

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 13 August 2025

DOCKET NUMBER: AR20240012315

APPLICANT REQUESTS: upgrade of his discharge from "uncharacterized" to honorable or to under honorable conditions (general).

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

- DD Form 149 (Application for Correction of Military Record)
- Two letters from the Fifth Street Renaissance/SARA Center, Springfield, IL

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 is requesting a character of service other than uncharacterized. Any other characterization of service will possibly assist him in obtaining the benefits needed to maintain a healthy lifestyle. He was diagnosed with post-traumatic stress disorder (PTSD), high anxiety, and depression. The conditions developed as a result of his military service.
3. The applicant enlisted in the Regular Army on 9 March 1993.
4. The applicant's record shows he departed absent without leave (AWOL) on 3 July 1993 and remained AWOL until he was apprehended by civilian authorities and returned to military control on 25 September 1993.
5. On 30 September 1993, court-martial charges were preferred against the applicant for his AWOL offense.
6. On 30 September 1993, after consulting with legal counsel, the applicant voluntarily requested discharge under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), chapter 10, for the good of the service in lieu of trial by court-martial, due to the charges preferred against him under the Uniform Code of

Military Justice which authorized the imposition of a bad conduct or dishonorable discharge.

7. In his request, he acknowledged he was guilty of the charges against him which authorized the imposition of a bad conduct or dishonorable discharge. He further acknowledged that:

- he had not been subjected to any coercion whatsoever by any person with respect to his request for discharge
- he was advised of the facts which must be established by competent evidence beyond reasonable doubt to sustain a finding of guilty
- the possible defenses which appear to be available at the time; and the maximum permissible punishment if found guilty
- he could be discharged under other than honorable conditions and he could be ineligible for many or all benefits administered by the Veterans Administration
- he could be deprived of many or all Army benefits and he could be ineligible for many or all benefits as a veteran under both Federal and State laws
- he could expect to encounter substantial prejudice in civilian life by reason of discharge under other than honorable conditions

8. On 2 November 1993, the separation authority approved the applicant's request for discharge and directed issuance of an entry level separation (i.e. uncharacterized). His DD Form 214 (Certificate of Release or Discharge from Active Duty) shows he was discharged on 13 December 1993 under the provisions of Army Regulation 635-200, chapter 10, in lieu of trial by court-martial, with his service characterized as "uncharacterized."

9. The applicant provided two letters from the Fifth Street Renaissance/SARA Center, Springfield, IL. The first letter states:

[The applicant] is part of Spring Street Veteran Renaissance transitional housing GPD Program. [The applicant] has been a residence in our program since [26 April 2023]. [The applicant] has been an upstanding client ever since he came into the Veterans program. [The applicant] is proactive when it comes to the Veterans house, [the applicant] helps other clients out with their sobriety, he steps up when it comes to the chores in the house. [The applicant] is an outstanding Veteran; he goes above and beyond when it comes to anything that needs an extra hand in the house. If [the applicant] was walking better, I would definitely make him a house manager at one of our properties, he will always be on my list as a first choice.

10. The second letter states:

[The applicant] is a Client and resident of Fifth St Renaissance's Veterans Housing Program located in Springfield, IL. [The applicant] is a resident and client has been in program approximately 18 months.

This letter is to confirm [the applicant] is currently struggling per his reports of indigency, mental illness, and recovering from substance abuse. He has physical problems and is in a wheelchair most of the time. Attempted to sign up for SS benefits with unknown factors at this time. I write this letter regarding his work to become healthier and heal from his past experiences as a veteran. I support assisting him with financial benefits so he can move on his life journey to independence.

Fifth Street Renaissance is a Transitional Homeless Shelter that works with clients to move into independent living. We are a drug free program with intensive case management and accountability. We set individual goals and collective rules and regulations that are strictly adhered. We offer positive support to ensure the safety of each client.

11. MEDICAL REVIEW:

a. Background: The applicant is applying to the ABCMR requesting consideration of a change to his characterization of service from uncharacterized to honorable or under honorable conditions (general). He contends he experienced an undiagnosed mental health condition, including PTSD, that warrants this change.

