

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 May 2025

DOCKET NUMBER: AR20240010148

APPLICANT REQUESTS:

- a change in the narrative reason for separation to reflect a disability/medical discharge
- a personal appearance before the board

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

- DD Form 149 (Application for Correction of Military Record)
- Self-authored letter
- Department of Veterans Affairs (VA) Rating Disabilities
- PMR Program Intake Center Mental Status Examination
- Hickory Trail Hospital Discharge Summary
- PMR Program Intake Center Diagnosis Form
- VA Form 21-6796 (Rating Decision)
- DA Form 2496 (Disposition Form)
- VA Rating letter

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 he was discharged with a personality disorder. He does not have a personality disorder or an axis II diagnosis. He included five statements that show he had no history of axis II in his life. He would like the records changed to show that. The applicant annotated on his DD Form 149 that his conditions is related to post-traumatic stress disorder (PTSD), other mental health, sexual assault/harassment; and related to the Persian Gulf War.
3. Although the applicant stated he provided five statements, his application is void of character references or statements.

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

- a. He enlisted in the Regular Army on 6 August 1984.
- b. His DA Form 2-1 (Personnel Qualification Record) shows in item 5 (Oversea Service) no entries.
- c. A Report of Mental Status Evaluation completed on 10 October 1984, shows, in part, the applicant's personality disorder interferes with his ability to perform duty; deficiency in attitude and motivation; and adjustment disorder with anxious mood. He was psychiatrically cleared for any action deemed appropriate by command. Due to the nature of the applicant's problem, he is not likely to benefit within a reasonable period of time from further training, transfer or treatment. It further states the applicant was admitted to Walson Army Hospital for hysterical behavior. Since then, he improved but he remains nervous and shaky. He is preoccupied with problems of his mother who had suffered recurrence of her nervous breakdown. The applicant seems to be inadequate and immature. The applicant says he had one episode of anxiety attacks with shakes and nervousness before, during the fifth week of basic training. It is apparent the applicant has problems that make him unsuitable for a military career. He was recommended for an expeditious discharge from service.
- d. On 24 October 1984, the applicant's immediate commander notified the applicant of his intent to initiate separation action against him under the provisions of Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), Chapter 11, his inability to adapt emotionally to military life. He cannot control himself physically or mentally as he has been observed behaving irrationally on three different occasions. His immaturity has not allowed him to cope with problems at home and continued service could cause harm to himself and those around him. He has also failed to qualify for the 64C (Motor Transport Coordinator) course by failing the two-hand coordination test three times. The applicant acknowledged receipt on the same day.
- e. On 8 May 1997, after waiving consulting with legal counsel, the applicant acknowledged
 - if approved, he would receive an entry level separation with uncharacterized service.
 - he would not be permitted to apply for reenlistment in the Army within two years of his separation
 - he did not desire to make any statements on his own behalf
- f. On 30 October 1984, consistent with the chain of command recommendations, the separation authority approved his discharge under the provisions of AR 635-200,

Chapter 11, for entry level separation. He would be issued an uncharacterized characterization of service.

g. On 2 November 1984, he was released from active duty. He was issued an entry level status performance and conduct narrative reason for separation. His DD Form 214 shows he completed 2 months and 27 days of active service.

4. There is no indication that the applicant requested an upgrade of his discharge from the Army Discharge Review Board within its 15-year statute of limitations.

5. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

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.

7. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting to change his uncharacterized discharge to a permanent medical retirement. He contends he experienced MST and mental health conditions including post-traumatic stress disorder (PTSD) during his time in service, related to his request. 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) The applicant enlisted in the Regular Army on 06 August 1984; 2) The applicant received 3 sequential counseling statements regarding concerns over the applicant's emotional stability and failure to adapt during the first week of training (16 October 1984, 17 October 1984, and 18 October 1984); 3) On 24 October 1984, the applicant's commander notified the applicant of his intent to separate the applicant under Chapter 11 for an inability to adapt emotionally to military life following concerns regarding the applicant's behaviors, overall mental health, and concerns of potential harm for himself or others; 4) The applicant's DD214 shows he was released from active-duty training on 02 November 1984-Chapter 11-3A/B for entry level status performance and conduct. His service was determined to be uncharacterized. He completed 2 month and 27 days of net active service.

