

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 19 September 2025

DOCKET NUMBER: AR20240009222

APPLICANT REQUESTS: in effect, upgrade of the service member (SM) under other than honorable conditions discharge.

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

- DD Form 149 (Application for Correction of Military Record)
- Certificate of Death

FACTS:

1. The applicant, the widow of the deceased SM, states that as far as she knows, the SM was on leave so they could marry. They were married on 20 July 1974 and stayed married until his death. She would appreciate any consideration. The SM was buried in a grave donated to her by her family. They struggled for two years because of medical bills and life-saving medicine. She could not bury him in a veteran's cemetery or get a grave marker because they did not have his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge). Her heart grieves because of this. She is not well and they only had one daughter. She hopes that she can clear his name. The SM worked for 47 years and he was a faithful good man.

2. The SM enlisted in the Regular Army on 30 August 1971.

3. The SM's records shows he received nonjudicial punishment under the provisions of Article 15, Uniform Code of Military Justice, on:

- on 23 July 1973 for being absent without leave (AWOL) from 9 July to 17 July 1973
- on 1 August 1973 for violating a lawful order given by his unit commander and for failing to go at the time prescribed to his appointed place of duty
- on 16 August 1973 for failing to go at the time prescribed to his appointed place of duty

4. A DA form 3836 (Notice of Return of U.S. Army Member from Unauthorized Absence) shows the SM departed AWOL on 17 December 1973 and remained AWOL until he was apprehended by the Federal Bureau of Investigation on 21 May 1974.

5. The SM's complete separation proceedings are not available. His DD Form 214 shows he was discharged on 1 July 1974 under the provisions of Army Regulation 635- 200 (Personnel Separations-Enlisted Personnel), chapter 10, for the good of the service, in lieu of court-martial, with his service characterized as under other than honorable conditions.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the SM's military record, the Board found partial relief was warranted. The Board carefully considered the SM'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 the SM's characterization of service. Upon review of the applicant's petition and available SM's military records, the Board was compelled by the applicant's statement and due to the passage of time and under one of the tenets of the ABCMR of compassion the SM's discharge should be upgraded to under honorable conditions (general).

2. The Board carefully considered the SM'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 Board determined the SM's record did not support upgrading his character of service to honorable. Therefore, the Board denied relief.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214 ending on 1 July 1974 to show an under honorable conditions (general) character of service.
2. The Board further determined that 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 granting the SM an upgrade of his character of service to honorable.

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. Army Regulation 635-200 (Personnel Separations-Enlisted Personnel) sets forth the basic authority for the separation of enlisted personnel.

a. Chapter 10 provides that a member who commits an offense under the Uniform Code of Military Justice, for which the authorized punishment included a punitive discharge, could submit a request for discharge for the good of the service in lieu of trial by court-martial at any time after court-martial charges were preferred. Commanders would ensure that an individual was not coerced into submitting a request for discharge for the good of the service. Consulting counsel would advise the member concerning the elements of the offense or offenses, the type of discharge normally given under the provisions of this chapter, the loss of Department of Veterans Affairs benefits, and the possibility of prejudice in civilian life because of the characterization of such a discharge. An under other than honorable conditions discharge was normally considered appropriate.

b. Paragraph 3-7a states 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.

c. Paragraph 3-7b states a general discharge is a separation from the Army under honorable conditions. When authorized, it is issued to Soldiers whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

2. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to 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 warrant-ed 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, ex-ternal 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//