

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 14 August 2025

DOCKET NUMBER: AR20240009788

APPLICANT REQUESTS:

- upgrade of his under other than honorable conditions discharge to honorable
- narrative reason for separation to Secretarial Authority

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement
- DA Form 458 (Charge Sheet) 25 June 2009
- Louisiana Army National Guard (LAARNG) Service
- Military Service Record
- Noncommissioned Officer Evaluation Reports (NCOERs)
- Joint Services Transcript
- Military and Civilian Education
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- Character and Service statements
- Post Service Work Experience Parts 104
- Post Service Work History
- Community Service
- Research experience
- Traumatic Brain Injury (TBI) and Stress Disorders Study

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 (in his self-authored statement 1 August 2024) he is a Health Science Specialist with the Department of Veterans Affairs and Baylor College of Medicine Researcher. He is an 18 year plus, Army Veteran who went from the enlisted

ranks to commissioned officer. He was a commissioned officer and flight school student at Fort Rucker, AL when he resigned in lieu of a court martial. He had served four previous tours of active with honorable service. The last tour (Fort Rucker) is where he received the other than honorable discharge. The incident that caused him to resign was one that involved violations of the Uniform Code of Military Justice (UCMJ). These incidents occurred when he was enlisted and stationed in Baton Rouge, LA as part of the logistics and support for the Global War on Terrorism.

a. It was his duty to find lodging for himself. As it turned out his claims to lodging were deemed fraudulent. He was informed that he made claims to more than the amount that was authorized. This was a time during the Global War on Terrorism wherein guidance and regulations for lodging were unclear. During the investigation, he took accountability for what happened. He was a noncommissioned officer at the time the event occurred. He was a commissioned officer when held accountable.

b. Since leaving the military he has continued serving his community and commitment to our nation's well-being and prosperity. The reason for his request is the other than honorable discharge (28 April 2008-28 August 2009) did not consider his previous record of service and four other periods of active honorable service and one period of honorable service with the Louisiana Army National Guard. This other than honorable has been a severe blemish on his military record and was not in line with the character of the Soldier he was then and who he remains to this day. He has continued to comport himself in the manner becoming of a military officer, mentor, and leader in the civilian world. Being removed from training was emotionally taxing and devastating to his career and family. It took me a long to overcome the emotional trauma of not achieving a that goal. His post service achievements are one filled with honorable service that should be reflected upon his DD Forms 214. We all make errors. They key is learning from those errors and keeping other from repeating the errors we've made. He gave the Army 18 years of honorable service and his community another 10 plus years of honorable service, that continues to this day.

c. He is heavily involved with the Veteran community. He received an advanced degree in psychology and am currently pursuing one in public policy. He will continue serving his country and being an example of what a United States Army officer is. In today's climate we need more military personnel with the knowledge, introspection, and wisdom he attained both inside the military and out. If called upon, he will without hesitation be one of the first in line to don the uniform and protect our nation. To conclude he is requesting that his discharge be upgraded to honorable and reason for separation to Secretarial. This will be equitability and in line with his previous record of service and post record of service. The applicant provides information regarding traumatic brain injury and stress disorders.