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the available supporting documents and the available military service and medical records. The VA's Joint Legacy Viewer (JLV) and hardcopy VA and civilian medical documentation provided by the applicant were also reviewed. Lack of citation or discussion in this section should not be interpreted as lack of consideration.

c. The applicant asserts that MST and mental health conditions including PTSD impacted the circumstances leading to his discharge. The applicant was psychiatrically evaluated on 10 October 1984 following a psychiatric hospitalization in a military hospital for an unknown period of time, for “hysterical behavior.” It was noted by his evaluating psychiatrist that the applicant’s psychiatric “problems...make him unsuitable for a military career,” and that this surfaced within the first 5 weeks of training following disclosures of family mental health problems at home. Subsequently it was recommended that the applicant receive an expeditious discharge. As a result of this evaluation, he was diagnosed with an adjustment disorder with anxious mood and a “personality disorder that interferes with ability to perform duty,” and psychiatrically cleared for administrative actions by command.

d. The applicant provided civilian documentation of a psychiatric hospitalizations of unknown length beginning on approximately 22 July 1988, hospital documentation between 03 September 1990 and 12 December 1990, a psychiatric hospitalization from 18 October 2009 to 28 October 2009, and civilian psychiatric documentation of the continued diagnosis of bipolar I disorder as recent as 24 August 2012. The applicant also provided documentation of a compensation and pension (C&P) evaluation by the VA on 13 October 1988 noting his previous psychiatric hospitalizations and was again diagnosed with bipolar disorder, adjustment disorder with mixed emotional features, and a personality disorder. During this examination, he was not diagnosed directly with a service-connected mental health condition. A review of JLV revealed that the applicant officially began his connection with the VA on 15 December 2010, primarily for the treatment of his mental health. He has continued to seek assistance for his mental and physical health through the VA since that time. The applicant received another C&P evaluation on 13 August 2024 that diagnosed the applicant with PTSD due to allegations that fellow soldiers threw bodily fluids in the applicant’s face while he slept, and one had previously placed their scrotum on the applicant with intent to bully the applicant. In addition, the applicant noted his PTSD as attributed to an instance when another soldier pointed his weapon at him during M-16 training. The applicant is currently 100% VA service-connected for PTSD.

e. Based on the available information, it is the opinion of the Agency Medical Advisor that there is sufficient evidence at this time that the applicant was experiencing a mental health condition during service to warrant a change to his uncharacterized discharge status. While on active-duty status, the applicant reported family mental health issues that impacted his mental health and reported experiencing bullying and sexual harassment/MST that also contributed to his mental health difficulties including PTSD. There is evidence that the applicant was hospitalized for mental health concerns during his time in service related to the concerns mentioned. Per Liberal Consideration this is worthy of the board’s consideration. However, the applicant did not attend more than six months of treatment without improvement, require hospitalization in inpatient psychiatric treatment on two or more occasions, nor was he ever placed on a psychiatric

permanent profile. Therefore, there is insufficient evidence the applicant's case warrants a referral to IDES to be assessed for a medical discharge or retirement, at this time.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? Yes, the applicant asserts MST and mental health conditions including PTSD are related to his request to change his uncharacterized discharge. The applicant was diagnosed by a psychiatrist at a military hospital with an adjustment disorder with anxious mood and a personality disorder. Separately, the applicant was diagnosed with VA service-connected PTSD through a C&P examination.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts he experienced MST and mental health conditions including PTSD during his active service related to his request to a change to his uncharacterized discharge. The applicant was diagnosed with adjustment disorder with anxious mood and a personality disorder during a psychiatric evaluation while hospitalized. Separately, the applicant was diagnosed with VA service-connected PTSD through a C&P examination.

(3) Does the condition or experience actually excuse or mitigate the misconduct? Yes, there is sufficient evidence the applicant was experiencing difficulty adapting to the military during his initial military training. However, the applicant's experience of sexual harassment/MST and bullying contributed to his mental health conditions and impacted the nature of the applicant's discharge. Therefore, there is sufficient evidence at this time to consider a change to his uncharacterized discharge. However, there is insufficient evidence that while on active military service the applicant attended more than six months of treatment without improvement, required inpatient psychiatric treatment on two or more occasions, nor was he ever placed on a permanent psychiatric profile. Therefore, there is insufficient evidence the applicant's case warrants a referral to IDES to be assessed for a medical discharge or retirement, at this time. However, the applicant's contention a mental health condition mitigates his discharge status is sufficient for the board's consideration per Liberal Consideration.

