

IN THE CASE OF: [REDACTED]

BOARD DATE: 20 June 2025

DOCKET NUMBER: AR20240011203

APPLICANT REQUESTS: reconsideration of his previous request for an upgrade of his character of service from under honorable conditions (general) to honorable.

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

- Request for Reconsideration
- Letter of Recommendation, from former Captain D.E.
- DD Form 214 (Certificate of Release or Discharge from Active Duty) for former Captain [REDACTED]
- Letter of Recommendation, from [REDACTED]
- Highschool Equivalency Diploma
- 4 Certificates

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 AR20230007033 on 18 January 2024.

2. The applicant states he takes full responsibility for his actions while serving and out of service. Since his discharge he has received his high school equivalency diploma, helps other veterans a mentor in the dorm they reside in, he has completed self-help recovery and training classes, with certificates in effective verbal communication from the Veterans Mentor Program. Additionally, he has completed classes in victim awareness and thinking for change, and volunteers for Veterans Incarcerated Organization to help raise funds for indigent veterans who need clothes or personal hygiene products.

3. A review of the applicant's service record shows the following:

- a. He enlisted in the Regular Army on 16 July 1980, for a 3-year period.
- b. He received non-judicial punishment on:

- 16 January 1981, for absenting himself without authority on or about 5 January 1981 and remaining absent until on or about 6 January 1981
- 18 June 1982, for disobeying a lawful command on or about 3 May 1982 and for wrongfully having marijuana in his possession on or about 3 May 1982 and on or about 5 June 1982, he was reduced to private/E-1

c. On 23 August 1982, his commander notified him of the intent to separate him under the provisions (UP) of Army Regulation (AR) 635-200 (Personnel Separation – Enlisted Personnel), Chapter 14 due to acts or patterns of misconduct.

d. On 26 August 1982, he was advised by consulting counsel of the basis for the contemplated action to separate him for acts of patterns of misconduct UP of Chapter 14, AR 635-200 and its effects; of the rights available to him. He requested consideration of his case, personal appearance, and representing counsel at the separation board. He elected to not submit a statement in his own behalf.

e. His chain of command recommended approval of his separation UP AR 635-200, Chapter 14.

f. On 27 September 1982, the separation authority directed a board of officers determine whether he be eliminated from the service.

g. On 9 November 1982, a board of officers convened and recommended he be separated from the service UP AR 635-200, Chapter 14. Further showing the board proceedings were approved and he would be issued an under honorable conditions (general) discharge.

h. Accordingly, he was discharged with an under honorable conditions (general) characterization of service on 27 December 1982, he completed 2 years, 5 months, and 11 days net active service with time lost from 5 January 1981 to 5 January 1981.

4. He additionally provides two letters of references from former Captain [REDACTED] and former combat veteran [REDACTED] who summarize the applicant as a person with a moral backbone, a person involved in the Department of Corrections Veterans Dorm and Mentor Program who helps incarcerated veterans find success and improve their daily life, who leads by example, who is a valued member of their community. He is helpful, a volunteer, and pursues his education.

5. On 21 August 1984, the Army Discharge Review Board (ADRB) reviewed the applicant's request for an upgrade of his discharge. The ADRB found his discharge to be both proper and equitable under the circumstances and denied his request for a change in the character and/or reason of his discharge.

6. In his previous request (AR20230007033) on 18 January 2024, after reviewing the application and all supporting documents, the Board determined the overall merits of his case were insufficient as a basis for correction of the records of the individual concerned. His request was denied.

7. 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.

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 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 record, the Board determined there is sufficient evidence to support the applicant's contentions for an upgrade based on the applicant's post service achievements helping veterans, character letters of support and his remorsefulness they agreed to upgrade his characterization to honorable.

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 Number AR20230007033, dated 18 January 2024. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by issuing the applicant a new DD Form 214 showing he was honorably discharged on 27 December 1982.

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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. Army Regulation 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.

2. Army Regulation 635-200 (Personnel Separations – Active Duty Enlisted Administrative Separations) sets forth the basic authority for the separation of enlisted personnel.

a. Paragraph 3-7a provides that 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. Paragraph 3-7b states 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 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions (a pattern of misconduct consisting solely of minor military disciplinary infractions), a pattern of misconduct (consisting of discreditable involvement with civil or military authorities or conduct prejudicial to good order and discipline). Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is unlikely to succeed. 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 merited by the Soldier's overall record.

3. 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/NR) 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//