

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 April 2025

DOCKET NUMBER: AR20240008725

APPLICANT REQUESTS: an upgrade of his uncharacterized discharge to honorable.

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 is requesting an upgrade of his uncharacterized discharge to honorable. After high school he struggled with undiagnosed anxiety and depression, which influenced his decision to leave the Army. While he deeply regrets this decision, he believes it should not define his life moving forward. More importantly, he is not seeking benefits but only wishes to have the characterization of his discharge corrected. The applicant marked other mental health on his DD Form 149 as a condition related to his request.
3. A review of the applicant's service record shows:
 - a. He enlisted in the Regular Army on 2 September 1998.
 - b. On 10 September 1998, the applicant underwent a mental status evaluation. The applicant was diagnosed with adjustment disorder with depressed mood. He was psychiatrically cleared for any administrative action deemed appropriate by the command. A recommendation was made for administrative action based on his future performance.
 - c. On 11 September 1998, the applicant's immediate commander notified the applicant of his intent to separate him under the provisions of Chapter 11, Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), for entry level

performance and conduct. The reasons for his proposed action were due to the applicant revealing he had a history of physical and sexual abuse. Success in basic training would be minimal.

d. On 14 September 1998, after consultation with legal counsel, he acknowledged notification of the proposed separation and understood, if approved he would receive an entry level separation with uncharacterized service.

e. On 14 September 1998, the immediate commander initiated separation action against the applicant for entry level performance and conduct due to the applicant's inability to cope with the military environment. The commander recommended an uncharacterized discharge.

f. 29 September 1998, consistent with the chain of command recommendations, the separation authority approved the discharge recommendation for immediate separation under the provisions of AR 635-200, Chapter 11, for entry level performance and conduct.

g. On 2 October 1998, he was discharged from active duty with an uncharacterized characterization of service. His DD Form 214 shows he completed 1 months and 1 day of active service.

4. 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.

5. 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.

6. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting to change his uncharacterized discharge. He contends that he experienced mental health conditions related to his 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 2 September 1998; 2) Per a 14 September 1998 memorandum, the applicant's separation action was noted due to the applicant's disclosure of a history of physical and sexual abuse and referral to behavioral medicine on 09 and 10 September 1998 for suicidal ideations and subsequent prediction of minimal success in basic training; 3) The applicant's DD214 shows he was released from active-duty training on 02 October 1998-Chapter 11 for entry level performance and conduct. His service was determined to be uncharacterized. He completed 1 month and 1 day of net active service.

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the available supporting documents and the available military service and medical records. The VA's Joint Legacy Viewer (JLV) was also reviewed. No additional medical documentation was provided for review. Lack of citation or discussion in this section should not be interpreted as lack of consideration.

c. The applicant asserts that mental health conditions impacted the circumstances leading to his discharge. On a memorandum dated 10 September 1998, the applicant was command referral for a mental health evaluation by active-duty mental health technician resulting in the diagnosis of adjustment disorder with depressed mood and cleared for additional administrative actions deemed appropriate by command. No additional mental health documentation was provided for review.

d. A review of JLV did not reveal any results. There is insufficient evidence the applicant has been diagnosed with a service-connected mental health condition, and he does not receive any service-connected disability for a mental health condition.

e. Based on the available information, it is the opinion of the Agency Medical Advisor that there is insufficient evidence at this time that the applicant was experiencing a mental health condition during service to warrant a change to his uncharacterized discharge status.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? Yes, the applicant asserts mental health conditions are related to his request to change his uncharacterized discharge. The applicant was diagnosed by a mental health technician for adjustment disorder with depressed mood.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts he was experiencing a mental health condition during his active service which is related to his request to a change to his uncharacterized discharge. The applicant was diagnosed with adjustment disorder with depressed mood as a result of a command referral to behavioral medicine during initial training.

(3) Does the condition or experience actually excuse or mitigate the misconduct? No, there is insufficient evidence beyond self-report the applicant was experiencing a mental health condition during his enlistment in military service, which would mitigate his uncharacterized discharge. However, the applicant's contention a mental health condition mitigates his discharge status is sufficient for the board's consideration per Liberal 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 record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. The governing regulation provides that a separation will be described as an entry-level separation, with service uncharacterized, if the separation action is initiated while a Soldier is in entry-level status. Upon review of the applicant's petition, available military records and medical review, the Board concurred with the advising official opine based on the available information, it is the opinion of the Agency Medical Advisor that there is insufficient evidence at this time that the applicant was experiencing a mental health condition during service to warrant a change to his uncharacterized discharge status.

Kurta Questions:

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(3) Does the condition or experience actually excuse or mitigate the misconduct? No, there is insufficient evidence beyond self-report the applicant was experiencing a mental health condition during his enlistment in military service, which would mitigate his uncharacterized discharge. However, the applicant's contention a mental health condition mitigates his discharge status is sufficient for the board's consideration per Liberal Consideration.

2. The Board determined the applicant completed 1 month and 1 day of net active duty service and did not complete training and was released from active duty for entry level performance and conduct. As such, his DD Form 214 properly shows the appropriate characterization of service as uncharacterized.

3. 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 for upgrade of her uncharacterized character of service or revision of her narrative reason for separation and separation code. Therefore, the Board denied relief.

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, United States 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 Army Board for Correction of Military Records (ABCMR) determines it would be in the interest of justice to do so.
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. Paragraph 3-7a (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. Paragraph 3-7b (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 11 sets policy and provides guidance for the separation of personnel because of unsatisfactory performance or conduct (or both) while in an entry-level status. It states when separation of a member in entry-level status is warranted by unsatisfactory performance or minor disciplinary infractions (or both) as evidenced by inability, lack of reasonable effort, or failure to adapt to the military environment, the member normally will be separated per this chapter. This separation policy applies to Soldiers who enlisted in the Regular Army, Army National Guard, or U.S. Army Reserve who are in entry level status and, before the date of initiation of separation action, have completed no more than 180 days of creditable continuous active duty or IADT by the date of separation and have demonstrated they are not qualified for retention for one or more of the following reasons:
 - cannot or will not adapt socially or emotionally to military life
 - cannot meet the minimum standards prescribed for successful completion of training because of lack of aptitude, ability, motivation or self-discipline
 - have demonstrated character and behavior characteristics not compatible with satisfactory continued service
 - failed to respond to counseling

3. 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.

4. 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.

5. 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.

6. 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.

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//