

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 16 September 2025

DOCKET NUMBER: AR20240011387

APPLICANT REQUESTS: reconsideration of his previous request for an upgrade of his under honorable conditions (General) discharge.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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 AC97-10564 on 29 April 1998.
2. The applicant states he experienced severe harassment while serving in the Army. This distressing situation led to several altercations and ultimately resulted in his discharge. The intense harassment had a profound impact on his mental health, leading him to use drugs and alcohol as a means to escape. Following his discharge, he was diagnosed with post-traumatic stress disorder (PTSD). He changed his life around by attending church and participating in counseling to address his struggles with substance abuse. He is striving to become a better person and reclaim his life.
3. A review of the applicant's service records reflect the following:
 - a. He enlisted in the Regular Army on 3 June 1980.
 - b. He received counseling on the following dates/for:
 - 14 January 1981, below standard performance and appearance
 - 24 January 1981, not keeping up with his tactical gear
 - c. He accepted nonjudicial punishment (NJP) under Article 15 of the Uniform Code of Military Justice (UCMJ) on 24 January 1981, for missing movement, on or about 12 January 1981. His punishment included reduction to E-1, forfeiture of \$116.00, and 14-days restriction and extra duty.

d. He was reported as absent without leave (AWOL) on 14 April 1981 and remained absent until he returned to military authorities the same day.

e. He was reported as AWOL a second time on 15 April 1981 and remained absent until he returned to military authorities on 24 April 1981.

f. He accepted NJP under Article 15 of the UCMJ on 24 April 1981, for being AWOL; and disobeying a lawful command from his superior commissioned officer, on or about 13 April 1981. His punishment included forfeiture of \$130.00 and 14 days restriction and extra duty.

g. He underwent a medical examination, on 29 June 1981. He was deemed medically qualified for administrative separation.

h. He was reported as AWOL a third time on 3 August 1981 and remained absent until he returned to military authorities on 5 August 1981.

i. He accepted NJP under Article 15 of the UCMJ on 18 August 1981, for being AWOL a third time. His punishment included 14 days restriction and extra duty, and forfeiture of \$100.00.

j. He underwent a mental status evaluation, on 5 October 1981. He was psychiatrically cleared for administrative action deemed appropriate by the command.

k. On 3 November 1981, his commander notified him that he was initiating actions to affect his discharge from the Army under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 13 for unsuitability.

l. He consulted with counsel and was advised of the basis for the contemplated separation action, the possible effects of the discharge, and the rights available to him. He waived appearance before a board of officers and indicated he understood he could expect to encounter substantial prejudice in civilian life if a general discharge under honorable conditions were issued to him. He further understood he would be ineligible to apply for enlistment in the U.S. Army for a period of 2 years after discharge.

m. His commander formally recommended his elimination from the Army under the provisions of Army Regulation 635-200, Chapter 13, on 8 November 1981. As the specific reasons, the commander noted his multiple counselings and Article 15s.

n. The separation authority approved the recommended separation action on 15 December 1981 and directed his discharge with issuance of a DD Form 257A (General Discharge Certificate).

o. The applicant was discharged on 23 December 1981. His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was discharged under the provisions of Army Regulation 635-200, paragraph 13-4c(2) for unsuitability-apathy, defective attitude or inability to expend effort constructively. His service was characterized as under honorable conditions (General). He completed 1 year, 6 months, and 23 days of active service with 12 days of lost time.

p. The applicant petitioned the ABCMR requesting upgrade of his under honorable conditions (General) discharge. On 29 April 1998, the Board voted to deny relief and determined the applicant failed to submit sufficient relevant evidence to demonstrate the existence of probably error or injustice.

4. On 31 March 2025, the ABCMR staff requested that the applicant provide medical documents to support his mental health issues. He was advised that he could contact the doctor that diagnosed him or his Veterans Affairs regional office for assistance. He did not respond.

5. In reaching its determination, the Board can consider the applicant's petition, arguments and assertions, and service record in accordance with the published equity, injustice, or clemency guidance.

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 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 Board determined that based upon his three NJP's and multiple AWOL's, they concurred with the commander's finding that he was unsuitable for military life. The Board found no error or injustice in the separation proceedings under the regulation and subsequent characterization of service assigned at separation. The Board determined relief was not warranted.

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 amendment of the ABCMR decision rendered in Docket Number AC97-10564 on 29 April 1998.

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. Army Regulation 15-185 (ABCMR) sets forth procedures for processing requests for the correction of military records. Paragraph 2-15a governs requests for reconsideration. This provision of the regulation allows an applicant to request reconsideration of an earlier decision of the ABCMR. The applicant must provide new relevant evidence or argument that was not considered at the time of the ABCMR's prior consideration.

2. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel) sets forth the basic authority for the separation of enlisted personnel. The version in effect at the time provided that:

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 Soldiers whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

c. Paragraph 13-4c(2), as then in effect, provided for separation for unsuitability-apathy (lack of appropriate interest), defective attitudes, and inability to expend effort constructively. When separation for unsuitability was warranted, an honorable or under honorable conditions (general) discharge certificate was furnished.

3. The Under Secretary of Defense for Personnel and Readiness provided clarifying guidance to Service Discharge Review Boards (DRB) and Service Boards for Correction of Military/Navy Records (BCM/NR) on 25 August 2017. The memorandum directed them to give liberal consideration to veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD, 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 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.

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, 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//