

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: ██████████

BOARD DATE: 28 August 2025

DOCKET NUMBER: AR20240013630

APPLICANT REQUESTS: an upgrade of his under other than honorable conditions discharge to honorable.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:
DD Form 149 (Application for Correction of Military Record)

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 was told his under other than honorable conditions discharge would be automatically upgraded six months after discharge, he was not aware he would need to request the upgrade. He served honorably in his first enlistment.
3. A review of the applicant's service records shows:
 - a. He enlisted in the Regular Army on 18 March 1980.
 - b. He accepted nonjudicial punishment for one specification of violation of a lawful order on 1 October 1980, one specification of failure to go at the time prescribed to his appointed place of duty, and one specification for being indebted to Mrs. G.C. W_____ in the amount of \$348.83. His punishment included seven days of confinement.
 - c. On 2 September 1982, he accepted nonjudicial punishment for leaving his place of duty. His punishment included reduction to private first class (PFC/E-3), suspended for 60 days. He was subsequently issued a DA Form 4126-R (Bar to Reenlistment Certificate) for his pending nonjudicial punishment, and he was counseled for nonsupport of his wife. In addition, his commanding officer listed other factual and relevant indicators of untrainability or unsuitability stating he was a problem Soldier and always in trouble, he was a bad influence on his platoon and company and allowing him to reenlist would have an adverse impact on unit morale.

d. On 4 February 1983, a DA Form 268 (Report for Suspension of Favorable Personnel Actions) was issued stating he had been discharged under the provision of Chapter 10 (Discharge for the Good of the Service), Army Regulation 635-200 (Personnel Separations – Enlisted Personnel).

e. The service record is void of administrative separation processing documents.

f. On 16 March 1983, he was discharged from active duty with an under other than honorable conditions characterization of service. His DD Form 214 shows he completed 2 years, 11 months, and 28 days of active service with dates of lost time from 26 April 1982 to 26 April 1982. He was assigned separation code JFS and the narrative reason for separation listed as “For the Good of the Service,” with reentry code 3, 3B. It also shows he was awarded or authorized:

- Expert Marksmanship Qualification Badge with tow gunner bar
- Army Service Ribbon
- Sharpshooter Marksmanship Qualification Badge with rifle bar (M-16)
- Expert Marksmanship Qualification Badge with hand grenade bar

g. On 25 April 1983, the applicant was issued a DD Form 215 (Correction to DD Form 214) that shows in item 27 (Reenlistment Code) RE-3, 3B, 3C vice RE-3, 3B.

4. A review of the applicant’s record confirms an administrative entry was omitted from his DD Form 214. The entry will be added to his DD Form 214 as an administrative correction and will not be considered by the Board.

5. There is no evidence the applicant has applied to the Army Discharge Review Board for review of his discharge within that board's 15-year statute of limitations.

6. In reaching its determination, the Board can consider the applicant’s petition and his service record in accordance with the published equity, injustice, or clemency determination guidance.

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's complete circumstances pertaining to his separation are not available to the Board for review. However, his DD Form 214 shows he was discharged under the provisions of Army Regulation 635-200, chapter 10 with an under other than honorable conditions characterization of service. The Board noted the applicant did not provide and evidence of post-service achievements to warrant an upgrade of his characterization based on clemency. The Board found no error or injustice in the designated characterization of service

2. The applicant's DD Form 214 is missing administrative corrections that will be completed without Board action 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
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XXX	XXX	XXX	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

1. 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.
2. The applicant's DD Form 214 is missing administrative corrections that will be completed without Board action as identified 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):

A review of the applicant's service records shows his DD Form 214 omitted administrative entries in the Remarks block. As a result, amend the DD Form 214 by adding in item 18 the entry "Continuous Honorable Active Service from 19800318 to 19820105."

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), in effect at the time, sets forth the basic authority for the separation of enlisted personnel.

a. Paragraph 3-7a (Honorable Discharge) states an honorable discharge is a separation with honor. 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. Paragraph 3-7b (General Discharge) states a general discharge is a separation from the Army under honorable conditions. When authorized, it is issued to a member whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

c. Chapter 10 of this regulation states an individual who has committed an offense or offenses, the punishment for any of which includes a bad conduct discharge or dishonorable discharge, may submit a request for discharge for the good of the service. An Under Other than Honorable Discharge Certificate normally is appropriate for a member who is discharged for the good of the service.

3. 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-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 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.

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//