

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 27 June 2025

DOCKET NUMBER: AR20240011104

APPLICANT REQUESTS: reconsideration of her previous requests for correction of her uncharacterized discharge to honorable.

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Statement 15 August 2024
- Veterans Consortium Attachment to DD Form 149
- DD Form 214 (Certificate of Release or Discharge from Active Duty) 20 September 1991
- Department of Veterans Affairs (VA) Letter 24 June 2019
- VA Letter 8 January 2021
- Exhibit B Veterans Affairs Letter 11 January 2021
- Exhibit C Email Requesting Advisory Opinion undated
- Exhibit A Psychological Evaluation Report, 11 March 2024

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 Numbers:

- AR20140003962 on 4 November 2014
- AR20200005613 on 6 April 2021

2. The applicant lists post-traumatic stress disorder (PTSD), and sexual assault (MST) as related to her request. As new evidence the applicant has a psychological evaluation report, 11 March 2024.

3. The applicant states through the VA Consortium attachment to DD Form 149, undated:

a. Her discharge was unjust because she suffered from military sexual trauma which resulted in her uncharacterized discharge. She was raped on multiple occasions by two

male drill sergeants. They would tie her up, punch and kick her, slap her, choke her, urinate on her, and sodomize her. Due to these attacks the applicant was in significant pain and was unmotivated to complete her physical tests.

b. She failed her physical fitness exams for issues directly related to the MST and received an uncharacterized discharge. After the rapes, the applicant's motivation changed. This is supported by her statement and corroborating statements post-service. She began to self-destruct and self-medicate with alcohol. She was not eating, suffered from nightmares, and was sad, depressed, and angry. The rapes ruined the applicant's life. Since then, the VA stated she had service-connected PTSD related to MST and she is currently rated at 70 percent disabled. The discharge is an injustice because but for the rapes, the applicant would have been able to complete all her duties and likely go on to fulfill her time in service. She had no misconduct during service. Due to the severity of the sexual abuse she suffered, along with her lack of misconduct, the applicant deserves a discharge upgrade to an honorable discharge.

4. The VA Consortium letter, 15 August 2024 shows a mental health professional diagnosed the applicant with a mental health condition, PTSD related to MST. a mental health professional must be included as a member of the board who reviews the application for relief. The applicant's application for relief is primarily based on matters relating to PTSD and MST. Her case must be given priority consideration, and a final decision should be expedited.

5. The applicant provides, and her service records show:

- She enlisted in the Army National Guard (ARNG) on 12 June 1991
- She was counseled on 14 August 1991 for not meeting minimum requirements; she did not execute any push-ups on her exit assessment
- She was counseled on 15 August 1991 for not doing any positive push-ups and she did not try because she is going home. She could get waived to basic training
- ARNG Liaison Counseling Form, 27 August 1991 shows the reason for the visit as entry level status (ELS), chapter 11. The applicant had been in training up to 3 weeks and cannot meet exit assessment for pushups. She wants to remain in training. She has exhausted all efforts to meet exit assessment. She is given the opportunity to read and ask question on Army Regulation (AR) 635-200 (Personnel Separations-Enlisted Personnel), Paragraph 11-2a ELS she understands she will forfeit any and all benefits. The recommendation is to process the applicant for separation under the provisions of AR 635-200, Chapter 11.
- Proposed Separation Action under ELS Performance and Conduct, 29 August 1991 shows action was initiated separate the applicant for her displaying a total lack of motivation and having shown no desire to put forth any effort towards

becoming a Soldier. It is highly unlikely that further rehabilitative efforts, counseling or punishment will have a beneficial effect upon her. She was advised of the rights available to her

- She acknowledged receipt on 29 August 1991
- She consulted with counsel and desired to make statements on her own behalf however, the statement is not available for review. She requested a separation physical
- Her commander strongly recommended the applicant be discharged. She could not meet the minimum standards because of the lack of motivation and self-discipline
- The separation authority approved the applicant's separation on 12 September 1991. Her character of service as uncharacterized
- Orders 192-779, 17 September 1991 shows the applicant was released from active duty for training, discharged from the reserve of the Army and returned to the ARNG.
- DD Form 214 shows she was released from active duty and transferred to the ARNG of Louisiana on 20 September 1991. She was released under the provision of AR 635-200, paragraph 11-2a ELS. Her service was uncharacterized. She completed 3 months and 9 days of net active service. Her service was uncharacterized.
- Orders 215-006, 15 October 1991 shows the applicant was discharged from the ARNG
- National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service), 15 October 1991 discharged from the ARNG character of service uncharacterized
- In a previous case AR20140003962, 4 November 2014 the Board discussion shows, the Board determined the evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined that the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned
- VA letter, 24 June 2019 shows her privacy act request was received
- An eBenefits form (no name on form), 22 August 2019 shows 70% total combined disability for PTSD (claimed with acquired psychiatric disorder, anxiety disorder, and major depressive disorder due to MST)
- VA letter, 8 January 2021 shows PTSD at 100% disabling.
- Exhibit B-VA letter, 11 January 2021 shows 100% combined rating evaluation effective date 1 September 2020
- Exhibit C, undated shows email requesting advisory opinion for AR20200005613 case.
- In a previous case AR20200005613, 6 April 2021 the Board discussion shows, the Board determined 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.

