

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 September 2025

DOCKET NUMBER: AR20240012289

APPLICANT REQUESTS: reconsideration of his previous request for an upgrade of his under other than honorable conditions discharge (UOTHC) to honorable.

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

- Two DD Forms 149 (Application for Correction of Military Record), 8 September 2024 and 5 June 2025
- Self-authored statement
- DD Form 214 (Certificate of Release or Discharge from Active Duty), 15 April 1980
- Medical Documentation (3 pages) in support of his claim showing his diagnostic impression of persistent depressive disorder, r/o childhood post-traumatic stress disorder (PTSD), type 2 diabetes mellitus (DM2), hypertension (HTN), chronic low back pain secondary to disc herniation (CLBP 2/2-disc herniation). Additionally showing his outpatient medications taken.
- U.S. Army Human Resources Command (AHRC) referral letter, 29 August 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 Number AR20170001450 on 24 February 2020.

2. The applicant states he believes at the time of his service he was not mentally fit for service. He was physically assaulted by two drill sergeants during basic combat training, which has caused lasting psychological trauma. Combined with the death of his sister, these experiences have led to severe mental health struggles, which include but are not limited to depression, a suicide attempt, and substance abuse. Despite seeking treatment while in training, he received no support until later receiving treatment for his post-traumatic stress disorder (PTSD).

3. In the processing of this case, an Army Review Boards Agency staff member requested the applicant's official military personnel file (OMPF) from the National Archives and Records Administration (NARA) in St. Louis, Missouri. According to the

response received from NARA, his record is currently signed out and is unavailable for review at this time. Despite the lack of his OMPF, the applicant provided a fully constituted DD Form 214 for the Board to conduct a fair and impartial review of the applicant's petition.

4. The applicant entered active duty on 30 August 1979. Upon completion of initial entry training, he was awarded the military occupational specialty 11B (Infantryman).

5. The applicant was discharged on 15 April 1980, under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 10, administrative discharge – conduct triable by court-martial, in the rank/grade of private/E-1. His service was characterized as UOTHC, and he completed 4 months and 26 days of net active service. He had lost time from 13 November 1979 to 27 November 1979 and from 7 January 1980 to 11 March 1980.

6. In the processing of his previous request, a medical review was received from the Army Review Boards Agency's medical provider.

In accordance with the 3 September 2014 Secretary of Defense Liberal Guidance Memorandum, there is no documentation to support the existence of a behavioral health condition at the time of discharge. The available records indicated that the applicant did meet medical retention standards in accordance with Army Regulation 40-501; (c) (Medical Services – Standards of Medical Fitness) There is no behavioral health condition to consider with respect to mitigation of the misconduct that led to his discharge.

7. In his previous request (AR20170001450) on 24 February 2020, after reviewing the application and all supporting documents, the Board determined the evidence presented did not demonstrate the existence of a probable error or injustice. The Board determined the overall merits of the case were insufficient as a basis for correction of the applicant's records. The application submitted was denied by the ABCMR.

8. On 12 June 2025, in the processing of this case, the U.S. Army Criminal Investigation Division (CID), searched their criminal file indexes, which revealed no CID and/or Military Police sexual assault records pertaining to the applicant.

9. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting an upgrade of his under other than honorable conditions discharge. He contends that he experienced PTSD during his time in service that mitigates his misconduct. 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 Regular Army on 30 August

1979; 2) The applicant's record is void of the specific facts and circumstances surrounding his discharge processing; 3) The applicant was discharged on 15 April 1980, AR 635-200, Chapter 10- Administrative Discharge Conduct Triable by a Court-Martial. His character of service was under other than honorable conditions. He completed 4 months and 26 days of net active service. He had lost time from 13 November 1979 to 27 November 1979 and from 7 January 1980 to 11 March 1980. 4) The applicant previously petitioned the ABCMR requesting relief on 24 February 2020. However, the Board determined that in the absence of additional information to the contrary, the applicant's discharge was determined to be fair and equitable.