3. The applicant provides, and his service records show:

- He has prior enlisted military service
- He was accepted a Reserve commission in the grade of second lieutenant/2LT on 13 December 2006
- His Joint services transcript shows his military courses
- He provides multiple certificates and diplomas for military and civilian education
- The Criminal Investigation Division (CID) Report of Investigation, 16 March 2009 shows the charges of fraud, making a false statement, conspiracy, larceny of government property. The applicant submitted a fraudulent travel voucher, wherein he committed the offenses of larceny and fraud. The investigation determined the applicant committed the offenses
- Charges were preferred against the applicant on 25 June 2009. His Charge Sheet shows he was charged:
 - on or about 1 September 2005 and 1 November 2005, with intent to deceive, sign an official document, DD Form 1351-2 A Travel Voucher or Sub voucher, which document was false in that the lodging cost was listed as \$4058.00, and was then known by the applicant to be so false
 - on or about 1 November 2005 and 1 September 2006 with intent to deceive, sign an official document, DD Form 1351-2 A Travel Voucher or Sub voucher, which document was false in that the lodging cost was listed as \$2029.00 per month, and was then known by the applicant to be so false
 - on or about 1 September 2005 and 31 August 2006, steal lodging entitlements, military property, of approximately \$24,348.00, the property of the United States
- His commander and chain of command recommended the applicant be tried by a general court martial
- The applicant letters on 13 July 2009 and 14 July 2009 show he voluntarily resigned and did not desire to appear before a court martial or board of officers. He requested approval of his resignation for the good of the service with a under honorable conditions (general) discharge rather than an under other than honorable conditions discharge
- The commander and chain of command recommended resignation be accepted with an under other than honorable conditions characterization of service
- The separation authority recommended approval of the applicant's request for resignation and discharge him with an under other than honorable conditions characterization of service
- In a previous case, AR20090022295, the Officer Elimination Case Summary, 7 August 2009 was forwarded

- The applicant acknowledged receipt of notification of his intended separation on 18 August 2009.
- The applicant accepted his resignation, and he was be discharged from the U. S. Army with an under other than honorable conditions characterization of service
- He was discharged on 28 August 2009. His DD Form 214 shows he was discharged under the provisions of Army Regulation 600-8-24 (Separation of Officers), paragraph 3-13 in lieu of trial by court martial. His service was characterized as under other than honorable conditions. He completed 1 year, 4 months and 27 days net active service. It also shows he was awarded or authorized:
 - Item 13 (Decorations, Medals, Badges, citations and Campaign Ribbons Awarded or Authorized):
 - Army Commendation Meda (2nd award)
 - National Defense Service Medal
 - Armed Forces Expeditionary Medal
 - Global War on Terrorism Expeditionary Medal
 - Global War on Terrorism Service Medal
 - Armed forces Service Medal
 - Humanitarian Service Medal
 - Noncommissioned Officer Professional Development Ribbon
 - Army Service Ribbon
 - Armed Forces Reserve Medal with M device (4th award)
 - Combat Action Badge
 - Item 28 (Narrative Reason for Separation): In Lieu of Trial by Court Martial
- Character and Service statements shows he was recommended for a direct commission, 25 May 2006 and 1 June 2006. He is excellent with written and verbal communication skills, extremely organized, can work independently and is able to follow through to ensure that the job gets done, 6 July 2011. He is a take charge person. Intelligent with exceptional people skills. He is highly respected for his technical knowledge and is forward thinking. The applicant is deeply committed to helping others understand and learn from their past mistakes, 20 July 2024. He has accepted responsibility and remains a person of integrity, perseverance and someone who learns from his mistakes, 19 August 2024. He is an active participant in workshops. He had an error in judgment, 22 August 2024.
 - The applicant provides his post service work experience and history
 - He is active in community service.
 - The applicant has research experience and provides his master's thesis that is currently in progress
 - He provides information regarding TBI and Stress Disorders.

4. The Request for Redacted CID Report, 29 May 2025 shows a Commander's Report of Disciplinary or Administrative Action. The Commander's Remarks shows the applicant resigned for the good of the service in lieu of general court martial. He was discharged from the U. S. Army with an under other than honorable conditions characterization of service.

5. The applicant responded, 9 June 2025 and it reflects the following:

a. There appears to show that there was a conspiracy involving his mother-in-law. He wants to clarify that she was not a third-party accomplice, but a family member who allowed him to stay in her home during mobilization. She passed away 11 years ago and is not here to speak on her own behalf. He regrets any appearance of impropriety associated with her name, and he emphasizes that there was never any intent to orchestrate a fraud. This was a lapse in judgment rooted in confusion and poor decision-making—not in malice or deception.

b. He fully accepts responsibility for his actions and understand that ignorance of regulations does not absolve one of accountability. At the time the incident occurred, he was an enlisted soldier; by the time he was held accountable, he had become a commissioned officer charged with enforcing standards and upholding Army values.

