

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 June 2025

DOCKET NUMBER: AR20240011040

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

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

DD Form 149 (Application for Correction of Military Record)

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 thought he had an honorable discharge.
3. A review of the applicant's service records show the following:
 - on 5 December 1967, he enlisted in the Regular Army for a 3-year service commitment
 - on 27 January 1968, he accepted nonjudicial punishment under provisions of Article 15 of the Uniform Code of Military Justice for being absent without leave (AWOL) from on or about 18 January 1967 until 27 January 1967
 - his punishment included forfeiture of \$22 for one-month, 14 days restriction and 14 days extra duty
 - he did not appeal the Article 15 or demand trial by court-martial
 - on 26 April 1968, he was convicted by a summary court-martial at Fort George G. Meade, MD for going AWOL from the Basic Training Brigade, Fort Dix, NJ on or about 12 February 1968 until 18 April 1968
 - his sentence included confinement at hard labor for 30 days and forfeiture of \$35 for one-month

- the sentence was approved and ordered duly executed but the 30-day hard labor was suspended for 30 days
- on 8 May 1968, he requested a dependency discharge under the provisions of Section II, Chapter 6, because he was awarded custody of his daughter on 10 July 1967 after divorcing on 2 February 1967
- on 24 June 1968, the Special Processing Battalion Adjutant recommended approval of his request for a dependency discharge and noted he was in a casual status and restricted to the company area because of a violation of Article 86 AWOL
- on 26 June 1968, the Special Processing Battalion commander, approved his request for separation under the provisions Army Regulation 635-200 (Personnel Separations Enlisted Personnel), Chapter 6, Section II, he was released from active duty and transferred to the Army Reserve
- accordingly, Special Orders Number 140 Extract, 3 July 1968, ordered his release from active duty on 8 July 1968
- on 8 July 1968, he was released from active duty with an under honorable conditions (general) characterization of service, his DD Form 214 shows he completed 3 months and 10 days of net active service and 114 days of lost time

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 applicant's contentions, the military record, and regulatory guidance were carefully considered. 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 following non-judicial punishment and a summary court-martial. Based on a preponderance of the evidence, the Board concluded that the characterization of service the applicant received upon separation was appropriate.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

:	:	:	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.

[REDACTED]

[REDACTED]

[REDACTED]

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) 635-200 (Personnel Separations – Enlisted Personnel) Chapter 6 (Separation because of Dependency or Hardship), then in effect, stated an individual may be discharged or released, as appropriate, from active military service because of dependency, when the following circumstances existed.

a. Undue and genuine dependency exists as a result of the death or disability of a member of the enlisted person's family occurring after his entry into the service.

b. Dependency is not of a temporary nature.

c. Conditions resulting from the death or disability of a member of the enlisted person's family occurring prior to his entry into the service have been aggravated to such an extent as to necessitate his care or support of a member of his family. Pregnancy of an enlisted man's wife is not a disability for which his separation is authorized. However, this does not preclude separation on account of a disability of the enlisted man's wife occurring as a result of her pregnancy.

d. Every reasonable effort made by the enlisted person to alleviate the dependency condition has been without success.

e. Discharge or release from active military service of the enlisted person is the only readily available means of eliminating or materially alleviating the dependency conditions.

f. Enlisted personnel would be discharged from the military service with either a DD Form 256A (Honorable Discharge Certificate) or DD Form 257A (General Discharge Certificate).

g. Chapter 1 (General Provisions) stated the type and character of separation issued was determined solely by the members military record during that enlistment or period of service which included an individual's military behavior and performance of duty.

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

a. 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. 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 6 establishes policy and prescribes procedures for separating members because of genuine dependency or hardship. Discharge or REFRAD under this chapter should only be approved when the dependency or hardship can only be materially alleviated or eliminated by the discharge or REFRAD of the Soldier. Unless otherwise provided in this chapter, the burden is on the Soldier to prove the dependency or hardship and that discharge or REFRAD is in the best interest of the Soldier and the Army. Additionally, the characterization or description of service is as follows:

(1) If the Soldier is still in entry-level status, service will be described as uncharacterized.

(2) If the Soldier is beyond entry-level status, service will be characterized as honorable or under honorable conditions as set forth in chapter 3, section II of this regulation.

(3) Before service is characterized as under honorable conditions, the Soldier will be notified of the specific factors in the service record that warrant such characterization.

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 regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. Boards for Correction of Military/Naval Records 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//