of body experience and hallucinations. He was lost and in search for help, compassion but instead he was bashed, lied on and manipulated by not only his non-commissioned officers (NCOs) and / or unit but the entire brigade. They used his pain and his story to manipulate his career all to save face. In the in God stood tall on his behalf. On 24 May

2016 he was separated from the military with a general discharge and no service-connected disability rating. It was not until December 2018 when he received his first disability rating of 90 percent and two years later, he received an increase to 100 percent for the problems stemming from his military service term. He is asking to be considered for a discharge upgrade, from general to a medical discharge.

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

- a. He enlisted in the Regular Army on 11 March 2014.
- b. On 14 January 2016 he received non-judicial punishment:
 - 9 October 2015, wrongfully travel outside the 100-mile radius without an approved mileage pass; he was reduced to private/E-1 (suspended 180 days)
 - 13 October 2015, without authority fail to go at the time prescribe to your appointed place of duty
- c. On 16 April 2016 a USACID Form 87-R-E shows an inquiry was conducted/ Consent To Search in connection with the violation of wrongful possession of a controlled substance/drug paraphernalia. (available for the Board review)
- d. On 18 April 2016 the immediate commander issued a memorandum for record (MFR) regard his intent to chapter the applicant under AR 635-200, Chapter 14-12c (2), Commission of a Serious Offense.
- e. On 21 April 2016 USACID Law Enforcement Report shows Wrongful Possession of a Controlled Substance (Marihuana)
- f. The applicant underwent a mental health evaluation indicates positive for Post Traumatic Stress Disorder (PTSD) and recommend command referral as soon as possible (ASAP). (available for the Board review)
 - DD Form 2807-1 (Report of Medical History)
 - DD Form 2808 (Report of Medical Examination)
- g. On 25 April 2016 he received non-judicial punishment wrongful possess of marijuana
- h. On 28 April 2016 the immediate commander- notified applicant of his intent to separate him under the provisions (UP) of Chapter 14, Army Regulation (AR) 635-200, paragraph 14-12c for commission of a serious offense. The commander recommended that his period of service be characterized as general under honorable conditions. He acknowledged the same day.

i. He was advised by consulting counsel of the basis for the contemplated action to separate him for commission of a serious offense UP of Chapter 14-12c, AR 635-200 and its effects; of the rights available to him.

j. His commander/chain of command recommend approval and that his character of service be general under honorable conditions.

k. On 2 May 2016, the separation authority approved separation UP of AR 635-200, chapter 14-12 c, for commission of a serious offense; he directed a general under honorable conditions characterization of service.

l. Accordingly, he was discharged under honorable conditions on 27 May 2016, he completed 2 years, 2 months, and 17 days net active service this period. It also shows he was awarded or authorized:

- Army Achievement Medal
- National Defense Service Medal
- Global War on Terrorism Service Medal
- Korea Defense Service Medal
- Army Service Ribbon
- Parachutist Badge

4. 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.

5. MEDICAL REVIEW:

a. Background: The applicant is requesting correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to show a more favorable separation code and narrative reason for separation. The applicant further requests a restoration of rank. He asserts PTSD as related to his request. This opine will narrowly focus on the applicant's request for a more favorable separation code and narrative reason for separation.

b. 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:

- Applicant enlisted in the Regular Army on 15 July 2005.
- On 5 August 2006, the applicant was notified by his commander that he was initiating action to separate him for a personality disorder and recommended he receive an honorable discharge.