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

7. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting an upgrade of his under other than honorable conditions discharge and other changes to his DD214. He contends he experienced a traumatic brain injury (TBI) and mental health conditions including Post Traumatic Stress Disorder (PTSD), which are related to his requests. 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) After prior enlisted military service, the applicant accepted a Reserve commission in the grade of second lieutenant/2LT on 13 December 2006; 2) Charges were preferred against the applicant on 25 June 2009 for submitting a fraudulent travel voucher which resulted in the offenses of larceny and fraud; 3) The applicant was discharged on 28 August 2009, Chapter 3-13 (in lieu of trial by court martial). His service was characterized as under other than honorable conditions.

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the supporting documents and the applicant's available military service records. The VA's Joint Legacy Viewer (JLV) and documentation provided by the applicant were also examined.

c. The applicant contends he experienced a TBI and mental health conditions including PTSD, which mitigate his misconduct and warrant an upgrade. There is insufficient evidence the applicant reported or was diagnosed with a mental health condition including PTSD or a TBI while on active service.

d. A review of JLV provided insufficient evidence the applicant has been diagnosed with a service-connected mental health condition including PTSD or a TBI. The applicant provided documentation indicating he was involved in a research study directed at understanding TBI and veteran retreats aimed at improving reactions to stress.

e. Based on the available information, it is the opinion of the Agency Medical Advisor that there is insufficient evidence to support the applicant had a condition or experience, which mitigates his misconduct.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? Yes, the applicant asserts he experienced a TBI and mental health conditions including PTSD, which mitigate his misconduct.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts he was experiencing a TBI and mental health conditions including PTSD, which mitigate his misconduct while on active service.

(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 TBI or a mental health condition including PTSD, during his active service. In addition, there is no nexus between the applicant's reported TBI and mental health conditions and his misconduct of submission of a fraudulent travel voucher which resulted in the offenses of larceny and fraud in that: 1) these types of misconduct are not a part of the natural history or sequelae of the applicant's reported TBI or mental health conditions including PTSD; 2) the applicant's reported TBI and mental health conditions including PTSD do not affect one's ability to distinguish right from wrong and act in accordance with the right. However, the applicant contends he was experiencing a mental health condition or an experience that mitigates his misconduct, and per Liberal Consideration his contention is sufficient for the board's consideration.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial 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, all supporting documentation, the frequency and nature of the applicant's misconduct and the reason for separation.

a. Character of Service: Partial Grant. One potential outcome discussed was to deny relief based upon the serious and criminal nature of the misconduct leading to the applicant's separation, as well as the lack of mitigation for such misconduct found in the medical review. However, the Board was convinced by the compelling evidence submitted by the applicant of his sustained honorable conduct post service, community service, his willingness to take responsibility for his actions, and personal growth since his discharge; that he has learned from his mistakes. Therefore, the majority determined an upgrade to under honorable conditions (General) was warranted.

b. Narrative Reason for Separation: Grant. One potential outcome discussed was to deny relief based upon the serious and criminal nature of the misconduct leading to the applicant's separation, as well as the lack of mitigation for such misconduct found in the medical review. However, the Board was convinced by the compelling evidence submitted by the applicant of his sustained honorable conduct post service, community service, his willingness to take responsibility for his actions, and personal growth since his discharge; that he has learned from his mistakes. Therefore, the majority determined his narrative reason should be changed to "Secretarial Authority".

2. Based upon the misconduct leading to the applicant's separation and the following recommendation found in the medical review related to the liberal consideration:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? Yes, the applicant asserts he experienced a TBI and mental health conditions including PTSD, which mitigate his misconduct.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts he was experiencing a TBI and mental health conditions including PTSD, which mitigate his misconduct while on active service.

