

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 August 2025

DOCKET NUMBER: AR20240013106

APPLICANT REQUESTS:

- Referral into the Army's Disability Evaluation System (DES) for a medical retirement
- Correction of item 13 (Decorations, Medals, Badges, Citations, and Campaign Ribbons Awarded or Authorized) on her DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect all authorized awards

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

- DD Form 293 (Application for the Army Discharge Review Board)
- Six Orders
- DD Form 2796 (Post-Deployment Health Assessment)
- Re-Deployment Contract
- Out-Processing Checklist for Coalition Forces Land Component Commander-CFLCC
- DA Form 4036-R, Medical and Dental Preparation for Overseas Movement
- Two Memoranda for Record (MFR)
- DA Form 5123-R (Reassignment Records Checklist)
- Enlisted Record Brief
- Service Treatment Records, 170 pages
- Two Department of Veterans Affairs (VA) Letters
- VA Rating Decision

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's requested relief for adding awards to her DD Form 214 is supported by sufficient evidence; the applicant's service records show the award of the Aircraft Crewman Badge, and her Iraq Campaign Medal is missing two bronze service stars for

the campaigns in which she participated. As a result, that portion of the requested relief will be addressed in the "ADMINISTRATIVE NOTE(S)" section and not further considered by the Board.

3. The applicant states she is asking the Board to refer her into the Army's DES so she can receive her a 100 percent permanent disability retirement.

- She enlisted into the Regular Army in 1999 and she held military occupational specialty (MOS) 15R (Attack Helicopter Mechanic); during her service, she faced demeaning challenges and a lot of sexism; over the course of 6 years, she was continually being singled out or moved aside
- Upon reporting to her first duty assignment at Fort Campbell, KY, her mostly male leadership would not allow her to perform duties as a mechanic and they assigned her to the supply room; only after months of struggle did they finally relent and let her to work in her MOS
- She deployed to Iraq in March 2003 and redeployed in February 2004; while in Iraq, she incurred post-traumatic stress disorder (PTSD) after experiencing trauma related to multiple deaths, insider threats, and enemy attacks; she also had to deal with harassment, and this worsened her anxiety and depression
- Within 6 months of redeploying from Iraq, the Army reassigned her first to Korea, then to Fort Hood, TX; she arrived at Fort Hood, in September 2005, and gave birth to her son, in October 2005
- When her son was only 4 months old, her leadership told her she would be going on a rapid deployment; they did not offer her the opportunity to remain in the rear detachment
- She told her leadership she could not deploy because her son was only 4 months old, and she refused to waive her post-partum period of 6 months
- Because of her status as a single parent, her command automatically started separation proceedings without giving her the opportunity to remain on active duty, and they did not let her complete a physical or get a behavioral health evaluation; within 2 months, she was discharged

4. The applicant provides service record documents, service treatment records, and VA documentation.

- DD Form 2796 (Post Deployment Health Assessment), dated 1 November 2004
 - Item 6 (Do you have any of these symptoms now or did you develop them anytime during this deployment?): Applicant indicated she suffered from headaches
 - Item 9 (During this deployment, did you ever reel that you were in great danger of being killed?): Applicant answered, "Yes"

- Item 11 (Over the LAST 2 WEEKS, how often have you been bothered by any of the following problems?): "Little interest or pleasure in doing things" – "A Lot"; "Feeling down, depressed, or hopeless" – "Some"
 - Interview – "Do you have concerns about possible exposures or events during this deployment that you feel may affect your health?" – "Yes"; Exposure to sulfur dioxide from nearby plant fire
 - Service Treatment Records with highlighted entries pertaining to orthopedic conditions (i.e., neck, back, and arm numbness)
 - VA letter showing a combined disability rating of 100 percent, based on the following service-connected medical conditions:
 - Right lower extremity radiculopathy (sciatic) – 20 percent
 - Migraines due to post-concussive syndrome – 30 percent
 - PTSD with depressive disorder – 100 percent
 - Bilateral pes planus – 30 percent
5. A review of the applicant's service record shows the following:
- On 23 September 1999, the applicant enlisted into the Regular Army for 6 years; on 15 March 2000, Permanent Orders (PO) awarded her the Aircraft Crewman Badge
 - On 16 May 2000, after completing initial entry training and being awarded MOS 15R (AH-64 Attack Helicopter Repairer), she arrived at Fort Campbell for her first duty assignment; effective 23 November 2001, her leadership promoted her to specialist (SPC)/E-4
 - On 15 February 2003, she deployed to Kuwait/Iraq; she redeployed, on 15 February 2004
 - On 19 August 2004, permanent change of station orders transferred her to Korea, and she arrived at her unit, on or about 20 August 2004; on 30 December 2004, the applicant immediately reenlisted for 3 years
 - In or about April/May 2005, she received reassignment instructions for Fort Hood and arrived at her new unit, on or about 25 July 2005
 - On 11 August 2005, the applicant and her commander completed a DA Form 5304-R (Family Care Plan Counseling Checklist):
 - The applicant acknowledged she was receiving this counseling because she was a pregnant Soldier without a spouse
 - She affirmed she had to arrange for care of her family member so as to be available for duty when and where the needs of the Army dictated and be able to perform her assigned military duties without her family responsibilities interfering