- Exhibit A, 11 March 2024 letter Licensed Clinical Psychologist, AH__ shows purpose of consultation to determine if the applicant's condition warrants an upgrade to her discharge
 - Upon arrival at Fort Jackson, SC, she was singled out by two male drill sergeants and a series of brutal sexual assaults began. Two days after she arrived, she was seen for nausea and vaginal discharge, and on 31 July 1991, she was seen for continued vaginal itching and recurrent discharge. She reports rapes to a female drill sergeant
 - She has reported she was in too much pain from nightly sexual assaults to be able to meet the training requirements. She did not engage in any misconduct during her brief service. Discharge was recommended due to her alleged "lack of motivation and self-discipline"
 - After her discharge she began to withdraw from family and friends and had difficulty sustaining relationships. She engaged in self-injury and began to use alcohol to excess.
 - She was diagnosed with PTSD, Major Depressive disorder, severe, recurrent and Alcohol Use Disorder, severe. Every symptom reported by the applicant can be tied to her experience of sexual assault in the military.
 - The men who raped the applicant were likely given honorable discharges after making a career of the military, and the cruel irony of this is not lost on her. If granted an upgrade to her discharge status, she could at last gain some measure of self-respect regarding her military service and perhaps start rewriting her personal narrative that she is "nothing" and "a fraction of a human being."

6. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting to change her uncharacterized discharge to honorable. She contends that she experienced PTSD as a result of repeated MST, which are related to her 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 Army National Guard on 12 June 1991; 2) The applicant was counseled on 14 and 15 August 1991 for not meeting minimum physical requirements and displayed a "lack of motivation and self-discipline" per a 27 August 1991 counseling statement; 3) On 20 September 1991, the applicant was discharged by Chapter 11-3a for entry level status. Her service was determined to be uncharacterized. She completed 3 months and 9 days of active service.

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the supporting documents and the applicant's available military service and medical records. The VA's Joint Legacy Viewer (JLV) and VA and civilian medical documentation provided by the applicant were also examined.

c. The applicant reported repeated sexual assaults during basic training by her two male drill sergeants that resulted in PTSD and subsequently impacted her ability to continue in training. During her report of medical history on 12 June 1991, the applicant reported past, "depression or excessive worry" following a previous break-up with a boyfriend and past, "nervous trouble" when "too many people are talking to her at [the] same time," however was found to have met medical standards for enlistment.

d. A review of JLV revealed that the applicant was diagnosed with PTSD as a result of MST by the VA upon her initial connection on 25 April 2014. Her connection to the VA for mental health support as a result of her PTSD has continued consistently since that time. In addition to PTSD, her VA diagnoses have also included major depressive disorder, recurrent, severe without psychotic features; alcohol use disorder, moderate/severe; and alcohol induced mood disorder, moderate/severe. The applicant provided a one-time evaluation by civilian licensed clinical psychologist dated 11 March 2024 that noted a direct connection between the applicant's experience of MST while on active service and her experience of PTSD that contributed to the circumstances leading to her discharge. 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 the applicant was experiencing PTSD as a result of MST that would warrant a change to her uncharacterized discharge status.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? Yes, the applicant asserts PTSD as a result of MST is related to her request to change her uncharacterized discharge. There is sufficient evidence the applicant was diagnosed by the VA as well as by an independent civilian psychological provider with PTSD as a result of her MST during her active service.

(2) Did the condition exist or experience occur during military service? Yes, there is sufficient evidence the applicant was diagnosed by the VA as well as by an independent civilian psychological provider with PTSD as a result of her MST during her active service.

(3) Does the condition or experience actually excuse or mitigate the misconduct? Yes, there is sufficient evidence the applicant was experiencing PTSD during active

service as a result of MST. The applicant was noted to have a “lack of motivation and self-discipline” that resulted in her discharge from active service. This behavior is a natural sequelae to MST as well as some mental health conditions, including PTSD. Therefore, per Liberal Consideration, the applicant’s discharge status may be eligible to be changed.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The Board carefully considered the applicant’s request, supporting documents, evidence in the records, medical advisor’s review, 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 entry level separation (ELS) with the commander stating she had a total lack of motivation and having shown no desire to put forth any effort towards becoming a Soldier. The Board also noted the applicant’s contention of an MST which was service-connected by the VA and concurred with the medical advisor’s review finding sufficient evidence that the applicant was experiencing PTSD as a result of MST that would warrant a change to her uncharacterized discharge status. Therefore, the Board determined based the applicant’s separation and the following recommendation found in the medical review related to MST and liberal consideration, relief was warranted.