(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 TBI or a mental health condition including PTSD, during his active service. In addition, there is no nexus between the applicant's reported TBI and mental health conditions and his misconduct of submission of a fraudulent travel voucher which resulted in the offenses of larceny and fraud in that: 1) these types of misconduct are not a part of the natural history or sequelae of the applicant's reported TBI or mental health conditions including

PTSD; 2) the applicant’s reported TBI and mental health conditions including PTSD do not affect one’s ability to distinguish right from wrong and act in accordance with the right. However, the applicant contends he was experiencing a mental health condition or an experience that mitigates his misconduct, and per Liberal Consideration his contention is sufficient for the board’s consideration.

The Board concluded there was sufficient evidence of an error or injustice warranting a partial change to the applicant’s characterization of service to a General Discharge and to change the narrative reason for separation to Secretarial Authority.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

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

BOARD DETERMINATION/RECOMMENDATION:

1. The Board determined the evidence presented is sufficient to warrant partial 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, for the period ending 29 August 2009, to show:

- Item 24 (Character of Service): Under Honorable Conditions (General)
- Item 28 (Narrative Reason for Separation): Secretarial Authority

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 upgrading his characterization of service to honorable.

■ [REDACTED]

■ [REDACTED]

[REDACTED]

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. Army Regulation 600-8-24 (Officer Transfers and Discharges) provides for officer transfers from active duty to the Reserve component and discharge functions for all officers on active duty for 30 days or more.

a. Paragraph 1-22 provides, in pertinent part, that an officer will normally receive an honorable characterization of service when the quality of the officer's service has met the standards of acceptable conduct and performance of duty, or the final revocation of a security clearly for reasons that do not involve acts of misconduct.

b. Paragraph 1-22 provides, in pertinent part, that an officer will normally receive a general discharge when the officer's military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

c. Additionally, paragraph 1-22 provides, in pertinent part, that a discharge under other than honorable conditions is an administrative separation from the service under conditions other than honorable. An officer will normally receive a discharge under other than honorable conditions when they resign for the good of the service, are dropped from the rolls of the Army, or are involuntarily separated due to misconduct, moral or professional dereliction, or for the final revocation of a security clearance as a result of an act or acts of misconduct, including misconduct for which punishment was imposed.

d. Chapter 4 (Eliminations) states an officer is permitted to serve in the Army because of the special trust and confidence the President and the nation have placed in the officer's patriotism, valor, fidelity, and competence. An officer is expected to display responsibility commensurate to this special trust and confidence and to act with the highest integrity at all times. However, an officer who will not or cannot maintain those standards will be separated.

e. Chapter 4 provided the tasks, rules, and steps for eliminating officers in the Active Army for substandard performance of duty, misconduct, moral or professional dereliction, and in the interests of national security. Paragraph 4-2a (Reason for Elimination) states while not all inclusive, when one of the several listed or similar conditions exist, elimination action may be or will be initiated for Substandard performance of duty.

(1) A downward trend in overall performance resulting in an unacceptable record of efficiency, or a consistent record of mediocre service.

(2) Failure to keep pace or to progress with contemporaries, as demonstrated by a low record of efficiency when compared with other officers of the same grade and competitive category.

(3) Failure to exercise necessary leadership or command expected of an officer of their grade.

(4) Failure of an officer to absorb technical proficiency required for grade and competitive category.

(5) Failure to properly perform assignments commensurate with an officer's grade and experience.

(6) Apathy, defective attitudes, or other characteristic disorders to include inability or unwillingness to expend effort.

(7) Failure to respond to alcohol or drug problem rehabilitation efforts in a reasonable length of time. (See AR 600–85 for further explanation.) Elimination action will be initiated. Care should be taken to avoid the inclusion of limited use evidence, as defined in AR 600–85, chapter 6.

(8) Failure to conform to prescribed standards of dress, personal appearance, or military deportment.

