

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 10 June 2025

DOCKET NUMBER: AR20240011128

APPLICANT REQUESTS:

- upgrade of his character of service from under other than honorable conditions (UOTHC) to under honorable conditions (General)
- personal appearance before the Board via video/telephone

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

- DD Form 149 (Application for Correction of Military Record), 20 June 2024
- statement of support, from Kaiser Permanente, J.A.B., 5 July 2024
- statement of support, from Transition Projects, 2 August 202

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 suffered mental issues while serving including post-traumatic stress disorder (PTSD), which he believes his mental issues were not taken into account in his discharge process. His characterization of discharge has always bothered him, and he is seeking an upgrade of his discharge for peace of mind. He additionally states he has been clean and sober for over 10 years from drug use and 5 years from alcohol use.
3. A review of the applicant's service record shows the following:
 - a. He enlisted in the Regular Army on 24 June 1971, for 3-year period.
 - b. He received nonjudicial punishment on 1 September 1971 for stealing an item of a value of \$.25, the proper of Fort Lee Main Exchange on or about 29 August 1971.

c. His record is void of a separation packet containing the specific facts and circumstances surrounding his discharge processing. However, his DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) shows he was discharged on 9 June 1972, under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 10 (Discharge for the Good of the Service), in the grade of E-1. He received an UOTHC characterization of service. He was credited with 7 months and 14 days of net active service with 122 days' time lost.

4. He additionally provides two statements of support, one from his primary care provider confirming his medical conditions. Another one from Transition Projects which provides information on how he received temporary financial assistance while meeting with his case manager, achieving goals, prioritizing his personal health and recovery, attending medical appointments, participating in small group meetings, and managing his budget effectively. He is now granted with Veterans Affairs Supportive Housing which provides him with lifetime housing support due to his distinguished service.

5. In reaching its determination, the Board can consider the applicant's petition, service record, and statements in light of the published guidance on equity, injustice, or clemency.

6. MEDICAL REVIEW:

a. Background: The applicant is applying to the ABCMR requesting consideration of an upgrade to his characterization of service from under other than honorable conditions (UOTHC) to general. He contends he experienced an undiagnosed mental health condition, including PTSD, that mitigates his misconduct.

b. 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:

- The applicant enlisted into the Regular Army on 24 June 1971.
- The applicant received NJP for stealing an item from the Main Exchange and the value was listed as \$.25.
- His record is void of a separation packet containing the specific facts and circumstances surrounding his discharge processing. However, his DD Form 214 showed he was discharged under AR 635-200, chapter 10, for the good of the service.
- The applicant was discharged on 9 June 1972 and was credited with 7 months and 14 days of net active service.

c. Review of Available Records: The Army Review Board Agency (ARBA) Behavioral Health Advisor reviewed the supporting documents contained in the applicant's file. The applicant asserts he suffered from mental issues at the time of his discharge, and this

was not taken into account. He indicated PTSD as an issue or condition related to his request. A letter from his primary care provider dated 5 July 2024 showed diagnoses of moderate opioid use disorder, severe alcohol disorder, and moderate cannabis abuse (all in remission). There was insufficient evidence that the applicant was diagnosed with PTSD or another psychiatric condition while on active service.

d. The Joint Legacy Viewer (JLV), which includes medical and mental health records from DoD and VA, was also reviewed and showed the applicant initiated case management for homeless services in May 2023. He reported a history of non-VA mental health treatment for PTSD and depression stemming from childhood experiences as well as a history of substance abuse. At his most recent contact on 30 May 2025, stable housing was noted as well as maintenance of sobriety.

e. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is insufficient evidence to fully opine on the change of his characterization of discharge because of the absence of the specific facts and circumstances surrounding his discharge processing.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant asserts he had an undiagnosed mental health condition, including PTSD, at the time of the misconduct. There are no mental health or medical records available for review from his time in service, but VA records from 2023 note a history of mental health treatment for PTSD (due to childhood experiences) and depression as well as substance abuse, and the applicant provided a letter from his primary care provider, which showed a substance abuse history in remission.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts he was experiencing a mental health condition while on active service.

(3) Does the condition or experience actually excuse or mitigate the discharge? NA. The applicant asserts PTSD as a mitigating factor in his discharge, but there is insufficient evidence, beyond self-report, of this diagnosis. Nonetheless, without knowledge of the basis for separation, no opinion regarding mitigation under liberal consideration can be made. However, the applicant's assertion of an undiagnosed mental health condition as a mitigating factor, per Liberal Consideration, warrants consideration by the board.

BOARD DISCUSSION:

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, 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 charged with absenting himself from his unit from 7 February to 17 May 1972, punishable under the Uniform Code of Military Justice with a punitive discharge. The Board concurred with the medical advisor's review finding insufficient evidence the applicant was diagnosed with PTSD or another psychiatric condition while on active service. However, the Board determined relief was appropriate to amend his characterization of service based on the applicant's statement and his attestation that he has been clean and sober for over 10 years as well as statements provided by his primary care provider.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant relief. 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 9 June 1972 to show in item 24 (Character of Service): under honorable conditions (General).



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. Section 1556 of Title 10, U.S. Code, requires the Secretary of the Army to ensure that an applicant seeking corrective action by the Army Review Boards Agency (ARBA) be provided with a copy of any correspondence and communications (including summaries of verbal communications) to or from the Agency with anyone outside the Agency that directly pertains to or has material effect on the applicant's case, except as authorized by statute. ARBA medical advisory opinions and reviews are authored by ARBA civilian and military medical and behavioral health professionals and are therefore internal agency work product. Accordingly, ARBA does not routinely provide copies of ARBA Medical Office recommendations, opinions (including advisory opinions), and reviews to Army Board for Correction of Military Records applicants (and/or their counsel) prior to adjudication.
3. Army Regulation (AR) 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The regulation provides that the ABCMR has the discretion to hold a hearing; applicants do not have a right to appear personally before the Board. The Director or the ABCMR may grant formal hearings whenever justice requires.
4. AR 635-200 (Personnel Separations – Enlisted Personnel), in effect at the time, set forth the basic authority for the separation of enlisted personnel.
 - a. Chapter 10 of that regulation provides, in pertinent part, that a member who has committed an offense or offenses for which the authorized punishment includes a punitive discharge may, submit a request for discharge for the good of the service in lieu of trial by court-martial. The request may be submitted at any time after charges have been preferred and must include the individual's admission of guilt. Although an honorable or general discharge is authorized, a discharge under other than honorable conditions is normally considered appropriate.
 - 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.

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 Discharge Review Boards (DRB) and Boards for Correction of Military/Naval Records (BCM/NR) when considering requests by Veterans for modification of their discharges due in whole or in part to: mental health conditions, including post-traumatic stress disorder; traumatic brain injury; 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.

6. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military DRBs and Service 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.

//NOTHING FOLLOWS//