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the available supporting documents and the available military service records. The VA's Joint Legacy Viewer (JLV) and hardcopy VA medical records provided by the applicant were also reviewed. Lack of citation or discussion in this section should not be interpreted as lack of consideration.

c. The applicant asserts he experienced PTSD during his time in service, which mitigates his misconduct. There is insufficient evidence the applicant reported or was diagnosed with a mental health condition including PTSD while on active service beyond self-report.

d. A review of JLV revealed the applicant initially connected with VA care beginning on 04 January 2011 for physical conditions and HUD services. The applicant officially began his connection with VA mental health resources on 25 November 2015 for depressive symptoms and increased irritability. The applicant is currently 100% VA service-connected for various physical and mental health concerns including an 100% VA service-connection for PTSD.

e. Based on the available information, it is the opinion of the Agency Medical Advisor that there is sufficient evidence to support the applicant had a mental health condition or experience during his time in service that may mitigate his misconduct. The applicant is currently VA service-connected for PTSD. As a result, there is sufficient evidence for consideration for mitigation per the Liberal Consideration Policy.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? Yes, the applicant asserts he experienced PTSD during his time in service, which mitigates his misconduct. The applicant is 100% VA service-connected for PTSD.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts he experienced PTSD while on active service. The applicant is 100% VA service-connected for PTSD.

(3) Does the condition experience actually excuse or mitigate the misconduct? Yes, there is sufficient evidence beyond self-report that the applicant was experiencing PTSD while on active service, as demonstrated by his VA service connection for PTSD. The applicant did likely go AWOL, and this type of avoidant behavior can be a natural sequelae to PTSD and some mental health conditions. As a result, there is sufficient evidence for consideration for mitigation per the Liberal Consideration Policy.

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, 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 noted the absence of documentation which shows the specifics of his misconduct; however, the Board concurred with the medical advisory official that there is sufficient evidence to support the applicant had a mental health condition or experience during his time in service that may mitigate his misconduct. The applicant is currently VA service-connected for PTSD. 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 misconduct? Yes, the applicant asserts he experienced PTSD during his time in service, which mitigates his misconduct. The applicant is 100% VA service-connected for PTSD.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts he experienced PTSD while on active service. The applicant is 100% VA service-connected for PTSD.

(3) Does the condition experience actually excuse or mitigate the misconduct? Yes, there is sufficient evidence beyond self-report that the applicant was experiencing PTSD while on active service, as demonstrated by his VA service connection for PTSD. The

applicant did likely go AWOL, and this type of avoidant behavior can be a natural sequelae to PTSD and some mental health conditions. As a result, there is sufficient evidence for consideration for mitigation per the Liberal Consideration Policy.

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

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XX	XX	XX	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 15 April 1980 to show an honorable characterization of service.

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. 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.

2. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel) set forth the basic authority for the administrative separation of enlisted personnel.

a. Chapter 10 stated a member who was charged with an offense or offenses for which the authorized punishment included a punitive discharge could submit a request for discharge for the good of the service in lieu of trial by court-martial. The request could be submitted at any time after charges had been preferred and must have included the individual's admission of guilt. Although an honorable or general discharge was authorized, a discharge under other than honorable conditions was normally issued to an individual who was discharged for the good of the service.

b. An honorable discharge was a separation with honor and entitled the recipient to benefits provided by law. The honorable characterization was appropriate when the quality of the member's service generally had met the standards of acceptable conduct and performance of duty for Army personnel or was otherwise so meritorious that any other characterization would have been clearly inappropriate.

c. A general discharge was a separation from the Army under honorable conditions. When authorized, it was issued to a Soldier whose military record was satisfactory but not sufficiently meritorious to warrant an honorable discharge.

d. An under other than honorable conditions (UOTHC) discharge is an administrative separation from the service under conditions other than honorable. It may be issued for misconduct. In a case in which an UOTHC is authorized by regulation, a member may be awarded an honorable or general discharge, if during the current enlistment period of obligated service, he has been awarded a personal decoration or if warranted by the particular circumstances of a specific case.

3. 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.

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.

//NOTHING FOLLOWS//