

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 September 2025

DOCKET NUMBER: AR20240009925

APPLICANT REQUESTS: in effect:

- upgrade of discharge to honorable
- referral to the Integrated Disability Evaluation System (IDES) for consideration of medical retirement
- a change of the narrative reason for separation to reflect disability separation retirement

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

- DD Form 149 (Application for Correction of Military Record), 30 May 2024
- 93 pages of Department of Veterans Affairs (VA) mental health treatment and progress notes reflecting diagnosis for post-traumatic stress disorder (PTSD), chronic major depressive disorder, anxiety disorder, hospitalization for treatment and psychiatric evaluations, 2012-2013
 - mental Health Evaluation, October 2012
 - original progress note, suicide watch-high risk, 20 Nov 2012
 - suicide prevention team follow up, 11 December 2012
 - suicide high risk, 14 March 2013
 - emergency room visit, 5 May 2013
 - problem list, Attention Deficit Hyperactive Disorder, PTSD, Major Depressive Disorder, 5 May 2013
 - VA rating, PTSD and bronchial asthma, 70% combined disability rating, 5 May 2013
 - notified segregant he would not attend drill, 5 May 2013 and suicide history 3x
 - request from applicant to his health care provider to notify command of drill absence due to PTSD, 17 May 2013
 - email sent by healthcare provider to command, 17 May 2013
 - major depressive disorder, 8 June 2012
 - suicide prevention risk, 10 July 2013

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 provided two separate DD Forms 149. He marked on his DD Forms 149 application that PTSD and other mental health conditions and issues were related to his request. He states:
 - a. He was not separated with an honorable medical discharge as he should have been. His leadership was unhappy that he could no longer continue attending drills due to his severe PTSD. His drill sergeant was upset because he refused to attend drill. His separation documents indicate he was absent without leave when in fact he was not.
 - b. He was diagnosed a full year before his separation, placed in a hospital for mental health treatment, placed on suicide watch for 1 1/2 months, and was released 1 month before his separation.
 - c. His mental health provider sent a letter to his leadership that he was not able to attend drill due to his mental health issues.
3. A review of the applicant's service record shows the following:
 - a. On 30 October 2008, he enlisted in the Utah Army National Guard (UTARNG) for 6 years.
 - b. He completed service in Kuwait/Iraq from 5 August 2011 through 12 November 2011.
 - c. A memorandum for record, dated 8 June 2013, noted he missed movement for annual training (AT) at his unit, Headquarters (HQ), 2nd Battalion, 222nd Field Artillery, on 8 June 2013.
 - d. On the same date, his commanding officer notified him of his unsatisfactory participation at his unit.
 - e. On 21 June 2015, his unit first sergeant completed an unexcused absent action report and noted he was absent from annual training.
 - f. On the same date, his unit commander authenticated this report, noting he was absent from annual training.

e. On 30 July 2013, he was discharged from the UTARNG. His NGB Form 22 (Report of Separation and Record of Service) reflects he was discharged for unsatisfactory participation with an under honorable conditions (General) characterization of service. He completed 4 years, 9 months, and 1 day of service this period.

f. Orders 309-004, dated 5 November 2013, discharged him from the UTARNG and assigned him to U.S. Army Reserve (USAR) Control Group Inactive Ready Reserve (IRR).

g. On 1 November 2016, he was honorably discharged from the USAR.

4. On 23 April 2025, the National Guard Bureau provided an advisory opinion in the processing of this case, recommending partial relief be granted to him. It reads, in part:

a. The applicant, a member of the Utah Army National Guard (UTARNG) states that he was discharged from the Army National Guard due to “unsatisfactory participation” due to numerous unexcused absences. The Soldier however claims that this discharge is erroneous and should be rescinded, and that he should be allowed to be examined by the Medical Evaluation Board (MEB) and the Physical Evaluation Board (PEB) for possible medical retirement.