2. Based upon the misconduct leading to the applicant’s separation and the following recommendation found in the medical review related to the liberal consideration:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? Yes, the applicant asserts PTSD as a result of MST is related to her request to change her uncharacterized discharge. There is sufficient evidence the applicant was diagnosed by the VA as well as by an independent civilian psychological provider with PTSD as a result of her MST during her active service.

(2) Did the condition exist or experience occur during military service? Yes, there is sufficient evidence the applicant was diagnosed by the VA as well as by an independent civilian psychological provider with PTSD as a result of her MST during her active service.

(3) Does the condition or experience actually excuse or mitigate the misconduct? Yes, there is sufficient evidence the applicant was experiencing PTSD during active service as a result of MST. The applicant was noted to have a “lack of motivation and

self-discipline” that resulted in her discharge from active service. This behavior is a natural sequelae to MST as well as some mental health conditions, including PTSD. Therefore, per Liberal Consideration, the applicant’s discharge status may be eligible to be changed.

The Board concluded there was sufficient evidence of an error or injustice warranting a change to the applicant’s characterization of service, narrative reason, separation authority, SPD code and Reentry Code.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	■	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant amendment of the ABCMR's decision in Docket Numbers AR20140003962 on 4 November 2014 and AR20200005613 on 6 April 2021. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214 for the period ending 20 September 1991 to show:

- item 24 (Characterization of Service): Honorable
- item 25 (Separation Authority): Army Regulation 635-200
- item 26 (Separation Code): JFF
- item 27 (Reentry Code): RE-1
- item 28 (Narrative Reason for Separation): Secretarial Authority

[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. Army Regulation (AR) 635-200 (Personnel Separations-Enlisted Personnel), in effect at the time, set forth the basic authority for the separation of enlisted personnel.

a. An honorable discharge was a separation with honor and entitles the recipient to benefits provided by law. Issuance of an honorable discharge certificate was appropriate when the quality of the Soldier's service generally met the standards of acceptable conduct and performance of duty, or was otherwise so meritorious that any other characterization would clearly be inappropriate.

b. (Uncharacterized Separations). A separation was deemed entry-level status when commanders initiated the action while the Soldier was within the first 180 days of continuous active duty. Soldiers separated in an entry-level status were issued an uncharacterized character of service. On a case-by-case basis, and when clearly warranted due to unusual circumstances involving personal conduct or duty performance, the Secretary of the Army could grant a Soldier an honorable character of service.

c. Chapter 11 (Entry Level Status Performance and Conduct) provided for the separation of personnel due to unsatisfactory performance or conduct, or both, while in an entry-level status (had completed no more than 180 days of continuous active duty before the date of the initiation of separation action). An uncharacterized description of service was required for separation under this chapter. This provision applied to individuals who could not meet the minimum standards prescribed for successful completion of training and who had demonstrated they were not qualified for retention because they:

- could not adapt socially or emotionally to military life
- lacked the aptitude, ability, motivation, or self-discipline for military service
- demonstrated characteristics not compatible with satisfactory continued service

2. PTSD is unique among psychiatric diagnoses because of the great importance placed upon the etiological agent, the traumatic stressor. In fact, one cannot make a PTSD diagnosis unless the patient has actually met the "stressor criterion," which means that he or she has been exposed to an event that is considered traumatic. Clinical experience with the PTSD diagnosis has shown, however, that there are individual differences regarding the capacity to cope with catastrophic stress. Therefore, while most people exposed to traumatic events do not develop PTSD, others go on to develop the full-blown syndrome. Such observations have prompted the recognition that trauma, like pain, is not an external phenomenon that can be completely objectified. Like pain, the traumatic experience is filtered through cognitive and emotional processes before it can be appraised as an extreme threat. Because of individual differences in this appraisal process, different people appear to have different trauma thresholds, some more protected from and some more vulnerable to developing clinical symptoms after exposure to extremely stressful situations.

3. The fifth edition of the DSM was released in May 2013. This revision includes changes to the diagnostic criteria for PTSD and acute stress disorder. The PTSD diagnostic criteria were revised to take into account things that have been learned from scientific research and clinical experience. The revised diagnostic criteria for PTSD include a history of exposure to a traumatic event that meets specific stipulations and symptoms from each of four symptom clusters: intrusion, avoidance, negative alterations in cognitions and mood, and alterations in arousal and reactivity. The sixth criterion concerns duration of symptoms, the seventh criterion assesses functioning, and the eighth criterion clarifies symptoms as not attributable to a substance or co-occurring medical condition.

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 UOTHC 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; traumatic brain injury (TBI); sexual assault; or sexual harassment. Standards for review should rightly consider the unique nature of these cases and afford each veteran a reasonable opportunity for relief even if the sexual assault or sexual harassment was unreported, or the mental health condition was not diagnosed until years later. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on 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 misconduct that 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 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//