- She indicated she understood she would be fully responsible for making all necessary arrangements to ensure a smooth and rapid turnover of her family member's care to a designated guardian in the event the family care plan had to be implemented
- The commander also made her aware he could initiate voluntary and involuntary separation procedures if her parental responsibilities interfered with the performance of her military duties; the applicant had 30 days to provide her commander a family care plan
- On 13 December 2005, the applicant signed an MFR stating she was unable to arrange for the long-term care of her son; her providers lived in New York, and due to the circumstances, she was unable to comply with the Family Care Plan
- On 6 January 2006, the applicant's company commander advised her, via memorandum, that he was initiating separation action against her, under paragraph 5-8 (Involuntary Separation due to Parenthood), Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations)
 - The commander initiated separation action because, on 11 August 2005, he instructed the applicant to supply a Family Care Plan within 30 days
 - On 17 November 2005, he counseled her for failing to submit a Family Care Plan
 - On 13 December 2005, the applicant stated she could not provide a Family Care Plan
 - The commander indicated he was recommending the applicant for an honorable discharge, but he final decision rested with the separation authority
- On 11 January 2006, after consulting with counsel, the applicant acknowledged counsel had advised her of the basis for the pending separation action, her rights under the separation process, and the effect of waiving those rights
 - The applicant waived her right to personally appear with counsel before an administrative separation board
 - The applicant additionally waived her right to counsel and opted not to submit statements in her own behalf
- On 11 January 2006, the separation authority approved the commander's separation recommendation and ordered the applicant's honorable discharge; on 2 February 2006, the Army separated her accordingly
- Her DD Form 214 shows she completed 6 years, 4 months, and 10 days of net active duty service; the report additionally reflects the following:
 - Item 13 – Army Good Conduct Medal (2nd Award), National Defense Service Medal, Global War on Terrorism Service Medal, Korea Defense Service

Medal, Army Service Ribbon, Overseas Service Ribbon, and Iraq Campaign Medal

- Item 25 (Separation Authority) – Paragraph 5-8, AR 635-200
- Item 26 (Separation Code) – "JDG"
- Item 27 (Reentry (RE) Code) – RE-3
- Item 28 (Narrative Reason for Separation) – Parenthood

5. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting a change of her honorable discharge to a permanent medical retirement. As a part of her narrative reason for this change, she contends she experienced mental health conditions including PTSD that are related to her request for medical retirement. 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) On 23 September 1999, the applicant enlisted into the Regular Army; 2) On 15 February 2003, she deployed to Kuwait/Iraq and redeployed on 15 February 2004; 3) On 17 November 2005, the applicant was counseled for failing to submit a Family Care Plan; 4) On 13 December 2005, the applicant signed an MFR stating she was unable to comply with her family care plan; 5) The applicant was discharged on 2 February 2006, AR 635-200, Chapter 5-8- by reason of Parenthood. Her character of service was honorable. She completed 6 years, 4 months, and 10 days of net active service this period.

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the available supporting documents and the available military service and medical records. The VA's Joint Legacy Viewer (JLV) and hardcopy civilian and 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 she experienced mental health conditions, including PTSD, warranting a medical discharge. The applicant provided documentation of receiving anger management interventions between 06 March 2002 to 05 August 2002. There was insufficient additional evidence of any psychiatric profiles, or additional mental health treatment or diagnoses while on active status or the impact of these symptoms (if any) on her military service.

d. A review of JLV noted that the applicant initially connected with VA mental health beginning on 17 June 2010 initially for mental health difficulties including anxiety disorder NOS related to her combat experiences during her military service. The applicant has continued her connection with VA for the treatment of mental and physical health conditions. The applicant is currently 100% VA service-connected for various physical conditions and 100% (SC) for PTSD related to combat.

e. Based on the available information, it is the opinion of the Agency Medical Advisor that there is insufficient evidence that the applicant received any mental health diagnoses or ongoing treatment during her time in service. In addition, there is insufficient evidence the applicant, during her active service; met criteria for a mental health condition; determined to not meet medical retention standards for a mental health condition; attended six months of consistent mental health treatment without improvement; required two inpatient psychiatric admissions; or was ever placed on a permanent psychiatric profile. Therefore, there is insufficient evidence the applicant's case warrants a referral to IDES to be assessed for a physical disability discharge for a mental health condition.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? N/A. The applicant is requesting a medical retirement.

(2) Did the condition exist or experience occur during military service? N/A. The applicant is requesting a medical retirement.

(3) Does the condition experience actually excuse or mitigate the misconduct? N/A. The applicant is requesting a medical retirement.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that partial relief was warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, and regulation. Upon review of the applicant's petition, available military records, and the medical review, the Board concurred with the advising official. Based on this, the Board determined there was insufficient evidence the applicant's case warrants a referral to IDES to be assessed for a physical disability discharge for a mental health condition.