- Applicant was honorably discharged on 11 October 2006. His DD Form 214 shows he was discharged under the provisions of AR 635-200, Chapter 5-13 for personality disorder. He was assigned separation code "JFX" and reentry code "3". He completed 1 year, 2 months and 25 days net active service. The applicant served in Kuwait/Iraq from 22 February 2006 through 23 September 2006.

c. Review of Available Records: The Army Review Board Agency's (ARBA) Behavioral Health Advisor reviewed the supporting documents contained in the applicant's file. The applicant states, he was diagnosed with a personality disorder while serving overseas in 2006. Upon returning home, the VA re-diagnosed him with post-traumatic stress disorder (PTSD) rather than personality disorder. He was diagnosed with PTSD, burn scarring, for shrapnel in his body as well as tinnitus with an effective date of 12 October 2006. He was a private first class (PFC)/E3 at time of discharge, but the Army put Private/E1 as his rank due to his not having an identification that said he was a PFC. There was a class action lawsuit filed by Vietnam Veterans of America that found 31,000 Soldiers were illegally discharged between 2001 and 2008.

d. Active-duty electronic medical records available for review show on 15 July 2006 the applicant was briefly hospitalized due to homicidal ideation. He stated a plan of burning the tent with his fellow soldiers and using a knife to cut their throats. The note indicates the applicant had been treated with psychotropic medication for over a month and was followed by mental health on a weekly basis. During the hospitalization, he was diagnosed with Adjustment Reaction with Brief Depressive Reaction, Adjustment Disorder, and Antisocial Personality Disorder. During the assessment, the applicant reported a history of numerous rule violations and legal troubles. He proudly shared having been charged with malicious harassment, destruction of property, assault, and possession of a controlled substance. He stated that he idolized serial killers and had studied them extensively. He further stated he was proud of being a racist, he "hated niggers and other coloreds...I feel the white race is superior and will always be". He denied being acutely suicidal but admitted having prior suicidal ideation. Following this incident, it was strongly recommended the applicant be administratively separated for personality disorder.

e. The VA's Joint Legacy Viewer (JLV) was reviewed and indicates the applicant is 100% service connected for PTSD.

f. After review of all available information, the applicant was diagnosed while in service with Adjustment Reaction with Brief Depressive Reaction, Adjustment Disorder, and Antisocial Personality Disorder. He is currently 100% service connected by the VA for PTSD. The applicant was honorably discharge and there is no misconduct associated with this discharge to potentially excuse or mitigate. The applicant was separated for a personality disorder in accordance with the regulations at the time. Due

to a change in Army regulations, an administrative change to the narrative reason is recommended. Narrative reason should be changed to Condition, Not a Disability (JFV). However, his reentry code should remain unchanged given his 100% service connection.

g. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? N/A.

(2) Did the condition exist or experience occur during military service? N/A.

(3) Does the condition or experience actually excuse or mitigate the discharge? N/A.

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/was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the pattern of misconduct leading to the applicant's separation, the current characterization of service received by the applicant, and the findings outlined in the medical review, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's characterization of service. Additionally, based upon the findings outlined in the medical review finding that a medical discharge was unwarranted, the Board found insufficient evidence to change the applicant's narrative reason to medical discharge, as requested. However, based upon the available documentation and the recommendation outlined in the medical review, the Board recommended changing the narrative reason for separation to Condition, Not a Disability.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant a recommendation for partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected reissuing the applicant a DD Form 214 showing:

- Characterization of Service: No change
- Separation Authority: No change
- Separation Code: JFV
- Reentry Code: No change
- Narrative Reason for Separation: Condition, Not a Disability

2. The Board further determined the evidence presented is insufficient to warrant a portion of the requested relief. As a result, the Board recommends denial of so much of the application that pertains to upgrading the applicant's characterization of service.

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.

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 635-5 (Separation 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.

3. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), in effect at the time, sets forth the basic authority for the separation of enlisted personnel.

a. 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. 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 14 of the regulation states action will be taken to separate a Soldier for misconduct when it is clearly established that despite attempts to rehabilitate or develop him or her as a satisfactory Soldier, further effort is unlikely to succeed.

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.

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.

5. 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.

6. On 25 August 2017, the Office of the Undersecretary of Defense for Personnel and Readiness issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to: mental health conditions, including PTSD, traumatic brain injury, sexual assault, or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based, in whole or in part, 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.

7. 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//