

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 August 2025

DOCKET NUMBER: AR20240012793

APPLICANT REQUESTS: An upgrade of the former service member's (SM) undesirable discharge to honorable.

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

- DD Form 149 (Application for Correction of Military Record)
- Certification of Military Service, 28 March 1957
- Certificate of Marriage, 17 July 1978
- Certificate of Death, 20 July 2006
- Letter Issued by the National Personnel Records Center, 8 May 2024
- Affidavit for Correction

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 SM's complete military service records are not available to the Board for review. A fire at the National Personnel Records Center, St. Louis, MO in 1973 destroyed 80 percent of the records of Army personnel who were discharged from 1 November 1912 - 1 January 1960. It is believed that the majority of SM's records may have been lost or destroyed in that fire, to include the SM's DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge). The only documents available were disciplinary records, three pages of medical documents, and separation orders. These documents are sufficient for the Board to conduct a fair and impartial review of this case.
3. The applicant states, in effect, her spouse [the SM] received an undesirable discharge after witnessing the death of a fellow service member who fell during airborne operations when another service member landed on top of his parachute. The SM suffered from undiagnosed post-traumatic stress disorder (PTSD) for the remainder of his life, as his generation lacked an understanding of PTSD and its symptoms; they did

not express their struggles, choosing instead to endure in silence. He faced sleep disturbances, yelled in his sleep, battled alcoholism, and ultimately became a workaholic until his death from cancer. He never sought help; he merely persevered. He took pride in his service, and indeed, his service photograph, which he cherished most, is engraved on his urn. The applicant desires that the SM's service be recognized as an honorable contribution to our nation. The SM had previously served in the U.S. Army and received an honorable discharge; however, she does not have any of his service records, and when she requested copies, she was informed that they may have been destroyed in the fire that consumed many military service records.

4. The applicant states and the service record shows:

- It is presumed that on 14 July 1954, the SM enlisted in the Regular Army
- The SM was arraigned and tried before a Summary Court-Martial, on five separate occasions; he was charged with three counts of a pass violation, two counts of being drunk on duty, and one count of missing bed check
- The SM also received non-judicial punishment under the Uniformed Code of Military Justice ((UCMJ) Article 15) twice, for being drunk on duty, and two counts of pass violations
- On 5 March 1957, the SM's commander noted in his evaluation that: "enlisted member should be separated from the service under the provisions of Army Regulation 635-8 (Personnel Separations-Discharge-Undesirable Habits and Traits of Character), reason: habits or traits of character, of an undesirable nature"
- In an unknown form that lists the SM's prior offenses, dated 12 March 1957, it also reflects the remark: a very low grade of Soldier, whose rehabilitation prospects are particularly nil"
- On 16 March 1957, the SM received notification he was to appear before a board of officers, for a hearing; the SM acknowledged receipt of the notification
- On 19 March 1957, a board of officers convened to determine if the SM should be discharged
- On 26 March 1957, the report of board proceedings shows the SM was to be discharged with an undesirable character of service, under the provisions of Army Regulation 635-8; this document also states that the service record and allied papers will be disposed of in accordance with Army Regulation 615-360-1
- On 27 March 1957, the SM was issued Special Separation Orders Number 72, which show a discharge day of 28 March 1957; this document also shows he was to be issued a DD Form 214, with an undesirable character of service, under the provisions of Army Regulation 635-8
- It is presumed that on 28 March 1957, the SM was discharged from active duty, with an undesirable characterization of service

