

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 6 May 2025

DOCKET NUMBER: AR20240008763

APPLICANT REQUESTS:

- reconsideration of his previous request for upgrade of his U.S. Army Reserve (USAR) discharge from under honorable conditions (general) to honorable
- a 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), 2 July 2024
- Urinalysis Report, 4 June 1993
- Forensic Drug Screen Report, 18 August 1993
- Orders 68-7, 13 May 1994
- Army Board for Correction of Military Records (ABCMR) Docket AR20130012747, 22 April 2014

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the ABCMR in Docket Number AR20130012747 on 22 April 2014.

2. The applicant states there is nothing in his records which indicates he should have been discharged less than honorable. He has received treatment from the Department of Veterans Affairs for post-traumatic stress disorder (PTSD), stress, and anxiety for situations that occurred while on duty from 1980 through 1994.

3. A review of the applicant's service records show the following:

a. He enlisted in the Regular Army on 16 October 1979 and was honorably released from active duty on 15 October 1982. He served 3 years of net active service this period.

b. He enlisted in the USAR on 10 October 1983.

c. His DA Form 1059 (Service School Academic Evaluation Report), dated 10 July 1993, shows he was disenrolled from the school for administrative reasons. In accordance with governing regulations, drill sergeant candidates must be administered a urinalysis test and Soldiers who test positive will be removed from the school.

d. His records are void of the facts and circumstances surrounding his discharge; however, Orders 68-7, dated 13 May 1994 show he was discharged from the USAR effective 16 May 1994 with an under honorable conditions (general) discharge, in the rank of Sergeant First Class.

4. He provides a urinalysis custody and report record, dated 4 June 1993 showing he received a positive urinalysis test for tetrahydrocannabinol (THC), a forensic drug screen report dated 18 August 1993 showing his urine specimen was negative for THC along with other drugs.

5. The ABCMR reviewed the applicant's request for an upgrade of his under honorable conditions (general) discharge on 22 April 2014. The Board determined the evidence presented did not demonstrate the existence of a probable error or injustice and the Board determined the overall merits of the case were insufficient as a basis for correction of the applicant's records

6. In reaching its determination, the Board can consider the applicant's petition, service record, and statements in light of the published guidance on equity, injustice, or clemency.

7. MEDICAL REVIEW:

a. Background: The applicant is applying to the ABCMR requesting reconsideration of an upgrade to his characterization of service from under honorable conditions (general) to honorable. He contends he experienced an undiagnosed mental health condition, including PTSD, that mitigates his misconduct.

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 16 October 1979 and was honorably released from active duty on 15 October 1982. He enlisted in the U.S. Army Reserves on 10 October 1983.
- His DA Form 1059 (Service School Academic Evaluation Report), dated 10 July 1993, shows he was disenrolled from the school for administrative reasons and references soldiers testing positive on a urinalysis will be removed from the drill sergeant school.

- His records are void of the facts and circumstances surrounding his discharge; however, Orders 68-7, dated 13 May 1994 show he was discharged from the USAR effective 16 May 1994 with an under honorable conditions (general) discharge, in the rank of Sergeant First Class.

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 that his records erroneously reflect a general discharge, and there is nothing in his records that should have indicated anything but honorable. He also stated he has received treatment from the VA for PTSD, stress, and anxiety for situations that occurred while on duty. He remarked that he was forced out of service as an E-7 for an alleged positive drug test, which he asserts is inaccurate. 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 was seen in the ER at the VA in May 2023 with anxiety symptoms, and he was referred to mental health but did not respond to scheduling efforts. He initially engaged with mental health on 31 October 2024 and reported symptoms of difficulty concentrating, sleep problems, being triggered by certain smells, intrusive memories/thoughts, and anxiety. He reported trauma exposure from working in a correctional facility for 28 years as well as service-related trauma (witnessing another service member in a vehicle accident as a first responder; and witnessing/responding to a drowning death of a service member). He was referred to the Trauma Recovery Program, where a thorough evaluation was conducted, and he was diagnosed with PTSD and a rule out of Major Depressive Disorder. Documentation between January and March 2025 showed that the applicant engaged in an evidence-based treatment for PTSD, and the primary traumas discussed were related to childhood and family experiences. However, on 20 March 2025 the focus of treatment was switched to couples therapy for PTSD, which the applicant and his wife are currently engaged in. Documentation from 2023 showed prescriptions for a medication used to treat anxiety and sleep, and the applicant appears to be currently prescribed an antidepressant, a sleep medication, and an anxiolytic.

e. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is insufficient evidence to fully opine on the change of his characterization of discharge because of the absence of the specific facts and circumstances surrounding his discharge processing.

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 PTSD at the time of the misconduct. VA records in October 2024 showed he was diagnosed with PTSD associated with multiple traumatic experiences throughout his lifetime, including service related, and he is currently engaged in PTSD treatment (psychotherapy and medications) through the VA.

(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? NA. The applicant asserts PTSD as a mitigating factor in his discharge, and VA records document treatment for PTSD beginning in October 2024. While substance abuse can be a common self-medicating strategy for avoiding uncomfortable emotions and memories related to trauma exposure, in the absence of a separation packet, there is insufficient evidence to demonstrate a nexus between his PTSD and the condition or experience that generated his discharge. Without knowledge of the basis for separation, no opinion regarding mitigation under liberal consideration can be made. However, the applicant's assertion of an undiagnosed mental health condition as a mitigating factor, per Liberal Consideration, warrants consideration by the board.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, to include the DoD guidance on liberal consideration when reviewing discharge upgrade requests, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Although the applicant's separation packet was unavailable for board review, based upon the available documentation showing the applicant was removed from Drill Sergeant School for testing positive and he was later separated for this and potentially other misconduct, the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's characterization of service.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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.

//SIGNED//

X

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 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. Section 1556 of Title 10, U.S. Code, requires the Secretary of the Army to ensure that an applicant seeking corrective action by 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.

3. 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. Paragraph 2-9a provides that 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. Paragraph 2-9b provides that a general (under honorable conditions) characterization of service is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

4. 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 Discharge Review Boards (DRB) and Boards for Correction of Military/Naval Records (BCM/NR) when considering requests by Veterans for modification of their discharges due in whole or in part to: mental health conditions, including Post-Traumatic Stress Disorder; 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 sexual assault or sexual harassment was unreported, or 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.

5. 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.

//NOTHING FOLLOWS//