

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 May 2025

DOCKET NUMBER: AR20240010300

APPLICANT REQUESTS: an upgrade of her uncharacterized discharge from the U.S. Army Reserve (USAR).

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

- DD Form 149 (Application for Correction of Military Record)
- Support letter from her father explaining her split option USAR service and stating she should have received at least a general discharge as she was still in high school when her unit deployed to Somalia (Entire letter is available in supporting documents for the Board's review)
- Support email from her mother explaining her split option and the fact that her daughter did not want to continue in the military after graduating high school due to the fact that she would not get the field that she wanted (Entire letter is available in supporting documents for the Board's review)

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 she requests a change in her discharge from uncharacterized to under honorable conditions (general). She was not in any trouble at time of discharge. She was in on split enlistment. At the time of discharge, she was still a senior in high school. Her unit was being sent to Somalia and she was offered a discharge. She found out after discharge that she was pregnant. While in bootcamp my battle buddy informed her that a drill sergeant was sexually harassing her on night guard duty. She had never thought that could happen. Mentally she did not know how to handle this information, so when she was offered a discharge, she agreed to it. She suffers from post-traumatic stress from her first husband.
3. A review of the applicant's service record shows:

- a. She enlisted in the USAR on 22 January 1992.
 - b. She was absent from scheduled unit training assembly (UTA) on 2 and 3 May 1992. She was notified by certified mail on 9 May 1992.
 - c. DD Form 220 (Active Duty Report) shows she served a period of active duty training from 4 June 1992 until 6 August 1992, when she completed basic training.
 - d. She was absent from UTA on 7 and 9 November 1992. She was notified by certified mail on 11 November 1992.
 - e. On 10 January 1993, she was counseled for failing to attend several drills between the months of May 1992 and December 1992.
 - f. The complete facts and circumstances of her separation are not available within her records. However, Orders 15-14, issued by Headquarters, 807th Medical Brigade, Seagoville, TX, on 26 February 1993, shows she was discharged from the USAR on 26 February 1993, with an uncharacterized discharge under the provisions of Army Regulation 135-178 (Separation of Enlisted Personnel).
4. In reaching its determination, the Board can consider the applicant's petition and her service record in accordance with the published equity, injustice, or clemency determination guidance.

5. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting an upgrade of her uncharacterized discharge from the U.S. Army Reserve (USAR). On her DD Form 149, the applicant indicated Other Mental Health Issues are related to her request. More specifically, she stated that a battle buddy informed her that she was being sexually harassed by a drill sergeant and she did not know how to handle the information so when she was offered a discharge, she agreed to it. 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 USAR on 22 January 1992, 2) she was absent from a scheduled unit training assembly (UTA) on 02-03 May 1992, 3) she served a period of active duty training from 04 June 1992 to 06 August 1992 to complete basic training, 4) she was absent from UTA 07 and 09 November 1992, 5) on 10 January 1993 the applicant was counseled for failing to attend several drills between May 1992 and December 1992, 6) The complete facts and circumstances of her separation are not available within her records. However, Orders dated 26 February 1993 show she was discharged on 26 February 1993, with an uncharacterized discharge under the provisions of AR 135-178, paragraph 1-25d (ND).

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the ROP and casefiles, supporting documents and the applicant's military service and available medical records. The VA's Joint Legacy Viewer (JLV) was also examined. The electronic military medical record (AHLTA) was not reviewed as it was not in use during the applicant's time in service. Lack of citation or discussion in this section should not be interpreted as lack of consideration.

c. There were no in-service medical records available for review.

d. A review of JLV was void of medical information. There is no documentation available showing she is service-connected through the VA for any conditions.

e. A DA Form 2856 (General Counseling Form) dated 10 January 1993 shows the applicant was counseled for missing several drills. It was noted that when asked what could be done to help her carry out her duties the applicant replied, "I get sick a lot but I'll tried to be here."

f. Based on the available information, it is the opinion of the Agency Medical Advisor that there is insufficient evidence that the applicant had a condition or experience during her time in service that mitigated her discharge. However, she contends that her discharge was related to Other Mental Health Issues, and, per liberal guidance, her assertion is sufficient to warrant the Board's consideration.

g. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant contends her discharge was related to Other Mental Health Issues.

(2) Did the condition exist or experience occur during military service? Yes, per the applicant's assertion.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. A review of records was void of any BH diagnosis or treatment history for the applicant during or after service and she provided no medical documentation supporting her assertion of Other Mental Health Issues. In absence of documentation supporting her assertion, there is insufficient evidence to establish her discharge was related to or mitigated by Other Mental Health Issues and insufficient evidence to support an upgrade based on BH mitigation. However, she contends that her discharge was related to Other Mental Health Issues, and, per liberal guidance, her assertion is sufficient to warrant the Board's consideration.

BOARD DISCUSSION:

After reviewing the application and all supporting documents, to include the DoD guidance on liberal consideration when reviewing discharge upgrade requests, the Board determined relief was not warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. Based upon the short term of honorable service completed, the misconduct leading to the applicant's separation, and the following findings outlined in the medical review:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes,

(2) Did the condition exist or experience occur during military service? Yes,

(3) Does the condition or experience actually excuse or mitigate the discharge? No,

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

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 (AR) 135-91 (Service Obligations, Methods of Fulfillment, Participation Requirements, and Enforcement Procedures) governs service obligations of members of the Reserve Components. This regulation states that a member is an unsatisfactory participant when he or she accrues nine or more unexcused absences from scheduled drills during a 1-year period.
3. AR 135-178 (Army National Guard and Army Reserve Separation of Enlisted Personnel) sets policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of Army National Guard of the United States and USAR enlisted Soldiers for a variety of reasons. Chapter 13 of the regulation in effect at the time governed separation for unsatisfactory participation. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record. An honorable characterization of service is not authorized for a member who is no longer in an entry level status unless the member's record is otherwise so meritorious that any other characterization would clearly be inappropriate.

4. AR 135-178 states the honorable characterization of service is appropriate when the quality of the Soldier's service generally meets the standards of acceptable conduct and performance of duty for military personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate. A general discharge is warranted when a significant negative aspect of the Soldier's conduct or performance outweighs positive aspects of the Soldier's military record.

//NOTHING FOLLOWS//