- On 10 September 1979, in Army Discharge Review Board (ADRB) case number AD 80-06746, the applicant requested to upgrade his undesirable discharge to honorable; the SM's service was incomplete; however, the Board felt there was enough information to make a fair and impartial decision. The Board denied his request due to the absence of any prejudicial error in the discharge process, and found his discharge to be proper at the time
- In an undated SF Form 180 (Request Pertaining to Military Records), shows the SM requested a statement of service
- On 21 May 1980, the SM's service records were reconstructed, by the Reconstruction Branch; the reconstructed records contained medical, discharge, and board proceedings documents
- On 10 June 1980, in response to the SM's request, the Office of The Adjutant General, U.S. Army Reserve Components Personnel And Administration Center, advised him that his DD Form 214 or other service release forms, and medical records were unattainable through outside sources
- The applicant does not provide, and the service record does not show the SM's enlistment or induction documents, awards and decorations, military/civilian education, conduct/efficiency ratings, assignment history, complete medical records, the DD Form 214, and other service documents

5. MEDICAL REVIEW:

a. Background: The applicant is applying to the ABCMR requesting consideration of an upgrade to the former service member's (SM) undesirable characterization of service to honorable. The applicant contends the SM experienced an undiagnosed mental health condition, including PTSD, that mitigates the 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 SM enlisted into the Regular Army on 14 July 1954.
- The SM was arraigned and tried before a Summary Court-Martial, on five separate occasions, and he was charged with three counts of a pass violation, two counts of being drunk on duty, and one count of missing bed check.
- The SM also received NJP twice for being drunk on duty and two counts of pass violations.
- On 19 March 1957, a board of officers convened to determine if the SM should be discharged.
- On 27 March 1957, the SM was issued Special Separation Orders, which show a discharge day of 28 March 1957. This document also shows he was to be issued a DD Form 214 with an undesirable character of service.

c. Review of Available Records: The Army Review Board Agency (ARBA) Behavioral Health Advisor reviewed the supporting documents contained in the file. The applicant asserts her husband received an undesirable discharge after witnessing the death of another service member from a parachuting accident, and never sought help but suffered with PTSD related symptoms. She indicated PTSD and "other mental health" as issues or conditions related to the request. A Report of Medical Examination for discharge dated 12 March 1957 showed the SM was qualified for duty, and a Receipt of Physical Status (not dated) showed the SM was "mentally responsible, both to distinguish right from wrong and to adhere to the right." There was insufficient evidence that the SM 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 no record of the SM.

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 SM 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 the SM had an undiagnosed mental health condition, including PTSD, at the time of the misconduct. There are no in-service medical records indicating any mental health related symptoms, and the application did not include any mental health records. A Report of Medical Examination from 12 March 1957 showed no indication of any psychiatric symptoms, and the SM was found to be mentally responsible and qualified for service.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts the SM was experiencing a mental health condition while on active service.

(3) Does the condition or experience actually excuse or mitigate the discharge? No. There are no medical or mental health records from the SM's time in service or post-discharge to show any mental health diagnoses or symptoms. The applicant asserts that her deceased husband suffered from PTSD during a time in which the condition was not well understood, and his misconduct involved alcohol related behaviors. Substance abuse can be a self-medicating coping mechanism for dealing with the uncomfortable emotions associated with trauma exposure, and excessive alcohol use can be a natural sequela to mental health conditions associated with exposure to traumatic events. However, the presence of misconduct is not sufficient evidence of a

mental health condition, and there is insufficient evidence, beyond the applicant's report, that the SM experienced a traumatic event or a mental health condition.

g. However, the applicant contends the SM was experiencing a mental health condition or an experience that mitigates his misconduct, and per Liberal Consideration this 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, the SM's record of service, the frequency and nature of the SM's misconduct and the reason for separation. The SM was punished for frequent acts of misconduct which was also noted by the Board. The Board also concurred with the Agency Behavioral Health Advisor that there was insufficient evidence to support that the SM had a condition or experience that mitigates his misconduct. The Board concluded that the characterization of service the SM received upon separation was not in error or unjust.

