



c. DA Forms 4187 (Personnel Action) show her status changed from "Present for Duty" to "Absent Without Leave (AWOL)" effective 3 June 1994. Her status then changed from "AWOL" to "Dropped from the Rolls (DFR)" effective 3 July 1994. Her status then changed from "DFR" to "Present for Duty" effective 9 December 1994 as a result of being apprehended by civilian authorities.

d. Court-martial charges were preferred against her on 13 December 1994, for violations of the Uniform Code of Military Justice (UCMJ). Her DD Form 458 (Charge Sheet) shows, she was charged with a specification of violation of Article 86, in that she did on or about 3 June 1994 without proper authority and did remain so until on or about 9 December 1994.

e. After consulting with legal counsel on 13 December 1994, she voluntarily requested discharge for the good of the service under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 10, for the good of the service in lieu of trial by court-martial.

(1) She was making this request of her own free will and has not been subjected to any coercion whatsoever by any person. By submitting this request for discharge, she acknowledges that she understood the elements of the offense charged and is guilty of the charges against her, which authorizes the imposition of a bad conduct or dishonorable discharge. Moreover, she states that under no circumstances does she desire further rehabilitation, for she has no desire to perform further military service.

(2) She acknowledged she understood that if her discharge request were approved, she could be discharged under other than honorable conditions and furnished an Undesirable Discharge Certificate. She further acknowledged that as a result of such a discharge, she could be deprived of many or all Army benefits, she could be ineligible for many or all benefits administered by the Veterans Administration (now known as the Department of Veterans Affairs), she could be deprived of her rights and benefits as a veteran under both Federal and State laws, and she could expect to encounter substantial prejudice in civilian life by reason of an undesirable discharge.

f. On 12 January 1995, her immediate commander recommended approval of her request for separation, and that she be discharged with an entry level separation.

g. On 20 January 1995, the separation authority approved the recommended separation action and directed the issuance of an entry-level separation with uncharacterized service.

4. The applicant was discharged on 15 February 1995. Her DD Form 214 shows in:

- item 4a (Grade, Rate, or Rank) – Private First Class

- item 4b (Pay Grade) – E-3
- item 12c (Net Active Service This Period) – 2 months and 13 days
- item 24 (Character of Service) – Uncharacterized
- item 25 (Separation Authority) – Army Regulation 635-200, Chapter 10
- item 26 (Separation Code) – KFS
- item 28 (Narrative Reason for Separation) – For the Good of the Service – In Lieu of Court-Martial)
- item 29 (Dates of Time Lost During This Period) – 3 June 1994 through 8 December 1994 (a period of 6 months and 6 days)

5. She provides three VA letters with documentation that shows she was awarded service-connected compensation, and her medical condition of PTSD was evaluated with a 100 percent disability effective 15 July 2015.

6. The Board should consider the applicant's overall record in accordance with the published equity, injustice, or clemency determination guidance.

7. MEDICAL REVIEW:

a. Background: The applicant is applying to the ABCMR requesting consideration of a change to her characterization of service from uncharacterized to honorable. She contends she experienced an undiagnosed mental health condition, including PTSD, and military sexual trauma (MST) that warrants this change.

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 27 August 1978.
- The applicant was honorably discharged on 29 January 1979 by reason of pregnancy. She completed 5 months and 21 days of total active service.
- She reenlisted in the Regular Army on 27 May 1994.
- The applicant was AWOL from 3 June 1994 to 9 December 1994, and court-martial charges were preferred against her on 13 December 1994. She voluntarily requested discharge for the good of the service under the provisions of Army Regulation 635-200, Chapter 10, for the good of the service in lieu of trial by court-martial.
- On 12 January 1995, her immediate commander recommended approval of her request for separation and that she be discharged with an entry level separation.
- The applicant was discharged on 15 February 1995 and was credited with 2 months and 13 days of net active service. Her characterization of discharge was “uncharacterized” with a narrative reason for separation as “for the good of the service-in lieu of court-martial.”

