

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 9 September 2025

DOCKET NUMBER: AR20240013735

APPLICANT REQUESTS:

- an upgrade of his under honorable conditions (General) discharge
- correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty) to remove:
 - item 25 (Separation Authority) Chapter 13, AR [Army Regulation] 635-200
 - item 28 (Narrative Reason for Separation) Unsatisfactory Performance
- a personal appearance before the Board via video/telephone

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

- DD Form 149 (Application for Correction of Military Record)
- Certified True Copy of DD Form 214
- Restoration Academy Completion Certificate of Recognition
- Defensive Driving Course, Completion Certificate
- Introduction to National Incident Management System Certificate
- Certificate of Apartment Maintenance Certificate
- Department of Veterans Affairs (VA) Letter
- Court Expungement Documents

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 an upgrade because he would like to use his military and VA benefits. He is going to try to buy a house soon, has changed his life, and finished trade school. He notes post-traumatic stress disorder (PTSD) and other mental health issues are related to his request as contributing and mitigating factors to his request.

3. The applicant's service records are not available for review. An exhaustive search was conducted to locate his records which are necessary in the processing of his case, but they could not be found. The applicant provides sufficient documents for the Board to conduct a fair and impartial review of his case.

4. The applicant provides:

- a certified copy of his DD Form 214, showing –
 - on 11 February 1982, he enlisted in the Regular Army
 - on 28 November 1984, he was discharged, under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 13 (Unsatisfactory Performance) with an under honorable conditions (General) characterization of service
 - his narrative reason for separation was "Unsatisfactory Performance"
 - he completed 2 years and 9 months of net active service, including 11 months and 27 days of foreign service, and lost time from 21 September 1984 – 8 October 1984
 - he was awarded or authorized –
 - Army Service Ribbon
 - Overseas Service Ribbon
 - Expert Badge (Rifle)
 - Driver and Mechanic Badge (Driver -W)
 - Noncommissioned Officer Professional Development Ribbon (Numeral 1)
- several employment-based post service certificates
- VA letter requesting his enrollment into an Urban and Non-Urban Homeless Veteran's Employment and Training Service, Reintegration Program
- court expungement documents

5. On 19 May 2025, a staff member at ARBA, requested the applicant provide medical documents to support his issue of PTSD and other mental health issues. He did not respond to the request.

BOARD DISCUSSION:

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, and evidence in the records.

- Upgrade to his General Discharge: Deny. The Board found no error or injustice in character of service he received at the time of his separation. The Board presumes regularity in that the applicant’s record is correct unless information is provided to the contrary. Therefore, the Board determined that the applicant did not provide any documentation that would mitigate his character of service and denied relief.
- Change Separation Authority: Deny. The Board found insufficient evidence to show the separation authority used at the time of his separation was in error; the Board presumes regularity in that the applicant’s record is correct unless information is provided to the contrary. The Board determined no relief was warranted and denied his request.
- Change Narrative Reason for Separation: Deny. The Board found no error or injustice in narrative reason for separation he received at the time of his separation. The Board presumes regularity in that the applicant’s record is correct unless information is provided to the contrary. The Board determined there was insufficient evidence to amend his narrative reason for separation and denied relief.

2. The applicant’s request for a personal appearance hearing was carefully considered. In this case, the evidence of record was sufficient to render a fair and equitable decision. As a result, a personal appearance hearing is not necessary to serve the interest of equity and justice in this case.

BOARD VOTE:

Mbr 1	Mbr 2	Mbr 3	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
XX	XX	XX	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 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The regulation provides that 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. It is not an investigative body. The ABCMR may, in its discretion, hold a hearing. Applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

3. Army Regulation 635-200 (Personnel Separations Enlisted Personnel) sets forth the basic authority for the separation of enlisted personnel. The version in effect at the time provided that:

a. 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.

b. Chapter 13, as then in effect, provided the policies and procedures for separating Soldiers due to unsatisfactory performance when in the commander's judgment, the individual would not become a satisfactory Soldier; retention would have an adverse impact on military discipline, good order and morale; the service member would be a disruptive influence in the future; the basis for separation would continue or recur; and/or the ability of the service member to perform effectively in the future, including potential for advancement or leadership, was unlikely. Service of Soldiers separated because of unsatisfactory performance under this regulation would be characterized as honorable or under honorable conditions.

4. On 3 September 2014, the Secretary of Defense directed the Service Discharge Review Boards (DRB) and Service Boards for Correction of Military/Navy Records (BCM/NR) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC 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.

5. 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 DRBs and BCM/NRs 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.

6. 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, Boards 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//