

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 August 2025

DOCKET NUMBER: AR20240010168

APPLICANT REQUESTS: an upgrade of his under honorable conditions (general) discharge to honorable.

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

- DD Form 293 (Application for the Review of Discharge or Dismissal from the Armed Forces of the United States)
- Standard Form 180 (Request Pertaining to Military Records), 4 May 2024
- National Personnel Records Center letter, 23 July 2024

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 noted "file for benefits" on his DD Form 293.

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

a. The applicant enlisted in the Regular Army on 27 May 1986.

b. On 22 June 1987, he received nonjudicial punishment (NJP) under Article 15, Uniform Code of Military Justice (UCMJ) in that he did on or about 1 June 1987, failed to go at the time prescribed to his appointed place of duty. His punishment consisted of reduction to private/E-2.

c. Two DA Forms 4187 (Personnel Action) shows the applicant's duty status changed:

- 29 February 1988 – present for duty (PDY) to confined civil authorities
- 7 March 1988 – confined civil authorities to PDY

d. On 31 March 1988, the applicant received a letter of reprimand due to his apprehension on 11 November 1987 and arrested for suspicion of driving while impaired (DWI).

e. Additional DA Forms 4187 show the applicant's duty status changed as follows:

- 11 May 1988 – PDY to confined civil authorities
- 20 June 1988 – confined civil authorities to PDY

f. On 19 May 1988, the applicant was notified by his immediate commander of the intent to initiate separation against him under the provisions of Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), Chapter 13 (Separation for Unsatisfactory Performance) for unsatisfactory performance. The commander noted the reason for the proposed action is due to the applicant's pattern of substandard performance characterized by receiving a company grade Article 15 for failure to repair and also being arrested for DWI on 11 November 1987. He further noted the applicant received a second DWI charge. He acknowledged receipt on the same day.

g. On 20 May 1988, the applicant consulted with counsel. He was advised of the basis for the contemplated action to separate him and of the rights available to him.

h. The applicant submitted a statement on his own behalf that shows:

- he requests disapproval of the separation action
- his request for reassignment to another unit
- he would like to remain in the U.S. Army to overcome his deficiencies and may become an outstanding Soldier
- he would like the case of Private First-Class G_____ considered, which shows after two Article 15's the Soldier was given a chance and rehabilitated

i. On 20 May 1988, the applicant's commander initiated separation under the provisions of AR 635-200, paragraph 13, by reason of unsatisfactory performance. He recommended that his period of service be characterized as general, under honorable conditions. The intermediate commander recommended approval.

j. On 13 June 1988, the separation was approved and directed the issuance of a under honorable conditions (general) discharge. Additionally, the separation authority noted the applicant had not responded to rehabilitation attempts.

k. The applicant was discharged on 22 June 1988. His DD Form 214 (Certificate of Release or Discharge from Active Duty). shows he completed 1 year, 11 months, and 24 days of active-duty service with xx days of lost time.

4. There is no evidence the applicant applied to the Army Discharge Review Board for review of his discharge within that board's 15-year statute of limitations.

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

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's request, supporting documents, evidence in the records, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement and record of service, the frequency and nature of the applicant's misconduct and the reason for separation. The applicant was separated for unsatisfactory performance. The Board found no error or injustice in the separation proceedings. The Board concluded that the characterization of service the applicant received upon separation was appropriate.

BOARD VOTE:

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



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. 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.

3. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel) sets forth the basic authority for the separation of enlisted personnel.

a. Chapter 13 of this regulation provides for separation due to unsatisfactory performance when, in the commander's judgment, the individual will not become a satisfactory Soldier; retention will have an adverse impact on military discipline, good order and morale; the service member will be a disruptive influence in the future; the basis for separation will continue or recur; and/or the ability of the service member to perform effectively in the future, including potential for advancement or leadership, is unlikely. Service of Soldiers separated because of unsatisfactory performance under this regulation will be characterized as honorable or under honorable conditions.

b. 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.

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

4. 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.

//NOTHING FOLLOWS//