2. As it pertains to the applicant's request to be awarded authorized decorations and awards, the Board determined the applicant's records should be corrected as identified in the "administrative notes" section of the record of proceedings.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
XXX	XXX	XXX	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	:	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. The evidence presented does not demonstrate the existence of a probable error or injustice as it pertains to the applicant's request for referral to the IDES. Therefore, the Board determined the overall merits of this portion of the case is insufficient as a basis for correction of the records of the individual concerned.

2. The Board further determined that the evidence presented is sufficient to warrant a portion of the requested relief. As a result, the Board recommends the applicant's DD Form 214 ending on 2 February 2006 be corrected by adding the awards shown in the "administrative notes" section of the record of proceedings.

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.

ADMINISTRATIVE NOTE(S):

PO awarded the applicant the Aircraft Crewman Badge. The applicant served in Kuwait/Iraq, from 15 February 2003 to 15 February 2004. Based on the foregoing, delete the Iraq Campaign Medal from her DD Form 214 and add the following: Iraq Campaign Medal with two bronze service stars and Aircraft Crewman Badge.

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. Title 10, 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.

3. Army Regulation (AR) 635-200 (Active Duty Enlisted Administrative Separations), in effect at the time, set forth the basic authority for the separation of enlisted personnel. Paragraph 5-8 (Involuntary Separation due to Parenthood) stated the following:

a. Commanders were to consider Soldiers for involuntary separation when parental obligations interfered with fulfillment of their military responsibilities. Specific reasons included:

- Inability to perform prescribed duties satisfactorily
- Repeated absenteeism
- Repeated tardiness
- Inability to participate in field training exercises or perform special duties such as charge of quarters and staff duty noncommissioned officer
- Non-availability for worldwide assignment or deployment according to the needs of the Army

b. Commanders could not initiate separation action until the Soldier had been adequately counseled concerning deficiencies and given the opportunity to overcome those deficiencies.

4. AR 635-5 (Separation Documents), in effect at the time, prescribed policies and procedures for DD Form 214 preparation. The regulation stated the narrative reason for separation was tied to the Soldier's regulatory separation authority and directed

DD Form 214 preparers to AR 635-5-1 (Separation Program Designators (SPD)) for the appropriate entries in item 28 (Narrative Reason for Separation). For item 27 (Reentry (RE) Code), the regulation referred preparers to AR 601-210 (Regular Army and Army Reserve Enlistment Program).

5. AR 635-5-1, in effect at the time, stated Soldiers separated in accordance with paragraph 5-8, AR 635-200 were to receive an SPD of "JDG" and have, "Parenthood" entered in item 28 of their DD Form 214.

6. The SPD/RE Code Cross Reference Table, in effect at the time, provided instructions for determining the RE code for Active Army Soldiers; the table shows the SPD code and its corresponding RE code. The SPD code of "JDG" has a corresponding RE code of "3."

7. AR 601-210, in effect at the time, prescribed policies and procedures for the enlisting prospective and former Soldiers. Table 3-1 (U.S. Army RE Codes) showed the following:

- RE-1 – Fully qualified for immediate reenlistment
- RE-3 – Not eligible for reenlistment unless waiver consideration was permissible and was granted

8. AR 40-400 (Patient Administration), then in effect, stated Soldiers with medical conditions or physical defects that were usually progressive in nature and the expectations for reasonable recovery could not be established were to be referred to a medical evaluation board (MEB). Those individuals determined by the MEB to fail the medical retention standards outlined in AR 40-501 (Standards of Medical Fitness) were referred to a physical evaluation board (PEB) for a fitness determination.

9. AR 635-40, then in effect, prescribed policies, and procedures for disability separations.

a. Paragraph 3-1 stated the mere presence of an impairment did not, of itself, justify a finding of unfitness due to a physical disability. Each individual Soldier's case had to be assessed to determine whether the nature of the disability caused the Soldier to become unable to perform the duties expected of a Soldier of his/her rank.

b. PEBs were charged with investigating the nature, cause, degree of severity, and probable permanency of a Soldier's disabling conditions; assessing the Soldier's physical conditions against the physical requirements of the Soldier's particular office, grade, rank, or rating; and making findings and recommendations in accordance with the law.

c. The PEB's available dispositions for the Soldier were:

- returned to duty
- separated with severance pay when the combined disability rating was 20 percent or less and the medical conditions were incurred in the line of duty and not due to the Soldier's
- misconduct
- Concerning combined ratings of 30 percent or more: when the PEB could not confirm the permanency of a disabling condition, it recommended the Soldier for the Temporary Disability Retired List; conditions not likely to change over time resulted in placement on the Permanent Disability Retired List

10. 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.

11. 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 (DRBs) and Board for Correction of Military/Naval Records (BCM/NRs) 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 (PTSD); Traumatic Brain Injury (TBI); 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.

12. 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, 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.

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//