

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 April 2025

DOCKET NUMBER: AR20240008057

APPLICANT REQUESTS: an upgrade of her characterization of service from uncharacterized to honorable.

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

- DD Form 149 (Application for Correction of Military Record), 17 June 2024
- Department of Veterans Affairs benefits summary letter, 24 April 2024

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 her DD Form 214 shows her service was uncharacterized; however, her VA benefits summary letter shows her service was characterized as honorable (should read under honorable conditions).
3. The applicant provides her VA benefits summary letter showing she served in the Army from 6 March 1990 to 19 October 1990 and was issued an under honorable conditions character of service. Additionally, she has a ten percent combined service-connected disability.
4. A review of the her record shows:
 - a. She enlisted in the Regular Army on 6 March 1990.
 - b. Her DA Form 2-1 (Personnel Qualification Record – Part II), item 5 (Overseas Service) shows she served in Germany from 24 July 1990 to 18 October 1990.
 - c. Between 17 August 1990 and 31 August 1990 she was counseled on two separate occasions to inform her that her continued unsatisfactory performance and/or

misconduct, specifically her feelings of not wanting to be in the Army and for absenting herself from physical training formation, could result in her being administratively separated from the Army under the provisions of Army Regulation 635-200.

d. On 27 August 1990, she underwent a mental status evaluation. The examining official noted the applicant had an adjustment disorder with depressed mood and occupational problem. The applicant is extremely dissatisfied in the Army. She has become depressed with occasional suicidal feelings. Additionally, she states the applicant appeared cleared for administrative discharge and recommended a trainee (entry level) discharge.

e. On 31 August 1990, her company level commander notified her that he was initiating action to separate her from service under the provisions of AR 635-200, chapter 11, paragraph 11-1, for unsatisfactory performance and conduct. Her commander noted the reason for is proposed action was: the applicant had been diagnosed as having adjustment order with depressed mood and with occasional suicidal feelings.

f. On 6 September 1990, after consulting with counsel for the contemplated action against her, she acknowledged the notification to separate her under the provisions of AR 635-200, chapter 11, for unsatisfactory performance and conduct while in an entry status.

g. On 19 September 1990, her company level commander formally recommended she be separated from the Army under the provisions of AR 635-200, chapter 11.

h. On 26 September 1990, the separation approval authority approved the recommended discharge under the provisions of AR 635-200, chapter 11, for entry level performance/conduct, and directed the applicant's service be uncharacterized.

h. Her DD Form 214 (Certificate of Release or Discharge from Active Duty) shows she was discharged in the rank/grade of private/E-1 on 19 October 1990 under the provisions of AR 635-200, paragraph 11-3a, by reason of entry level status performance and conduct. She completed 7 months and 14 days of net active service. Her service was uncharacterized. She was issued the separation code "JGA" and the reenlistment code "3". Item 13 (Decorations, Medals, Badges, Citation and Campaign Ribbons Awarded or Authorized), shows she was awarded or authorized the following:

- Army Service Ribbon
- Sharpshooter Marksmanship Qualification Badge with Rifle Bar (M-16)

5. There is no indication the applicant applied to the Army Discharge Review Board for review of his discharge within that board's 15-year statute of limitations.

6. Soldiers are considered to be in an entry-level status when they are within their first 180 days of active-duty service. The evidence of record shows he was in an entry-level status at the time of his separation. An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It simply means the Soldier was not in the Army long enough for his or her character of service to be rated as honorable or otherwise.

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

8. MEDICAL REVIEW:

a. Background: The applicant is applying to the ABCMR requesting consideration of a change to her characterization of service from uncharacterized to honorable.

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:

- The applicant enlisted into the Regular Army on 6 March 1990.
- Between 17 August 1990 and 31 August 1990 she was counseled on two separate occasions to inform her that her continued unsatisfactory performance and/or misconduct, specifically her feelings of not wanting to be in the Army and for absenting herself from physical training formation, could result in her being administratively separated from the Army under the provisions of Army Regulation 635-200.
- On 31 August 1990, her company level commander notified her that he was initiating action to separate her from service under the provisions of AR 635-200, chapter 11, paragraph 11-1, for unsatisfactory performance and conduct. Her commander noted the reason for is proposed action was: the applicant had been diagnosed as having adjustment order with depressed mood and with occasional suicidal feelings.
- On 26 September 1990, the separation approval authority approved the recommended discharge under the provisions of AR 635-200, chapter 11, for entry level performance/conduct, and directed the applicant's service be uncharacterized.
- The applicant was discharged on 19 October 1990 and completed 7 months and 14 days of net active service.

