

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 March 2025

DOCKET NUMBER: AR20240009756

APPLICANT REQUESTS: reconsideration of his previous request for upgrade of his under other than honorable conditions discharge.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored letter
- Support letter, S.S. to provide a character reference to the applicant who is a close and dear friend; he confidently speaks to his outstanding character, dedication, and suitability for his role in his community (The complete letter is available for review by the Board in supporting documents)
- Support letter, C.L. states he is a person of outstanding character and integrity; he has had the pleasure of knowing him for over 20 years and have found him to be an exceptional individual in various aspects (The complete letter is available for review by the Board in supporting documents)
- Support letter, L.R. states he is a remarkable individual whom he has had the privilege of knowing for 31 years; his unwavering commitment to his family, community, and country has left an indelible mark on all who have crossed paths with him (The complete letter is available for review by the Board in supporting documents)
- Support letter, D.J. he has known him for over 22 years, as he has been a great family friend to his family (The complete letter is available for review by the Board in supporting documents)
- Support letter, N.N.B. has known him for twenty plus years; he has always been the sole provider for his family; he has participated in community activities, and he has made an impact by doing so

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20070005478 on 19 September 2007.

2. The applicant states to take into consideration racism in the military service. He enjoyed the U.S. Army and carried himself with great pride, but Germany was much different. The Board may ask, what made Germany different, his leadership and chain of command. Daily he would get the worst duty and be called names. He would complain to his Non-Commissioned Officer. He would be called the N Word or Boy and told to get back to work. He felt like he was on a slave plantation. He would talk to Sergeant T__ and he would tell him that is the way it is for blacks in Germany. He would be late by seconds and be ruled unexcused absence (UA). Once he got back to North Carolina, he went absent without leave (AWOL) due to being treated like a slave and being disrespected because of the color of his skin. As he got older and had kids, he had to teach them about racism. He now knows that he was wrong in going AWOL, but he did not want to live like that all his life. He has always carried himself, the Army way after he was discharge and teach the true characters that was installed in him. Please upgrade his discharge.

3. A review of the applicant's service record shows:

- a. He enlisted in the Alabama Army National Guard on 2 July 1976.
- b. He served a period of active-duty training (ADT) from 19 September 1976 until 4 March 1977, when he was honorably released from ADT.
- c. DA Form 2-1 (Personnel Qualification Record – Part II) shows in item 35 (Record of Assignments) he was ordered to active-duty service with a report date of 2 January 1979.
- d. He served in Germany from 10 March 1979 until 9 March 1982.
- e. On 3 January 1980, he enlisted in the Regular Army.
- f. He received nonjudicial punishment on:
 - Unspecified date, for on or about 4 May 1980, unlawfully strike another member with his closed fist and feet, he was reduced to private first class/E-3 (suspended until 22 August 1980)
 - 4 May 1981, for being AWOL from on or about 20 April 1981 until on or about 25 April 1981; he was reduced to private/E-2 (suspended for 120 days)
 - 25 October 1982, for on or about 22 September 1982, without authority, failed to go at the time prescribed to his appointed place of duty; he received a letter of reprimand
 - 1 December 1982, being AWOL from on or about 13 October 1982 until on or about 25 October 1982; he was reduced to private/E-2 (suspended for 60 days)

- 13 December 1982, for being AWOL from on or about 29 November 1982 until on or about 30 November 1982

g. DD Form 458 (Charge Sheet) shows court martial charges were preferred on 16 April 1984, for being AWOL from on or about 29 December 1982 until on or about 11 April 1984.

h. On 16 April 1984, he voluntarily requested separation under the provisions of Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), chapter 10 in lieu of court-martial.

i. On 17 April 1984, his chain of command recommended approval.

j. On 25 April 1984, the separation authority approved separation under the provisions of AR 635-200, chapter 10; he directed he be reduced to private/E-1.

k. Accordingly, he was discharged under conditions other than honorable on 10 May 1984. His DD Form 214 shows he completed 3 years and 9 days net active service this period.

4. On 16 December 1985, the Army Discharge Review Board after careful consideration of his military records and all other available evidence, determined that he was properly and equitably discharged. Accordingly, his request for a change in the type and nature of his discharge was denied.

5. In his previous request (AR20070005478) on 19 September 2007, after reviewing the application and all supporting documents, the Board determined the evidence presented does not demonstrate the existence of a probable error or injustice.

6. 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.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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. The Board considered the applicant's statement and record of service, the frequency and nature of the applicant's misconduct and the reason for separation. The applicant was charged with an offense punishable under the Uniform Code of Military Justice with a punitive discharge. After being charged, he consulted

with counsel and voluntarily requested discharge in lieu of trial by court-martial. The Board was convinced by the compelling statement and evidence submitted by the applicant. The applicant provided a personal account of the racial discrimination and mistreatment he endured during his service in Germany, which he asserts contributed to his misconduct and eventual separation. His narrative is consistent with broader historical patterns of racial bias in military environments and is supported by his self-authored statement. While his record includes multiple instances of nonjudicial punishment and AWOL, the applicant has acknowledged his mistakes and taken responsibility for his actions. He explains that his decision to go AWOL was driven by the emotional toll of persistent racial abuse and a sense of hopelessness, not by disregard for military duty.

a. In addition to his personal account, the applicant has submitted multiple letters of support from individuals who have known him for decades. These letters consistently describe him as a man of integrity, dedication, and strong moral character. They highlight his contributions to his family and community, his role as a provider, and his embodiment of the values instilled during his military service. The breadth and sincerity of these endorsements reflect a life of rehabilitation and honorable conduct post-service.

b. Given the totality of the circumstances, including the applicant's credible claims of racial discrimination, his acceptance of responsibility, his sustained post-service contributions, and the strong character references, the Board concluded relief was warranted to upgrade the applicant's discharge to under honorable conditions (General).

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:XX	:XX	:XX	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant amendment of the ABCMR's decision in Docket Number AR20070005478 on 19 September 2007. 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, for the period ending 10 May 1984 to show an under honorable conditions (General) characterization of service.


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 (AR) 635-200 (Personnel Separations – Enlisted Personnel), in effect at the time, set forth the basic authority for the separation of enlisted personnel, it states:

a. Chapter 10 is applicable to members who had committed an offense or offenses for which the authorized punishment included a bad conduct or dishonorable discharge could submit a request for discharge for the good of the service. The request could be submitted at any time after the charges had been preferred. Although an honorable or general discharge was authorized, an under other than honorable conditions discharge was normally considered appropriate.

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.

2. Before 1 October 1979, the Army issued a separate DD Form 214 for each period of enlistment, induction, or reenlistment. On 1 October 1979 the Army stopped issuing a separate DD Form 214 for immediate reenlistment.

3. AR 635-8 (Separations Processing and Documents), currently in effect, provides for the preparation and distribution of the DD Form 214. It states for item 18 (Remarks) to Soldiers who have previously reenlisted without being issued a DD Form 214 and are separated with any characterization of service except "Honorable", enter "Continuous Honorable Active Service from" (first day of service for which DD Form 214 was not issued) until (date before commencement of current enlistment).

4. 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//