

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 21 May 2025

DOCKET NUMBER: AR20240010598

APPLICANT REQUESTS:

- Reconsideration for an upgrade of his general, under honorable conditions discharge to honorable
- Personal appearance before the Board

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

DD Form 149 (Application for Correction of Military Record) with continuation sheet (Self-Authored Statement):

- He was an honorable Soldier earning awards (Good Conduct Medal, Army Achievement Medal, Expert Marksmanship Badge) and certificates of training
- In 1986/1987 he was in a serious car accident that required hospitalization and was not the same mentally or physically
- His conduct deteriorated and instead of therapy/counseling to help him the command discharged him for a pattern of misconduct
- With the help of behavioral health professionals, he is still working through the decision to discharge him vice providing help

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20180008584 on 16 July 2019.
2. The applicant states when he was discharged, he was depressed and only recently was able to attend a post-traumatic stress disorder (PTSD) clinic for treatment.
3. A review of the applicant's service record shows:
  - a. He enlisted in the Regular Army on 30 November 1984.
  - b. He received nonjudicial punishment on:

- 6 February 1987, for on or about 9 January 1987 disobeyed a lawful order from noncommissioned officer (Article 91, UCMJ) and for with intent to deceive signed an official record which was false, and he knew it was false (Article 107, UCMJ). His punishment was reduction to private first class (E-3)
- 16 March 1988, for on or about 7 March 1988, without authority, failed to go to 0530 Recall formation (Article 86, UCMJ) and for on or about 2 March 1988, with intent to deceive made two official statements he knew were false (Article 107, UCMJ)
- 6 April 1988, for on or about 25 March 1988, broke restriction (Article 134, UCMJ)

c. Mental Status Evaluation, dated 11 May 1988, confirmed he was referred for a mental evaluation because he was being considered for discharge. The evaluation indicated he had the mental capacity to understand and participate in the proceedings and was mentally responsible. There is no evidence of any psychiatric condition which would warrant disposition through medical channels. He was psychiatrically cleared for any administrative action deemed appropriate by his command. The evaluation, it further indicated:

- Behavior was normal; fully alert and fully oriented
- Mood was unremarkable and thought process was clear
- Thought content was normal and memory good

d. Medical evaluations for the purpose of administrative separation which indicated he was qualified for service.

- Standard Form (SF) 88 (Report of Medical History) dated 11 May 1988
- SF 93 (Report of Medical History) dated 11 May 1988

e. On 9 May 1988, his commander notified him of his intent to separate him under the provisions (UP) of Army Regulation (AR) 635-200 (Personnel Separation – Enlisted Personnel), chapter 14-12b due to Pattern of Misconduct. He acknowledged notification on the same day.

f. On 9 May 1988, the immediate commander-initiated separation action against the applicant for patterns of misconduct. He recommended that his period of service be characterized as general, under honorable conditions.

g. Consistent with the chain of command recommendations, on 9 May 1988, the separation authority approved the discharge recommendation for immediate separation under the provisions of Chapter 14, AR 635-200, paragraph 14-12b for patterns of misconduct. He would be issued a General Discharge Certificate.

i. The applicant was discharged on 13 June 1988, general, under honorable conditions character of service. He was credited with 3 years 08 months and 13 days this net period of service. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was discharged UP of chapter, 14-12b of Army Regulation 635-200, for narrative reason "misconduct - pattern of misconduct" with a separation code of JKM and a reentry code of 3. He was awarded or authorized:

- Army Service Ribbon
- Expert Marksmanship Qualification Badge (M16)
- Army Good Conduct Medal
- Army Achievement Medal
- Parachute Badge

4. In his previous request (AR20180008584) on 16 July 2019, after reviewing the application and all supporting documents, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned. The application submitted was denied by the ABCMR.

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:

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 record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation, and published Department of Defense guidance for liberal and clemency determinations requests for upgrade of his characterization of service. Upon review of the applicant's petition and available military records, the Board determined there is insufficient evidence of in-service mitigating factors to overcome the pattern of misconduct. The applicant was discharged for misconduct and was provided an under honorable conditions (General) characterization of service. The Board agreed that the applicant's discharge characterization is warranted as he did not meet the standards of acceptable conduct and performance of duty for Army personnel to receive an Honorable discharge. The Board agreed there is insufficient evidence or an error or injustice that warrants reversal of the previous Board determination. Based on this, the Board denied relief.

2. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable

decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1   Mbr 2   Mbr 3

:        :        :        GRANT FULL RELIEF

:        :        :        GRANT PARTIAL RELIEF

:        :        :        GRANT FORMAL HEARING

██████████ DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board found 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 to amend the decision of the ABCMR set forth in Docket Number AR20180008584 on 16 July 2019.

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. Army Regulation 15–185 (Army Board for Correction of Military Records (ABCMR)) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, it states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR will decide cases based on the evidence of record. It is not an investigative agency. 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.
2. Army Regulation 635-8 (Separation Processing and Documents) prescribes policy and procedural guidance relating to transition management; it explains separation document preparation, distribution, and correction. Paragraph 5-6 (Rules for Completing the DD Form 214 (Certificate of Release or Discharge from Active Duty) provides detailed instructions for data required in each block of the DD Form 214.
  - a. The DD Form 214 is a synopsis of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of active Army service at the time of release from active duty, retirement, or discharge.
  - b. The DD Form 214 is a historical document that should reflect the record as it existed at the time the DD Form 214 was created.
3. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), in effect at the time, sets forth the basic authority for the separation of enlisted personnel.
  - 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 14 of the regulation states action will be taken to separate a Soldier for misconduct when it is clearly established that despite attempts to rehabilitate or develop him or her as a satisfactory Soldier, further effort is unlikely to succeed.
4. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness

issued guidance to Military DRBs and 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 on the basis of 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//