b. A review of the medical records provided show that the Soldier was being medically evaluated at the Salt Lake City Department of Veterans Affairs Medical Center for multiple medical conditions.

c. Medical notes suggest that during the Soldier’s evaluation his symptoms met the criteria for military-related Post Traumatic Stress Disorder (PTSD), Major Depressive Disorder, and Personality Disorder. The evaluator also did note that the Soldier may have rehearsed such symptoms or may have been coached and therefore suggested that the Soldier may be exaggerating his symptoms or malingering.

d. Medical notes state that the Soldier had been diagnosed with PTSD in June 2012 and later changed to Chronic Post-Traumatic Stress Disorder in July 2015.

e. In November 2012, the Soldier was placed on a high-risk suicide list due to the Soldier demonstrating suicidal behavior per the medical notes from the VA Hospital. Soldier was evaluated and removed from the high-risk suicidal list in March 2014.

f. A review of Medical Electronic Data Care History and Readiness Tracking found no line of duty information that would be considered service connected per Army Regulation 635-40. Army Regulation 40-400 (Medical Services – Patient Information), chapter 7 states that when a physician identifies a Soldier with a medical condition not

meeting fitness standards for retention will initiate a DA Form 3349 (Physical Profile) referring them to the Physical Disability Evaluation System (PDES). If Soldiers do not meet retentions standards, an MEB is mandatory and will be initiated by a Physical Evaluation Board Liaison Officer.

g. The applicant was discharged from the Army National Guard under the authority of NGR 600-200, para 6-35j due to numerous unexcused absences, with a character of service of “general – under honorable conditions”.

h. The medical notes provided suggest that his medical providers were informing the Soldier’s leadership of his medical condition and therefore requested that the Soldier not attend drilling due to him possibly causing harm to himself or other Soldiers.

i. The UTARNG in their review concurred that the Soldier was seeking care for a behavioral health condition that was never determined to be duty related or not. UTARNG also acknowledges that the medical professional did attempt to issue a no-drill recommendation that would have been verified by the State Surgeon to the Soldier’s command. However, there is no record that indicates that the State Surgeon was aware of the Soldier’s medical condition.

j. Based on the evidence presented and collected, it is the opinion of this office that the Soldier’s request be partially approved. The Soldier’s medical records should be reviewed by the State Surgeon and have the State Surgeon decide on whether the Soldier’s medical issues are service-connected or not. If the State Surgeon determines that the Soldier’s medical issues are service connected, then the Soldier should be referred into the Integrated Disability Evaluation System for a possible medical retirement. Additionally, the Soldier’s discharge should be amended if the reason for the Soldier’s unexcused absences is due to the Soldier’s medical issues.

5. On 15 June 2025, the applicant responded by email to stating:

- his leadership came to take him to drill the month of June of 2013 and he informed them that he could not go to drill.
- his doctor, RH___ provided him a letter which he showed them
- his sergeant, LJ___ said he was just weak and needed to show proof of why he couldn't go
- they took him to healthcare facilities to get his medical history
- he did not tell them he had surgery and was adamant that he didn't receive treatment through IHC but had been institutionalized because of attempted suicide tied to his PTSD just after deploying to Iraq in April 2013
- in May 2013, Dr. RH___ sent a letter by email to his superiors requesting his excused absence from drills and training as it was a danger to his well-being

- she wrote, the environment may trigger an acute exacerbation of PTSD symptoms again and she was concerned for her patient's safety and the safety of those around him. She contacted them to request he not participate in National Guard duties until he was stabilized on his psychotropic medications
- The VA tied his PTSD to his service however his doctor had linked it before he was removed from service
- he attached an image of the notes and email to his superiors which they ignored
- they dragged him to drill in May 2013, where he had an exacerbation of his symptoms, and when he returned, he could not sleep for nearly two weeks
- he lost his job because of it
- they then returned to drag him to drill in June and he showed them the letter again, and informed them of what had happened
- he refused to go through the same thing again as he had only been at his job for two weeks
- they said he was officially AWOL, and that they would be discharging him for insubordination for not returning to drill

BOARD DISCUSSION:

1. 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 record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation.

