

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 February 2025

DOCKET NUMBER: AR20240007940

APPLICANT REQUESTS: reconsideration of his previous request for an upgrade of his general, under honorable conditions discharge to honorable.

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

- DD form 149 (Application for Correction of Military Record)
- Applicant's resume

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 AR20120010010 on 18 December 1986.

2. The applicant states he requests reconsideration of his previous request for an upgrade of his general, under honorable conditions discharge to honorable. He was married and suffering with post-traumatic stress disorder (PTSD) which was not treated during his military service. He asked the assigned captain for a military separation due to PTSD and family issues which was denied. He requests the correction of his service records to acquire Department of Veterans Affairs (VA) benefits and spousal benefits.

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

a. He enlisted in the Regular Army on 2 July 1985.

b. A DA Form 3822-R (Report of Mental Status Evaluation), dated 21 April 1986, confirmed the applicant was referred for a mental evaluation and the physician noted in the remarks, the applicant was experiencing an adjustment reaction to the reasonable demands of the military service and does not possess the essential characterological and emotional strengths necessary to be a continuously effective Soldier and it was recommended that the applicant be considered for administrative action as deemed appropriate by his command, to include separation from the service. The physician also states efforts to rehabilitate or develop him into a satisfactory member of the military will not be effective. The evaluation further indicated:

- Normal behavior and fully alert
- fully oriented and unremarkable mood
- clear thinking process, normal thought content and good memory
- he had the mental capacity to understand and participate in the proceedings
- he was mentally responsible
- he met the retention requirement of chapter 3, Army Regulation 40-501

c. He accepted nonjudicial punishment shown in the below nonjudicial forms:

- 20 March 1986 – (Article 15, UCMJ) for failure to go his appointed place of duty; 0730 work formation, his punishment included 14 days extra duty and forfeiture of \$150.00, suspended until 18 Jun 1986
- 22 April 1986 – Vacation of suspended punishment (forfeiture of \$150.00) for failure to go his appointed place of duty at 1800 hours extra duty on 4, 5, 6, 8, and 9 April 1986
- 25 April 1986 – (Article 15, UCMJ) for failure to go his appointed place of duty; at 1800 hours, extra duty on 10, 11, 12, 13, 14, and 15 April 1986, his punishment included reduction to private (PVT)/E1 and forfeiture of \$100.00, suspended until 25 June 1986; 14 days extra duty and 14 days restriction
- 23 May 1986 – Vacation of suspended punishment (reduction to E1 and forfeiture of \$100.00) for failure to go to his appointed place of duty on 10 May 1986 for 1800 hours extra duty and 0615 hours physical fitness formation on 14, 16, and 19 May 1986

d. On 27 June 1986, the applicant's immediate commander notified him of his intent to separate him under the provisions of chapter 13, Army Regulation 635-200 (Personnel Separations - Enlisted Personnel) for unsatisfactory performances. The specific reasons for his proposed recommendation were based upon the applicant having a bad attitude as far as him being in the military is concerned. He had received two company grade Article 15s, with two subsequent vacations of suspended punishment. He was barred from reenlistment on 21 May 1986. He had blatant disregard for authority. He showed no potential or desire to succeed in the Army; he was given every opportunity to improve his conduct/duty performance and was counseled to no avail. The applicant acknowledged receipt of the notification of separation action on the same day.

e. After being advised by counsel, on 27 June 1986, he acknowledged:

- the rights available to him and the effect of waiving said rights
- he may encounter substantial prejudice in civilian life if a discharge under other than honorable conditions is issued to him

- he may apply to the Army Discharge Review Board or the ABCMR for upgrading
- he is ineligible to apply for enlistment in the Army for 2 years after discharge

f. On 27 June 1986, the immediate commander initiated separation action against the applicant for unsatisfactory performance. He recommended that his period of service be characterized as general, under honorable conditions. The intermediate commander recommended approval.

g. On 28 June 1986, consistent with the chain of command recommendations, the separation authority approved the discharge recommendation for immediate separation under the provisions of AR 635-200, paragraph 13-9. Unsatisfactory performance. He would be issued a general, under honorable conditions discharge.

h. On 18 July 1986, he was discharged from active duty with a general, under honorable conditions characterization of service. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 1 year and 17 days of active service. He was assigned separation code JHJ and the narrative reason for separation listed as "Unsatisfactory Performance". It also shows he was awarded or authorized:

- Army Service Ribbon
- Marksman Marksmanship Qualification Badge with Rifle Bar (M16)

4. The applicant provided a copy of his resume to show his work history since his discharge from active service.

5. On 18 December 2012, the Army Board for Correction of Military Records (ABCMR) rendered a decision in Docket Number AR20120010010. The Board noted 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.

6. MEDICAL REVIEW:

a. Background: The applicant is requesting reconsideration of his previous request for an upgrade of his general, under honorable conditions discharge to honorable. He contends PTSD as related to his request.

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 into the Regular Army on 2 July 1985.

