

IN THE CASE OF [REDACTED]

BOARD DATE: 7 August 2025

DOCKET NUMBER: AR20240011402

APPLICANT REQUESTS: an upgrade of his under honorable conditions (general) characterization of service and an appearance before the Board via video or telephone.

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

- DD Form 149 (Application for Correction of Military Record)
- DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 26 May 2005
- letter, Department of Veterans Affairs (VA), dated 12 January 2024

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 did not realize at the time that his discharge would block his educational benefits. His children's future educational needs are dependent upon an upgrade. They will be able to go to college and lead productive lives through his service to our country. He notes post-traumatic stress disorder (PTSD) as a condition related to his request.

3. A review of his service record shows:

a. Following a period of honorable service in the Army National Guard of the United States, he enlisted in the Regular Army on 30 May 2002.

b. He served in Iraq from 24 March 2003 to 24 March 2004.

c. He accepted non-judicial punishment on 5 August 2004 for the wrongful use of marijuana, between on or about 16 May 2004 and 15 June 2004. His punishment included reduction to private/E-2.

d. On 11 April 2005, his commander notified him of her intent to separate him, prior to his expiration term of service, under the provisions of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), paragraph 14-12c, by reason of commission of a serious offense.

e. He was advised by consulting counsel of the basis for the contemplated action and its effects; of the rights available to him; and the effect of any action taken by him to waive his rights.

f. His chain of command recommended approval, with an under honorable conditions (general) characterization of service.

g. On 5 May 2005, the separation authority approved the recommended separation and directed the issuance of an under honorable conditions (general) characterization of service.

h. Accordingly, he was discharged on 26 May 2005, by reason of misconduct, with an under honorable conditions (general) characterization of service. He completed 2 years, 11 months, and 27 days of net active service.

4. The applicant provides a letter from the VA, dated 12 January 2024, which shows he has a 70 percent (%) combined service-connected disability rating, with 100% unemployability. The letter further shows his period of service from 30 May 2002 to 26 May 2005 is considered honorable for VA purposes.

5. On 18 June 2025, the Army Review Boards Agency (ARBA) sent an email to the applicant requesting medical documentation to support his contention of PTSD. To date, no additional documentation has been received.

#### 6. MEDICAL REVIEW:

a. Background: The applicant is applying to the ABCMR requesting consideration of an upgrade to his characterization of service from under honorable conditions (general) to honorable. 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 30 May 2002 after an honorable period of service in the Army National Guard.
- The applicant deployed to Iraq from 24 March 2003 to 24 March 2004.

- The applicant accepted NJP on 5 August 2004 for wrongful use of marijuana between 16 May 2004 and 15 June 2004.
- On 11 April 2005, his commander notified him of her intent to separate him, prior to his expiration term of service, under the provisions of Army Regulation 635-200, paragraph 14-12c, by reason of commission of a serious offense.
- The applicant was discharged on 26 May 2005 and completed 2 years, 11 months, and 27 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 did not realize that his discharge would block his educational benefits, and his children now need to go to college. He indicated PTSD as an issue or condition related to his request. The application included a Summary of Benefits letter from the VA dated 12 January 2024, which showed the applicant is 70% service connected through the VA and is rated at 100% unemployable due to his disability. It is also noted that his service from 30 May 2002 to 26 May 2005 is considered honorable for VA purposes. 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 mental health treatment at the VA on 5 February 2008 and reported symptoms of PTSD associated with being a combat medic in the Army and his deployment to Iraq. He was diagnosed with PTSD and was started on medication. In May 2009 he entered residential treatment for substance abuse and PTSD, and he completed this program on 18 June 2009. A Review PTSD Disability Benefits Questionnaire on 23 September 2013 showed the applicant initially completed a compensation and pension (C&P) evaluation on 22 April 2011 and was diagnosed with PTSD. He continued to report symptoms of PTSD and polysubstance abuse with social and occupational impairment. Records showed four additional Review C&P exams with the most recent in July 2019 where it was noted that the applicant had been hospitalized twice over the previous year for suicidal ideation, and he continued to meet criteria for PTSD. At his most recent visit on 29 April 2025, he was continued on previous medications and declined a referral to PTSD psychotherapy.

e. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is sufficient evidence to support that the applicant had a condition or experience that mitigates his misconduct.

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 undiagnosed PTSD at the time of the

misconduct. While there were no records from his time in service, VA records from February 2008 showed the applicant reported symptoms of PTSD since his deployment and was diagnosed with PTSD. He is also 70% service connected for PTSD by the VA.

(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. He deployed to Iraq as a combat medic from March 2003 to March 2004.

(3) Does the condition or experience actually excuse or mitigate the discharge? Yes. A review of military medical and mental health records revealed no documentation of any mental health condition(s) while on active service. However, there is sufficient evidence that the applicant was diagnosed with PTSD due to a service-connected traumatic event. The applicant's misconduct related to marijuana use is a common self-medicating strategy for avoiding uncomfortable emotions and memories related to trauma exposure and can be a natural sequela to mental health conditions associated with exposure to traumatic and stressful events. Given the nexus between trauma exposure, avoidance of emotion, and substance use and in accordance with liberal consideration, the basis for separation is mitigated.

#### 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 Board was convinced by the compelling evidence submitted by the applicant's supported claim of PTSD due to his service in Iraq, that upgrading his discharge would enable his family to use the benefits of his service and that it was a single infraction. In addition, the Board concurred with the medical advisory opinion that the applicant's action was mitigating and warranted consideration of an upgrade to his characterization of service. Therefore, the Board determined an upgrade to an honorable discharge was warranted and granted relief.

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 discharge? Yes. The applicant asserts he had undiagnosed PTSD at the time of the misconduct. While there were no records from his time in service, VA records from

February 2008 showed the applicant reported symptoms of PTSD since his deployment and was diagnosed with PTSD. He is also 70% service connected for PTSD by the VA.

(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. He deployed to Iraq as a combat medic from March 2003 to March 2004.

(3) Does the condition or experience actually excuse or mitigate the discharge? Yes. A review of military medical and mental health records revealed no documentation of any mental health condition(s) while on active service. However, there is sufficient evidence that the applicant was diagnosed with PTSD due to a service-connected traumatic event. The applicant's misconduct related to marijuana use is a common self-medicating strategy for avoiding uncomfortable emotions and memories related to trauma exposure and can be a natural sequela to mental health conditions associated with exposure to traumatic and stressful events. Given the nexus between trauma exposure, avoidance of emotion, and substance use and in accordance with liberal consideration, the basis for separation is mitigated.

The Board concluded there was sufficient evidence of an error or injustice warranting a change to the applicant's characterization of service.

3. The applicant's request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

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 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 26 May 2005 to show an honorable characterization of service.

8/13/2025

X 

---

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 (USC), 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 Army Board for Correction of Military Records (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, USC, 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 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, and reviews to ABCMR applicants prior to adjudication.

3. 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 applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

4. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) 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. Chapter 14 established policy and prescribed procedures for separating members for misconduct. Specific categories included minor disciplinary infractions, a pattern of misconduct, commission of a serious offense, conviction by civil authorities, desertion, or absences without leave. Action would be taken to separate a member for misconduct when it was clearly established that rehabilitation was impracticable or was unlikely to succeed. A discharge under other than honorable conditions was normally considered appropriate. However, the separation authority could direct a general discharge if such were merited by the Soldier's overall record.

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 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//