2. The Board considered the following Kurta questions:

a. Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant asserts the SM had an undiagnosed mental health condition, including PTSD, at the time of the misconduct. There are no in-service medical records indicating any mental health related symptoms, and the application did not include any mental health records. A Report of Medical Examination from 12 March 1957 showed no indication of any psychiatric symptoms, and the SM was found to be mentally responsible and qualified for service.

b. Did the condition exist or experience occur during military service? Yes, the applicant asserts the SM was experiencing a mental health condition while on active service.

c. Does the condition or experience actually excuse or mitigate the discharge? No. There are no medical or mental health records from the SM's time in service or post-discharge to show any mental health diagnoses or symptoms. The applicant asserts that her deceased husband suffered from PTSD during a time in which the condition was not well understood, and his misconduct involved alcohol related behaviors.

Substance abuse can be a self-medicating coping mechanism for dealing with the uncomfortable emotions associated with trauma exposure, and excessive alcohol use can be a natural sequela to mental health conditions associated with exposure to traumatic events. However, the presence of misconduct is not sufficient evidence of a mental health condition, and there is insufficient evidence, beyond the applicant's report, that the SM experienced a traumatic event or a mental health condition.

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 (Armed Forces), United States 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. Army Regulation 15-185 (Army Board for Correction of Military Records (ABCMR)), currently in effect, prescribes the policies and procedures for correction of military records by the Secretary of the Army acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
3. A fire at the National Personnel Records Center, St. Louis, MO in 1973 destroyed 80 percent of the records of Army personnel who were discharged from 1 November 1912 - 1 January 1960.
4. Army Regulation 635-8 (Personnel Separations-Discharge-Undesirable Habits and Traits of Character), in effect at the time, provides procedure and guidance in the elimination from the service of enlisted personnel having undesirable habits and traits of character.
 - a. Recommendation for discharge because of undesirability will be made in the case of an enlisted person who gives evidence of habits and traits of character manifested by:
 - antisocial or amoral trend
 - chronic alcoholism
 - criminal
 - drug addiction
 - pathological lying
 - misconduct
 - b. Reason and authority for discharge. The reason and authority for discharge because of undesirable habits or traits of character, will be Army Regulation 635-8, SPN 378.
5. Army Regulation 635-5 (Personnel Separations-Separation Documents), in effect at the time, prescribes the separation documents that will be furnished each individual who

is separated from the Army, and establishes standardized procedures for the preparation and distribution of these documents.

a. The purpose of the DD Form 214 (Armed Forces of The United States Report of Transfer or Discharge) is to provide the individual with documentary evidence of his military service.

b. Separation program number (SPN). A number used in statistical accounting to represent the specific authority and reason for separation. SPNs are an integral part of the authority for separation shown in orders and on the DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge).

6. Court-martial convictions stand as adjudged or modified by appeal through the judicial process. By law, Title 10 (Armed Forces), U.S. Code, section 1552, this Board is not empowered to set aside a conviction. Rather, it is only empowered to change the severity of the sentence imposed in the court-martial process and then only if clemency is determined to be appropriate. Clemency is an act of mercy or instance of leniency to moderate the severity of the punishment imposed. The ABCMR does not have authority to set aside a conviction by a court-martial.

7. On 3 September 2014, the Secretary of Defense directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged under other than honorable conditions and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

8. The acting Under Secretary of Defense for Personnel and Readiness provided clarifying guidance on 25 August 2017, which expanded the 2014 Secretary of Defense memorandum, that directed the BCM/NRs and DRBs to give liberal consideration to veterans looking to upgrade their less-than-honorable discharges by expanding review of discharges involving diagnosed, undiagnosed, or misdiagnosed mental health conditions, including PTSD; traumatic brain injury (TBI); or who reported sexual assault or sexual harassment.

9. 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/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-

marital; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice. 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 based on equity, injustice, or clemency grounds, BCM/NRs 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. 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.

10. Title 10 (Armed Forces), United States Code (USC), section 1556 (Ex Parte Communications Prohibited) 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 applicant's (and/or their counsel) prior to adjudication.

//NOTHING FOLLOWS//