Upgrade of his discharge to honorable and a change of the narrative reason for separation to reflect disability separation retirement. The Board reviewed and concurred with the National Guard Bureau advisory noting the applicant was discharged from the Army National Guard under the authority of National Guard Regulation 600-200, para 6-35j due to numerous unexcused absences, with a character of service of "general – under honorable conditions. However, if the State Surgeon determines that his medical issues are service connected, and he is referred to the Integrated Disability Evaluation System (IDES) and medically retired, then the applicant can petition the Board for an upgrade of his discharge and a change to his narrative reason for separation. Therefore, the Board determined his characterization of service and narrative reason for separation at the time was proper and equitable.

Referral to the IDES for consideration of medical retirement. The Board reviewed and concurred with the National Guard Bureau advisory noting the applicant was seeking care for a behavioral health condition that was never determined to be duty related or not. The UTARNG also acknowledges that the medical professional did attempt to issue a no-drill recommendation that would have been verified by the State Surgeon to his command. However, there is no record that indicates that the State Surgeon was aware of his medical condition. Therefore, the Board determined the applicant's medical records should be reviewed by the State Surgeon and have the State Surgeon decide on whether the Soldier's medical issues are service-connected or not. If determined to be service connected, then referral to the IDES.

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 a recommendation for partial relief. As a result, the Board recommends that all Army National Guard records of the individual concerned be corrected by having the applicant's medical records reviewed by the State Surgeon and have the State Surgeon decide on whether the Soldier's medical issues are service-connected or not. If determined to be service connected, then referral to the IDES.
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 any additional payment in excess of the above.

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. 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 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.

3. Army Regulation 635-40 (Disability Evaluation for Retention, Retirement, or Separation), in effect at the time, established the Army Physical Disability Evaluation System according to the provisions of chapter 61 of Title 10 United States Code and Department of Defense Directive 1332.18. It set forth policies, responsibilities, and procedures that apply in determining whether a member was unfit because of physical disability to perform the duties of his office, grade, rank, or rating. If a member was found unfit because of physical disability, it provided for disposition of the member according to applicable laws and policies.

a. Paragraph 4-24 provided that Based upon the final decision of the Commanding General, U.S. Army Physical Disability Agency, or the Army Physical Disability Review Board, the Commanding General, Military Personnel Center would issue retirement orders or other disposition instruction separation for physical disability with severance pay.

b. Paragraph 4-24b(1) provided U.S. Army Human Resources Command (HRC) will publish orders or issue proper instructions to subordinate headquarters or return any disability evaluation case to U.S. Army Physical Disability Agency (USAPDA) for clarification or reconsideration when newly discovered evidence becomes available and is not reflected in the findings and recommendations. Based on the final decision of USAPDA, HRC will issue retirement orders or other instructions as follows:

- permanent retirement for physical disability (Title 10, United States Code, Section 1201 or 1204)
- placement of the Temporary Disability Retirement List (Title 10, United States Code, Section 1202 or 1205)
- separation for Physical Disability with severance pay (Title 10, United States Code, Section 1203 or 1206)

4. Army Regulation 600-200 (Enlisted Personnel Management System), then in effect, prescribed policies and procedures for career management of Army enlisted personnel, classification and reclassification of enlisted Soldiers in a military occupational specialty, utilization of enlisted personnel, testing active Army enlisted Soldiers under the Individual Training Evaluation, and promotions and reductions in rank. Paragraph 6-35(j) Unsatisfactory Participation. Refer to Army Regulation 135-178, chapter 13 for unsatisfactory participation. Commanders may recommend retention of Soldiers who have accrued 9 or more unexcused absences within a one-year period. Submit requests with justification for retention to the AG (MPMO/G1). Include verification that the notification requirements of AR 135-91 and paragraph 6-32 have been met.

//NOTHING FOLLOWS//