c. Review of Available Records: The Army Review Board Agency (ARBA) Behavioral Health Advisor reviewed the supporting documents contained in the applicant's file. The applicant asserts the VA has shown her characterization of service as "honorable" but her DD 214 shows "uncharacterized," and she would like her DD 214 to reflect the same

as her disability rating. A Report of Mental Status Evaluation dated 27 August 1990 indicated the applicant's mood as depressed and her behavior as "passive," and she was given a diagnosis of Adjustment Disorder with depressed mood. The evaluator noted "this soldier is extremely dissatisfied in the Army" and indicated symptoms depression with suicidal ideation. A "trainee discharge" was recommended, but the document showed the applicant met retention standards. A Counseling Form dated 31 August 1990 documented the event, which occurred on 23 August 1990, where the applicant was found "a little delirious" and taken to the hospital where she was admitted through the weekend for observation and "to be seen by medical counselors." There was sufficient evidence that the applicant was diagnosed with a mental health condition while on active service.

d. The Joint Legacy Viewer (JLV), which contains medical and mental health records for both DoD and VA, was reviewed and showed an Initial PTSD Disability Benefits Questionnaire (DBQ) dated 24 March 2014, which showed her symptoms did not meet criteria for PTSD. She was given a diagnosis of Major Depressive Disorder, Recurrent, with anxious distress. The evaluator concluded that her diagnosis is "less likely as not incurred in or caused by the treatment for Adjustment Disorder with depressed mood that was treated during active duty as a result of the veteran's discontent with the Army." The evaluator goes on to explain the diagnosis being contingent on an identified stressor, in this case the military, and the symptoms remitting when the stressor was removed, and the psychologist attributed the applicant's condition to a failure to adjust to a military environment. The applicant is 60% service connected for three physical health conditions.

e. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is sufficient evidence to support that the applicant was diagnosed with an Adjustment Disorder with depressed mood while on active service, and this diagnosis was related the stressor of the military environment. Documentation showed that the applicant expressed dissatisfaction with being in the Army while still being in a training status, and there was evidence that her condition was interfering with her training. Separation action was initiated on 31 August 1990, 178 days since her enlistment date. The applicant's DD Form 214 showed she completed 7 months and 14 days of service. Considering the evidence of her diagnosis and in accordance with Liberal Consideration, the board could consider a change to the narrative reason for discharge to the 2021 revision to AR 635-200, Chapter 5-14(6), "other designated physical or mental condition," which is related to Adjustment Disorder. This could provide justification for a change to her characterization of service to honorable.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? NA; request is for change in characterization of service

(2) Did the condition exist or experience occur during military service? NA; request is for change in characterization of service

(3) Does the condition or experience actually excuse or mitigate the discharge? NA; request is for change in characterization of service

BOARD DISCUSSION:

1. 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 and standard review based on law, policy and regulation, and published Department of Defense guidance for liberal and clemency determinations requests for upgrade of his characterization of service. Upon review of the applicant's petition, available military records and medical review, the Board considered the advising opinion of the Agency Behavioral Health Advisor that there is sufficient evidence to support that the applicant was diagnosed with an Adjustment Disorder with depressed mood while on active service, and this diagnosis was related the stressor of the military environment. However, notwithstanding the advising opine, the Board found that this diagnosis, while relevant, does not warrant a change in the characterization of service under the applicable separation authority.

2. The Board acknowledged the applicant's contentions that her VA benefits summary letter reflects an honorable character of service, which she believes should be reflected on her DD Form 214. However, the Board noted that the VA letter likely refers to "under honorable conditions," which is distinct from an honorable discharge and does not override the official military record. The Board found the applicant's service record confirms that she was separated under the provisions of AR 635-200, Chapter 11, for entry-level performance and conduct, after serving 7 months and 14 days of active duty. The Board determined the applicant's DD Form 214 properly shows the appropriate characterization of service as uncharacterized. Furthermore, an uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It merely means the Soldier has not been in the Army long enough for his or her character of service to be rated as honorable or otherwise. As a result, there is no basis for granting the applicant's request.

3. The Board considered the following Kurta Questions under liberal consideration:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? NA; request is for change in characterization of service

(2) Did the condition exist or experience occur during military service? NA; request is for change in characterization of service

(3) Does the condition or experience actually excuse or mitigate the discharge? NA; request is for change in characterization of service

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

X //SIGNED//

CHAIRPERSON

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 three 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 three-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.

2. AR 635-200, in effect at the time, sets policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

a. 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. 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 11 provides that separation under this chapter applies to Soldiers who are in an entry level status and, before the date of the initiation of separation action, have completed no more than 180 days of continuous active duty and have demonstrated that they cannot or will not adapt socially or emotionally to military life. Entry level status is defined as the first 180 days of continuous active duty. It further states that the character of service for members separated under the provisions of this chapter will be uncharacterized.

d. Section II (Terms):

(1) Character of service for administrative separation - A determination reflecting a Soldier's military behavior and performance of duty during a specific period of service. The three characterizations are honorable, general (under honorable conditions), and under other than honorable conditions. The service of Soldiers in entry-level status is normally described as uncharacterized.

(2) Entry-level status - For Regular Army Soldiers, entry-level status is the first 180 days of continuous active duty or the first 180 days of continuous active duty following a break of more than 92 days of active military 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/NR) 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. This guidance does not mandate relief but provides standards and principles to guide Boards in application of their equitable relief authority.

a. 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.

//NOTHING FOLLOWS//