BOARD DISCUSSION:

After review of the application and all evidence, to include the DoD guidance on liberal consideration when reviewing discharge upgrade requests, the Board determined there is insufficient evidence to grant relief. The governing regulation provides that a separation will be described as uncharacterized, if the separation action is initiated within the first 180 days of active-duty service. As such, his DD Form 214 properly shows his service as uncharacterized.

An uncharacterized discharge is not meant to be a negative reflection of a Soldier's military service. It merely means the Soldier has not been in the Army long enough for his character of service to be rated as honorable or otherwise. As a result, there is no basis for granting the applicant's request.

Additionally, based upon the following findings outlined in the medical review: "there is insufficient evidence the applicant's case warrants a referral to IDES to be assessed for a medical discharge or retirement," the Board concluded there was insufficient evidence of an error or injustice warranting a change to the applicant's narrative reason for separation.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:XXX	:XXX	:XXX	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.

//SIGNED//

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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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.
 - a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
 - b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.
3. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel) in effect at the time, 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.

a. An honorable discharge is a separation with honor. 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. A general discharge is a separation from the Army under honorable conditions. When authorized, it is issued to a member whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

c. Chapter 11 sets policy and provides guidance for the separation of personnel because of unsatisfactory performance or conduct (or both) while in an entry-level status. It states when separation of a member in entry-level status is warranted by unsatisfactory performance or minor disciplinary infractions (or both) as evidenced by inability, lack of reasonable effort, or failure to adapt to the military environment, the member normally will be separated per this chapter. This separation policy applies to Soldiers who enlisted in the Regular Army, Army National Guard, or U.S. Army Reserve who are in entry level status and, before the date of initiation of separation action, have completed no more than 180 days of creditable continuous active duty or IADT by the date of separation and have demonstrated they are not qualified for retention for one or more of the following reasons:

- cannot or will not adapt socially or emotionally to military life
- cannot meet the minimum standards prescribed for successful completion of training because of lack of aptitude, ability, motivation or self-discipline
- have demonstrated character and behavior characteristics not compatible with satisfactory continued service
- failed to respond to counseling

4. On 3 September 2014, the Secretary of Defense directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations, and mitigating factors, when taking action on applications from former service members administratively discharged under other than honorable conditions, 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.

5. 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; TBI;

sexual assault; sexual harassment. Boards were directed 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 that misconduct which led to the discharge.

6. 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/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.

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 based on 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.

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.

7. Section 1556 of Title 10, United States 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.

8. Army Regulation 635-40 (Physical Evaluation for Retention, Retirement, or Separation) establishes the Army Physical Disability Evaluation System (PDES) according to the provisions of Title 10, U.S. Code (USC), Chapter 61, and Department of Defense Directive 1332.18. It sets forth policies, responsibilities, and procedures that apply in determining whether a Soldier is unfit because of physical disability to reasonably perform the duties of his or her office, grade, rank, or rating. If a Soldier is found unfit because of physical disability, this regulation provides for disposition of the Soldier according to applicable laws and regulations.

a. The objectives of this regulation are:

- to maintain an effective and fit military organization with maximum use of available manpower
- to provide benefits for eligible Soldiers whose military service is terminated because of a service-connected disability
- to provide prompt disability processing while ensuring that the rights and interests of the Government and the Soldier are protected

b. provides that disability compensation is not an entitlement acquired by reason of service-incurred illness or injury; rather, it is provided to Soldiers whose service is interrupted and they can no longer continue to reasonably perform because of a physical disability incurred or aggravated in service.

c. Appendix B of this regulation states the VASRD provides that conditions which do not render a Soldier unfit for military service will not be considered in determining the compensable disability rating unless the conditions contribute to the finding of unfitness.

9. Title 10, USC, section 1203, provides for the physical disability separation of a member who has an impairment rated at less than 30 percent disabling. It further provides at section 1201 for the physical disability retirement of a member who has an impairment rated at least 30 percent disabling.

10. Title 38, USC, chapter 11, permits the VA to award compensation for a medical condition which was incurred in or aggravated by active military service. The VA, however, is not required by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual's medical condition, although not considered physically unfit for military service at the time of processing for separation, discharge, or retirement, may be sufficient to qualify the individual for VA benefits based on an evaluation by that agency.

11. Section 1556 of Title 10, United States 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.

//NOTHING FOLLOWS//