(9) Failure to achieve satisfactory progress after enrollment in the Army weight control program or failure to maintain the weight/body fat standards established under the provisions of AR 600–9 after removal from an established weight control program. Elimination action will be initiated.

(10) Failure of a course at a service school for academic reasons by a probationary or non-probationary RA officer. For failure by an RC officer, see paragraph 2–33.

(11) Failure of a probationary officer to resign under paragraph 3–9 when their commander determines the best interest of the Government, and the individual can be served by the officer's discharge.

(12) The discovery of other conditions concerning a probationary officer that, had they been known at the time of appointment, would have precluded appointment.

(13) The discovery of any other condition concerning a probationary officer that indicates the officer's retention in the Army would not be in the best interest of the United States.

(14) Probationary RA commissioned and warrant officers entering AD who are confirmed Human Immunodeficiency Virus (HIV) positive within 180 calendar days of their original appointment or probationary USAR, ARNG commission and warrant officers who report for initial entry training in an AD (other than ADT) status and are confirmed HIV positive within 180 calendar days of reporting to AD will be processed for elimination.

(15) Failure to establish an adequate Family Care Plan in accordance with AR 600-20, paragraph 5-5.

f. Paragraph 4-5 (Separation date) states an officer approved for involuntary separation by the Secretary of the Army or his designee, or whose request for resignation or discharge in lieu of elimination is approved for misconduct, moral, or professional dereliction, or in the interest of national security will be separated according.

3. Army Regulation 600-8-104 (Army Military Human Resource Records Management) prescribes Army policy for the creation, utilization, administration, maintenance, and disposition of the Army Military Human Resource Record (AMHRR). The military personnel records jacket, military personnel file, and career management information file are no longer authorized for use by any component. This does not eliminate the need for documents to be filed locally. Examples include, but are not limited to, local training records DA Form 705 (Army Physical Fitness Test Scorecard, weapons qualification record, and administrative documents, such as general counseling documents.

a. Paragraph 3-6 (Authority for Filing or Removing Documents in the AMHRR Folders) provides that once a document is properly filed in the AMHRR, the document will not be removed from the record unless directed by the ABCMR or another authorized agency.

b. Appendix B (Documents Required for Filing in the AMHRR and/or Interactive Personnel Electronic Records Management System) shows memorandums of reprimand, censure, and admonition are filed in accordance with Army Regulation 600-37.

4. Army Regulation 600-37 (Unfavorable Information) sets forth policies and procedures to ensure the best interests of both the Army and Soldiers are served by authorizing

unfavorable information to be placed in, transferred within, or removed from an individual's AMHRR.

a. An administrative memorandum of reprimand may be issued by an individual's commander, by superiors in the chain of command, and by any general officer or officer exercising general court-martial jurisdiction over the Soldier. The memorandum must be referred to the recipient and the referral must include and list applicable portions of investigations, reports, or other documents that serve as a basis for the reprimand. Statements or other evidence furnished by the recipient must be reviewed and considered before a filing determination is made.

b. A memorandum of reprimand may be filed in a Soldier's OMPF only upon the order of a general officer-level authority and is to be filed in the performance folder. The direction for filing is to be contained in an endorsement or addendum to the memorandum. If the reprimand is to be filed in the OMPF, the recipient's submissions are to be attached. Once filed in the OMPF, the reprimand and associated documents are permanent unless removed in accordance with chapter 7 (Appeals).

c. Paragraph 7-2 (Policies and Standards) states that once an official document has been properly filed in the OMPF, it is presumed to be administratively correct and to have been filed pursuant to an objective decision by competent authority. Thereafter, the burden of proof rests with the individual concerned to provide evidence of a clear and convincing nature that the document is untrue or unjust, in whole or in part, thereby warranting its alteration or removal from the OMPF.

d. Paragraph 7-3c (Filing Authority to Redress Actions) states an officer who directed filing an administrative memorandum of reprimand, admonition, or censure in the AMHRR may request its revision, alteration, or removal, if evidence or information indicates the basis for the adverse action was untrue or unjust, in whole or in part. An officer who directed such a filing must provide a copy of the new evidence or information to the Department of the Army Suitability Evaluation Board to justify the request.

