

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 31 March 2025

DOCKET NUMBER: AR20240008369

APPLICANT REQUESTS: a narrative reason change.

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

- DD Form 149 (Application for Correction of Military Record)
- Department of Veterans Affairs (VA) Summary of Benefits

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 she is seeking a narrative reason change from Condition, Not a Disability to Service Disability. The applicant was discharged because of multiple service-connected disabilities and believes their DD Form 214 (Certificate of Release or Discharge from Active Duty) should reflect accurate information. The applicant claims post-traumatic stress disorder (PTSD).
3. She enlisted in the Regular Army on 5 January 2007.
4. DA Form 3822-R (Report of Mental Status Evaluation) reflects she underwent a mental status evaluation on 25 August 2008. The psychologist diagnosed her with an adjustment disorder with disturbance of emotions, marital problems, and schizoid, avoidant, masochistic, and compulsive trait. The psychologist recommended separation under Army Regulation 635-200, Chapter 5-17.
5. DA Form 4856 reflects her commander counseled her on being initiated for separation based on her diagnosis.

6. On 22 September 2008, the immediate commander notified the applicant he was initiating separation against her under AR 635-200, Chapter 5, paragraph 5-17, for other designated physical or mental conditions, with an honorable characterization of service.
7. She provided letters of support of a current and former supervisor, at the time of separation, showing support for her to be retained.
8. Her chain of command recommended approval of separation.
9. On 7 October 2008, the separation authority approved the separation under the provisions of AR 635-200, Chapter 5, paragraph 5-17.
10. Accordingly, she was discharged with an honorable on 29 October 2008. Her DD Form 214 shows she completed 1 year, 9 months, and 25 days net active service this period. Item 28 (Narrative Reason for Separation, reflects, Condition, Not A Disability).
11. The applicant provided a VA summary of benefits, reflecting the VA rated the applicant 90 percent service-connected disabled for one or more disabilities. The letter did not disclose the medical condition(s) which were evaluated.
12. There is no evidence the applicant has applied to the Army Discharge Review Board for review of her discharge within that board's 15-year statute of limitations.
13. 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.
14. MEDICAL REVIEW:
 - a. The applicant is applying to the ABCMR requesting a medical discharge in lieu of an honorable administrative discharge due to Condition, Not a Disability. The applicant asserts PTSD is related to her 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 on 5 January 2007; 2) On 22 September 2008, the applicant's immediate commander notified her that he was initiating separation against her under AR 635-200, Chapter 5, paragraph 5-17, for other designated physical or mental conditions, with an honorable characterization of service; 3) The applicant was discharged with an honorable discharge on 29 October 2008, Chapter 5-17 (Condition, Not a Disability). She completed 1 year, 9 months, and 25 days net active service.

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) and VA medical documentation provided by the applicant were also examined.

c. The applicant is requesting a medical discharge due to PTSD instead of being administratively separated due to a Condition, not a Disability. The applicant initially self-referred to behavioral health services on 27 December 2007 due to increased occupational stress, anxiety, and relationship problems. The applicant reported an extensive history of sexual abuse, domestic violence, and mental health problems to include self-harm prior to her enlistment. She was diagnosed with an Adjustment Disorder and recommended for follow-up individual therapy. In February 2008, the applicant attempted suicide by taking a significant overdose of over the counter medication, and she was admitted into an inpatient psychiatric program for almost a month due to ongoing suicidal ideation. The applicant was prescribed psychiatric medication, placed on a temporary psychiatric profile in late March 2008, and she was diagnosed again with an Adjustment Disorder despite her current symptomatology. She continued in outpatient individual therapy, attended medication management appointments, and continued on her temporary psychiatric profile when she moved to her next duty station. At her next duty station (Fort Bragg), there was immediate concern for her suitability for continued military service due to her MOS (MP) and her "no weapons profile." She was seen by behavioral health services on 26 June 2008 to initiate services and get a refill on her medication. The applicant noted minimal improvement with her depression and anxiety on her medication and previous treatment program. Her psychiatric profile was extended, and her history of trauma and ongoing marital problems noted. The applicant was diagnosed with an Adjustment Disorder and recommended for individual therapy and medication management. The applicant was involved in a few significant domestic violence incidents when she was identified as the victim, and she was referred to the Family Advocacy Program for group and individual counseling. She underwent two Command Directed Mental Health Evaluations where her symptoms, her significant history of trauma, and current exposure to ongoing trauma related to domestic violence were noted. However, she was not diagnosed with a PTSD or another trauma related disorder, rather she was diagnosed with an Adjustment Disorder, marital problems, and certain personality traits. Consequently, she was recommended for an administrative separation rather than referred to an MEB. The applicant continued to attend group, individual behavioral health treatment and medication management appointments without improvement till her discharge in October 2008. Her temporary profile was continually extended, and she was determined unable to deploy or handle a weapon. Despite her history of trauma, there was insufficient evidence provided on how the applicant did not meet criteria for PTSD. Rather she was administratively separated for an Adjustment Disorder.