- On 27 June 1986, the applicant's immediate commander notified him of his intent to separate him under the provisions of chapter 13, Army Regulation 635-200 (Personnel Separations - Enlisted Personnel) for unsatisfactory performance. The specific reasons for his proposed recommendation were based upon the applicant having a bad attitude as far as him being in the military is concerned. He had received two company grade Article 15s, with two subsequent vacations of suspended punishment. He was barred from reenlistment on 21 May 1986. He had blatant disregard for authority. He showed no potential or desire to succeed in the Army; he was given every opportunity to improve his conduct/duty performance and was counseled to no avail. The applicant acknowledged receipt of the notification of separation action on the same day.
- On 18 July 1986, he was discharged from active duty with a general, under honorable conditions characterization of service. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he completed 1 year and 17 days of active service. He was assigned separation code JHJ and the narrative reason for separation listed as "Unsatisfactory Performance".

c. Review of Available Records: The Army Review Boards Agency (ARBA) Behavioral Health Advisor reviewed the supporting documents contained in the applicant's file. The applicant states he requests reconsideration of his previous request for an upgrade of his general, under honorable conditions discharge to honorable. He was married and suffering with post-traumatic stress disorder (PTSD) which was not treated during his military service. He asked the assigned captain for a military separation due to PTSD and family issues which was denied. He requests the correction of his service records to acquire Department of Veterans Affairs (VA) benefits and spousal benefits.

d. Due to the period of service no active-duty electronic medical records were available for review. The applicant submitted hardcopy documentation of a mental status evaluation, dated 21 April 1986, indicating the applicant did not have any mental health condition and no diagnosis was rendered. The evaluation states the applicant was having difficulty adjusting to the demands of military service and did not possess the character and strength to be an effective Soldier. He was found to have the mental capacity to understand and participate in proceedings, was mentally responsible, met retention standards, had no psychiatric illness, and was cleared for any administrative action deemed appropriate by his command.

e. The VA's Joint Legacy Viewer (JLV) was reviewed and indicates the applicant is not service connected and there is no evidence he has been diagnosed with or has participated in treatment of any behavioral health condition.

f Based on the information available, it is the opinion of the Agency Behavioral Health Advisor that there is insufficient evidence to support the applicant had a behavioral health condition during military service that mitigates his discharge.

g. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant asserted PTSD on his application as related to his request.

(2) Did the condition exist or experience occur during military service? No. There is no medical documentation indicating the applicant was diagnosed with any BH condition during military service or post-discharge.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. Although the applicant asserted PTSD as related to his request, he did not provide a rationale, an index trauma, or an explanation for his assertion of PTSD. There is insufficient evidence of any mitigating BH condition. There is no evidence of any in-service BH diagnoses and the VA has not service-connected the applicant for any BH condition. The VA electronic record indicates the applicant has not been diagnosed or treated for any mental health condition. And while the applicant selected PTSD on his application, he did not provide any medical documentation substantiating any BH diagnosis.

h. Per Liberal Consideration guidelines, his assertion of PTSD is sufficient to warrant consideration by the Board.

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 record of service, documents submitted in support of the petition and executed a comprehensive review based on law, policy, regulation, and published Department of Defense guidance for liberal and clemency determination requests for upgrade of his characterization of service. Upon review of the applicant's petition and available military records, the Board found no error or injustice existed to warrant an upgrade to honorable. The Board noted and concurred with the medical advisor's review finding insufficient evidence to support the applicant had a condition or experience that mitigated his misconduct. Based upon the conduct leading to the applicant's separation and the following recommendation found in the medical review related to the liberal consideration, the Board determined relief was not warranted.

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant asserted PTSD on his application as related to his request.

(2) Did the condition exist or experience occur during military service? No. There is no medical documentation indicating the applicant was diagnosed with any BH condition during military service or post-discharge.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. Although the applicant asserted PTSD as related to his request, he did not provide a rationale, an index trauma, or an explanation for his assertion of PTSD. There is insufficient evidence of any mitigating BH condition. There is no evidence of any in-service BH diagnoses and the VA has not service-connected the applicant for any BH condition. The VA electronic record indicates the applicant has not been diagnosed or treated for any mental health condition. And while the applicant selected PTSD on his application, he did not provide any medical documentation substantiating any BH diagnosis.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	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 amendment of the ABCMR decision rendered in Docket Number AR20120010010 on 18 December 1986.



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. Army Regulation 635-200 sets forth the requirements and procedures for administrative discharge of enlisted personnel. Chapter 13 of this regulation, in effect at the time, provides for separation due to unsatisfactory performance when in the commander's judgment the individual will not become a satisfactory Soldier; retention will have an adverse impact on military discipline, good order and morale; the service member will be a disruptive influence in the future; the basis for separation will continue or recur; and/or the ability of the service member to perform effectively in the future, including potential for advancement or leadership, is unlikely. Service of Soldiers separated because of unsatisfactory performance under this regulation will be characterized as honorable or under honorable.

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

a. 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 the 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 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.

3. 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.

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.

//NOTHING FOLLOWS//