5. Title 10, USC, section 1552 states the Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice.

6. AR 350-1 (Army Training and Leader Development), currently in effect, prescribes policies and procedures for developing and conducting Army training and leader development. Chapter 3 (The Army Institutional Training and Education System), paragraph 3-45 (U.S. Army War College) outlines the requirements for War College attendance.

a. The U.S. Army War College (USAWC) is the Army's center for strategic thought. The USAWC's mission is to educate and develop leaders for service at the strategic level while advancing knowledge in the global application of Land power. Toward this end, the USAWC conducts a resident education program (REP) and a distance education program (DEP).

b. The website (<https://www.armywarcollege.edu/programs/policies.cfm>) details enrollment requirements:

(1) The USAWC requires students to submit verification of a baccalaureate degree from a regionally accredited institution; USAWC is a Master's granting institution.

(2) Military students are selected to attend the USAWC by their respective Services. Selected students are considered to hold considerable potential for promotion and future service in positions of increasing responsibility. Officers are eligible for attendance after being promoted to O-5, through their 25th year of service. Applicants must have completed the Command and General Staff College, or equivalent, and should possess a baccalaureate degree. The USAWC does not accept individual applications into its Senior Service College programs except through special exceptions. Students are centrally selected by their component, thus USAWC receives its list of students by component, rather than receiving and processing individual applications.

(3) Senior Service College is voluntary for all Troop Program Unit (TPU), Individual Ready Reserve (IRR), Individual Mobilization Augmentee (IMA) officers, and Active Guard Reserve (AGR) officers. Within the USAR, the Chief, Army Reserve (CAR) convenes a board annually in October that selects and ranks by competitive category qualified officers in the AGR program, TPU program, and IMA program. The board lists selected officers as either a primary or an alternate in an Order of Merit List (OML) for either the resident program or distance education program. The CAR is the approving authority for the board's recommendation.

(4) Department of the Army Civilians who wish to attend the program must apply according to the standards in AR 350-1. Other services should contact their appropriate personnel office to determine eligibility and admission procedures. Civilian employees of other federal agencies wanting to enroll need to do so through their component's chain of command.

7. Army Regulation (AR) 600-8-104 (Army Military Human Resource Records (AMHRR) Management) prescribes the policies governing the Official Military Personnel File, the Military Personnel Records Jacket (MPRJ), states:

a. That the performance section is used for filing performance, commendatory, and disciplinary data. Once placed in the AMHRR, the document becomes a permanent part of that file. The document will not be removed from or moved to another part of the file (AMHRR) unless directed by the proper authorities listed in the regulation.

b. The AMHRR is a permanent record remaining under Army control for 62 years from a Soldier's final separation date to include retirement, separation, and death. Only documents pertaining to a Soldier's military career and listed in this regulation will be filed in the AMHRR. No more than one copy of a document will be uploaded into the AMHRR. The document will not be removed from or moved to another part of the AMHRR unless directed by certain agencies, to include this Board.

8. Army Regulation 600-37 (Unfavorable Information) sets forth policies and procedures to authorize placement of unfavorable information about Army members in individual official personnel files. The intent of this regulation is to ensure that unfavorable information that is unsubstantiated, irrelevant, untimely, or incomplete is not filed in individual official personnel files; and, to ensure that the best interests of both the Army and the Soldiers are served by authorizing unfavorable information to be placed in and, when appropriate, removed from official personnel files.

a. Chapter 1 stipulates an administrative memorandum of reprimand may be issued by an individual's commander, by superiors in the chain of command, and by any general officer or officer exercising General Court-Martial jurisdiction over the Soldier. The memorandum must be referred to the recipient and the referral must include and list applicable portions of investigations, reports, or other documents that serve as a basis for the reprimand. Statements or other evidence furnished by the recipient must be reviewed and considered before a filing determination is made.