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 she was brutally raped by her superior, and she ran from him and the Army. She indicated she is considered totally and permanently disabled by the VA due to her service connected disability, and she has experienced PTSD and depression as a result of the sexual assault. The application included a VA decision letter dated 20 February 2014, which showed that the applicant has been service connected since 28 December 2012, and she is considered 70% disabled for PTSD with depression and anxiety. A second letter dated 29 February 2016 showed that the applicant's rating had been increased to 100% for PTSD, and a third letter dated 11 April 2016 indicated the same information. 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 contains medical and mental health records for both DoD and VA, was reviewed and showed DoD records of an ultrasound on 20 October 1994, showing the applicant was pregnant with twins with a due date in March 1995. Two additional ultrasounds were noted in November 1994 and January 1995 with both showing healthy, normal sized twins. The applicant initiated VA care through a call to the Veterans Crisis Line in June 2012, and an initial psychiatry intake was conducted on 6 July 2012 where she reported depression and anxiety over the previous ten years. She reported MST during her second term of service while in basic training, and she stated she went AWOL resulting in being chaptered out of the Army. She denied having ever shared this with anyone, including her husband who was also in the military. She was initially diagnosed with Major Depressive Disorder and Anxiety Disorder (consider PTSD), and she was started on an antidepressant medication. Through 2014, she engaged in supportive therapy to improve stress management in anticipation of doing trauma-focused therapy, and she had several medication changes targeting mood, sleep, and nightmares. In January 2015, she began more intensive psychotherapy, including a trauma-focused PTSD treatment, and she completed one protocol before being referred to an MST psychologist. Her symptoms worsened secondary to several family stressors, and in April 2016 she was lost to follow up after missing an appointment.

A Compensation and Pension (C&P) Initial PTSD evaluation dated 4 February 2014 showed that the applicant endorsed the required number and severity of symptoms to warrant a diagnosis of PTSD. The primary stressor was a rape that occurred "on 6-02-94" while she was in basic training, and this resulted in pregnancy with her third child, a daughter. The documentation noted her inability to function socially or occupationally, and that the applicant had a history of mental health treatment, primarily medication.

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

## f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant asserts she had an undiagnosed mental health condition, including PTSD, at the time of the misconduct.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts she was experiencing a mental health condition while on active service.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. A review of military medical and mental health records revealed no documentation of any mental health condition(s) while on active service.

g. However, the applicant contends she was experiencing a mental health condition or an experience that mitigates her misconduct, and per Liberal Consideration her contention is sufficient for the board's consideration.

**BOARD DISCUSSION:**

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's request, supporting documents, evidence in the records, Department of Veterans Affairs letters, 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 being absent without leave from 3 June 1994 to 9 December 1994, punishable under the Uniform Code of Military Justice with a punitive discharge. After being charged, she consulted with counsel and voluntarily requested discharge in lieu of trial by courts-martial. The Board found no error or injustice in the separation proceedings and designated characterization of service. The Board noted the applicant's length of absence and concurred with the medical advisor's review finding insufficient evidence the applicant had a condition or experience during service that mitigated his misconduct. Based on a preponderance of the evidence, the Board concluded that the characterization of service the applicant received upon separation was not in error or unjust and denied relief.

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 discharge? Yes. The applicant asserts she had an undiagnosed mental health condition, including PTSD, at the time of the misconduct.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts she was experiencing a mental health condition while on active service.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. A review of military medical and mental health records revealed no documentation of any mental health condition(s) while on active service.

The Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant’s characterization of service.


BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	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.

8/13/2025

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. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), 17 September 1990, set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of enlisted members for a variety of reasons. The basic authority for the separation of enlisted personnel.

a. Paragraph 3-7(a) stated 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.

b. Paragraph 3-7(b) stated 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.

c. Chapter 10 (Discharge for the Good of the Service) provided that a Soldier who committed an offense or offenses 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.

(1) Commanders would ensure that an individual would not be coerced into submitting a request for discharge for the good of the service. The member would be given a reasonable time (not less than 72 hours) to consult with consulting counsel and to consider the wisdom of submitting such a request for discharge.

(2) The request could be submitted at any time after charges were preferred and must have included the individual's admission of guilt.

(3) If the member elected to submit a request for discharge for the good of the service after receiving counseling, he would personally sign a written request certifying

that he had been counseled, that he understood his rights, that he may receive a discharge under other than honorable conditions, and that he understood the adverse nature of such a discharge and the possible consequences.

(4) A discharge under other than honorable conditions normally were appropriate for a Soldier who was discharged for the good of the service. However, the separation authority could direct a general discharge if such were merited by the Soldier's overall record. For Soldiers who have completed entry level status, characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be improper. When characterization of service under other than honorable conditions is not warranted for a soldier in entry level status, service will be uncharacterized.

3. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records (BCM/NR) 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.

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//