

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 June 2025

DOCKET NUMBER: AR20240008625

APPLICANT REQUESTS:

- upgrade of his uncharacterized discharge to honorable
- personal appearance before the Board, via video/telephone

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

DD Form 149 (Application for Correction of Military Record)

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 suffered great loss at the time he served in the Louisiana Army National Guard (ARNG). He had two family members who were gunned down and murdered. He feared for his life as well. He did not know how to deal with those losses and fell into deep depression without ways to cope. His mental state was not good nor was his decision making. His mental health was at an all-time low and while he needed help, the military did not provide him the adequate resources to get the help he needed.
3. On his DD Form 149, the applicant notes post-traumatic stress disorder (PTSD), and other mental health issues are related to his request.
4. A review of the applicant's service records reflect the following:
 - a. He enlisted in the ARNG on 12 February 1998.
 - b. On an unknown date, he was transferred to the U.S. Army Reserve (USAR) Control Group.

c. Orders C-04-210155 dated 10 April 2002, issued by USAR Personnel Command, reassigned him from the USAR Control Group for enlistment in the Louisiana ARNG, effective 4 December 2000.

d. The available record is void of a separation packet containing the specific facts and circumstances surrounding his discharge. However, his record contains a National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service) that identifies the authority and reason for his discharge.

e. The applicant's NGB Form 22 shows he was discharged from the ARNG and transferred to the USAR Control Group on 15 January 2004, under the provisions of National Guard Regulation 600-200 (Enlisted Personnel Management), paragraph 8-27w for failure to report to the gaining state upon interstate transfer. His service was uncharacterized.

f. Orders D-020604275, issued by USAR Human Resources Command, discharged him from the USAR Control Group effective 21 February 2006, under the provisions of Army Regulation 135-178 (Army National Guard and Army Reserve – Separation of Enlisted Personnel). His service was characterized as honorable.

5. 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.

6. MEDICAL REVIEW:

a. Background: The applicant is applying to the ABCMR requesting consideration of a change to his characterization of service from uncharacterized to honorable. He contends he experienced undiagnosed PTSD that warrants this change.

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 ARNG on 12 February 1998.
- Orders dated 10 April 2002, issued by USAR Personnel Command, reassigned him from the USAR Control Group for enlistment in the Louisiana ARNG, effective 4 December 2000.
- The available record is void of a separation packet containing the specific facts and circumstances surrounding his discharge. However, his record contains a National Guard Bureau (NGB) Form 22 that identifies the authority and reason for his discharge.
- The applicant's NGB Form 22 shows he was discharged from the ARNG and transferred to the USAR Control Group on 15 January 2004, under the provisions

of National Guard Regulation 600-200, paragraph 8-27w for failure to report to the gaining state upon interstate transfer. His service was uncharacterized.

- Orders D-020604275, issued by USAR Human Resources Command, discharged him from the USAR Control Group effective 21 February 2006, under the provisions of Army Regulation 135-178. His service was characterized as honorable.

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 he suffered a great loss at the time he served in the Louisiana ARNG and had two family members who were gunned down and murdered. He did not know how to deal with these losses and fell into a deep depression without ways to cope. His mental health was not good and at an all-time low, and the military did not provide him with resources. He indicated PTSD as an issue or condition related to his request. The application was void of any mental health or medical records. There was insufficient evidence that the applicant was diagnosed with PTSD or another psychiatric condition while on active service.

d. The Joint Legacy Viewer (JLV), which includes medical and mental health records from DoD and VA, was also reviewed and showed the applicant is 10% service connected for tinnitus. He established care at the VA in February 2024, but he has not utilized VA for mental health.

e. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is insufficient evidence to support that the applicant had a condition or experience that warrants a change in his characterization of service.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant asserts he had an undiagnosed mental health condition, including PTSD, at the time of his discharge. There were no mental health records from his time in service, and the application did not include records post-discharge. A review of VA records showed no history of mental health treatment.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts he was experiencing a mental health condition while on active service.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. A review of military medical and mental health records revealed no documentation of any mental health condition(s) while on active service or post-discharge. There is insufficient evidence, beyond self-report, that the applicant was experiencing a mental health condition while on active service. However, the applicant contends he had a

mental health condition or an experience that warrants a change to the characterization of his service, and per Liberal Consideration his contention is sufficient for the board's consideration.

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 request, supporting documents, evidence in the records, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. Upon review of the applicant's petition and available military record, the Board found no error or injustice in the separation proceedings based on the applicant failing to report to the gaining unit. The Board concurred with the medical advisor's review finding insufficient evidence, that the applicant was experiencing a mental health condition during his military service. Based on a preponderance of the evidence, the Board concluded that the characterization of service the applicant received upon separation was appropriate.
2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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 for correction of the records of the individual concerned.



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, U.S. Code, Section 1556, requires the Secretary of the Army to ensure that an applicant seeking corrective action by 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.
3. Army Regulation 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.
4. Army Regulation 135-178 (Army National Guard and Army Reserve – Enlisted Administrative Separations) sets forth the basic authority for the separation of enlisted Reserve Component personnel.
 - a. An honorable characterization of service is appropriate when the quality of the Soldier'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. Service will be described as uncharacterized if separation processing is initiated while a Soldier is in an entry level status, except when the Secretary of the Army, or the Secretary's designated representative, on a case-by-case basis, determines that characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of military duty.
5. National Guard Regulation 600-200 (Enlisted Personnel Management) in effect at the time, provided for the management of enlisted personnel. Chapter 8 of this

regulation set the guidance and reasons for discharging a Soldier from both the State ARNG and the Reserve or the Army. Paragraph 8-27w pertained to Soldiers discharged from the Inactive ARNG for failure to report to annual muster.

6. The Under Secretary of Defense for Personnel and Readiness provided clarifying guidance to Service Discharge Review Boards (DRB) and Service Boards for Correction of Military/Navy Records (BCM/NR) on 25 August 2017. The memorandum directed them to give liberal consideration to veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD, traumatic brain injury, sexual assault, or sexual harassment. Standards for review should rightly consider the unique nature of these cases and afford each veteran a reasonable opportunity for relief even if the mental health condition was not diagnosed until years later. 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.

7. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military DRBs 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.

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 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//