b. Chapter 7 states a memorandum of reprimand may be filed in a Soldier's OMPF only upon the order of a general officer-level authority General Court-Martial Convening Authority and is to be filed in the performance section. The direction for filing is to be contained in an endorsement or addendum to the memorandum. If the reprimand is to be filed in the OMPF, the recipient's submissions are to be attached. Once filed in the OMPF, the reprimand and associated documents are permanent unless removed in accordance with chapter 7 of AR 600-37.

c. Paragraph 7-2 (Policies and Standards) provides that once an official document has been properly filed in the OMPF, it is presumed to be administratively correct and to have been filed pursuant to an objective decision by competent authority. Thereafter, the burden of proof rests with the individual concerned to provide evidence of a clear and convincing nature the document is untrue or unjust, in whole or in part, thereby warranting its alteration or removal from the OMPF.

9. Title 10, USC, section 1552 states The Secretary of a military department may correct any military record of the Secretary's department when the Secretary considers it necessary to correct an error or remove an injustice.

10. Section 1556 of Title 10, USC, 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.

11. PTSD can occur after someone goes through a traumatic event like combat, assault, or disaster. The Diagnostic and Statistical Manual of Mental Disorders (DSM) is published by the American Psychiatric Association (APA) and provides standard criteria and common language for the classification of mental disorders. In 1980, the APA added PTSD to the third edition of its DSM nosologic classification scheme. Although controversial when first introduced, the PTSD diagnosis has filled an important gap in psychiatric theory and practice. From a historical perspective, the significant change ushered in by the PTSD concept was the stipulation that the etiological agent was outside the individual (i.e., a traumatic event) rather than an inherent individual weakness (i.e., a traumatic neurosis). The key to understanding the scientific basis and clinical expression of PTSD is the concept of "trauma."

12. PTSD is unique among psychiatric diagnoses because of the great importance placed upon the etiological agent, the traumatic stressor. In fact, one cannot make a PTSD diagnosis unless the patient has actually met the "stressor criterion," which means that he or she has been exposed to an event that is considered traumatic. Clinical experience with the PTSD diagnosis has shown, however, that there are individual differences regarding the capacity to cope with catastrophic stress. Therefore, while most people exposed to traumatic events do not develop PTSD, others go on to develop the full-blown syndrome. Such observations have prompted the recognition that trauma, like pain, is not an external phenomenon that can be completely objectified. Like pain, the traumatic experience is filtered through cognitive and emotional processes before it can be appraised as an extreme threat. Because of individual differences in this appraisal process, different people appear to have different trauma thresholds, some more protected from and some more vulnerable to developing clinical symptoms after exposure to extremely stressful situations.

13. The fifth edition of the DSM was released in May 2013. This revision includes changes to the diagnostic criteria for PTSD and acute stress disorder. The PTSD diagnostic criteria were revised to take into account things that have been learned from scientific research and clinical experience. The revised diagnostic criteria for PTSD include a history of exposure to a traumatic event that meets specific stipulations and symptoms from each of four symptom clusters: intrusion, avoidance, negative alterations in cognitions and mood, and alterations in arousal and reactivity. The sixth criterion concerns duration of symptoms, the seventh criterion assesses functioning, and the eighth criterion clarifies symptoms as not attributable to a substance or co-occurring medical condition.

14. On 3 September 2014, the Secretary of Defense directed the Service Discharge Review Boards (DRB) and Service Boards for Correction of Military/Naval Records (BCM/NR) 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 UOTHC 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.

15. 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 to 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.

16. The Under Secretary of Defense (Personnel and Readiness) issued guidance to Service DRBs and Service BCM/NRs on 25 July 2018 [Wilkie Memorandum], 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 court-martial forum. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to any other corrections, including changes in a discharge, which may be warranted on equity or relief from injustice grounds.

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//