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 9 March 1993.
- The applicant had court-martial charges preferred against him for being AWOL from 3 July 1993 to 25 September 1993. He voluntarily requested discharge for the good of the service in lieu of trial by court-martial.
- The applicant was discharged on 13 December 1993 under the provisions of Army Regulation 635-200, chapter 10, with his service characterized as "uncharacterized." He was credited with 6 months and 13 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 that he has PTSD, anxiety, and depression due to his time in the military, and he needs a change to his uncharacterized discharge in order to obtain healthcare benefits. He indicated PTSD and "other mental health" as issues or conditions related to his request. Two letters of support showed the applicant has

utilized VA housing programs. 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 homeless services with the VA on 20 April 2023, and he reported a significant history of childhood trauma exposure, polysubstance abuse, incarceration, and sexual exploitation as an adult. He was diagnosed with Hallucinogen Use, unspecified with hallucinogen-induced psychotic disorder with delusions, PTSD, and homelessness. He reported that he went AWOL during basic training because he received a letter indicating his wife had been unfaithful. The applicant has consistently used VA homeless and mental health services, and his most recent contact was on 23 June 2025 where case management assistance was provided for transitional housing.

e. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is insufficient evidence to support that the applicant had a condition or experience that warrants a change to the characterization of his discharge.

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 medical or mental health records from his time in service. VA records dating back to April 2023 showed that the applicant has utilized VA's homeless program and has been diagnosed with PTSD associated with childhood experiences.

(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? No. There is insufficient evidence, beyond self-report, that the applicant was experiencing PTSD or another mental health condition while on active service. The applicant has been diagnosed with PTSD associated with childhood trauma exposure. While avoidant behavior, such as being AWOL, can be a natural sequela to exposure to traumatic events, there is no indication that the applicant's basic training experience was traumatic or outside the norm. In the BH advisor's opinion, the applicant's uncharacterized discharge was proper, equitable, and without error.

g. However, the applicant contends he was experiencing a mental health condition or an experience that mitigates his misconduct, and per Liberal Consideration his contention is sufficient for the board's consideration.

BOARD DISCUSSION:

1. 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 applicant was charged with going AWOL from 3 July to 25 September 1993, punishable under the Uniform Code of Military Justice with a punitive discharge. After being charged, he consulted with counsel and voluntarily requested discharge in lieu of trial by court-martial. The Board found no error or injustice in the separation proceedings and designated characterization of service.

2. The Board considered the following 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.

(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? No. There is insufficient evidence, beyond self-report, that the applicant was experiencing PTSD or another mental health condition while on active service. The applicant has been diagnosed with PTSD associated with childhood trauma exposure.


3. The Board concurred with the medical advisor's review finding insufficient evidence that the applicant was diagnosed with PTSD or another psychiatric condition while on active service. Based on a preponderance of the evidence, the Board concluded that the characterization of service the applicant received upon separation was not in error or unjust.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	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 correction of the records of the individual concerned.



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

a. Chapter 10 provides that a member who has committed an offense 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. Commanders would ensure that an individual was not coerced into submitting a request for discharge for the good of the service. Consulting counsel would advise the member concerning the elements of the offense or offenses, the type of discharge normally given under the provisions of this chapter, the loss of Department of Veterans Affairs benefits, and the possibility of prejudice in civilian life because of the characterization of such a discharge. Although a general discharge is authorized, an under other than honorable conditions discharge is normally considered appropriate.

b. 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.

c. Paragraph 3-7b provides that 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.

d. Paragraph 3-7c provides that a discharge under other than honorable conditions is an administrative separation from the service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or for the good of service.

e. Paragraph 3-9 provides that a separation will be described as entry level with uncharacterized service if processing was initiated while a Soldier was in an entry-level status, except when:

(1) Characterization under other than honorable conditions is authorized under the reason for separation and is warranted by the circumstances of the case.

(2) Headquarters, Department of the Army, on a case by case basis, determined a characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty. This characterization is authorized when the Soldier is separated by reason of selected changes in service obligation, for convenience of the government, and under Secretarial plenary authority.

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 Service Discharge Review Boards and Service Boards for Correction of Military Records when considering requests by veterans for modification of their discharges due in whole or in part to: mental health conditions, including PTSD; traumatic brain injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

4. 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 ABCMR applicants (and/or their counsel) prior to adjudication.

//NOTHING FOLLOWS//