d. A review of JLV provided evidence the applicant was diagnosed service-connected PTSD by the VA following her discharge, and she was actively engaged in treatment till 2020.

e. Based on the available information, it is the opinion of the Agency Medical Advisor that the applicant was exposed to significant trauma prior and during her active service. She was hospitalized for an extended period of time for suicidal ideation after a suicide attempt. She was reporting symptoms consistent with PTSD, which did not improve despite consistent attendance to treatment and a robust treatment plan. The applicant was also on a duty limiting profile for over six months. Therefore, there is sufficient evidence the applicant's case warrants a referral to DES to be assessed for a medical discharge for PTSD rather than an administrative separation for a Condition, not a Disability.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? Yes, the applicant was exposed to significant trauma prior and during her active service. She was hospitalized for an extended period of time for suicidal ideation after a suicide attempt. She was reporting symptoms consistent with PTSD, which did not improve despite consistent attendance to treatment and a robust treatment plan. The applicant was also on a duty limiting profile for over six months. Therefore, there is sufficient evidence the applicant's case warrants a referral to DES to be assessed for a medical discharge for PTSD rather than an administrative separation for a Condition, not a Disability.

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

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

BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined partial relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the available documentation, the statement of the applicant, and the findings and recommendation outlined in the medical review, the Board concluded there was sufficient evidence to refer the applicant record to the Disability Evaluation System (DES) for further evaluation to determine whether a change in the applicant's narrative reason for separation is warranted.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1.The Board determined that the evidence presented was sufficient to warrant partial relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by directing the applicant be entered into the Disability Evaluation System (DES) and a Medical Evaluation Board (MEB) convened to determine whether the applicant's condition(s), to include PTSD, met medical retention standards at the time of service separation.

a. In the event that a formal physical evaluation board (PEB) becomes necessary, the individual concerned will be issued invitational travel orders to prepare for and participate in consideration of their case by a formal PEB. All required reviews and approvals will be made subsequent to completion of the formal PEB.

b. Should a determination be made that the applicant should have been separated or retired under the DES, these proceedings will serve as the authority to void their administrative separation and to issue them the appropriate separation retroactive to their original separation date, with entitlement to all back pay and allowances and/or retired pay, less any entitlements already received.

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 changing the applicant's narrative reason for separation prior to the DES determination.

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

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. Title 10, USC, section 1556 (Ex Parte Communications Prohibited) 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 applicant's (and/or their counsel) prior to adjudication.
3. AR 15-185 (ABCMR) provides that the ABCMR begins its consideration of each case with the presumption of administrative regularity.
4. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), in effect at the time, set forth the basic authority for the separation of enlisted personnel.
 - a. Paragraph 5-17 is applicable to members who had other physical or mental conditions not amounting to a disability, (AR 635-40) and excluding conditions appropriate for separation processing under paragraph 5-11 or 5-13 that potentially interfere with assignment to or performance of duty.
 - b. An honorable discharge is a separation with honor. The honorable characterization is appropriate when the quality of the Soldier's service has generally met standards of acceptable conduct and performance of duty for Army personnel.
 - c. 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.
5. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), in effect at the time, set forth specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JFV" as the appropriate code to assign enlisted Soldiers

who are discharged under the provisions of Army Regulation 635-200, Chapter 5-17, Condition, Not a Disability.

6. Army Regulation 635-8 (Separation and Processing 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.

7. 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 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.

8. 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.

9. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and 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 on the basis of 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.

//NOTHING FOLLOWS//