

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 August 2025

DOCKET NUMBER: AR20250000272

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

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

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- Applicant's letter to the Board
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- Letter from Dr. A, detailing his service-connected conditions and their impact
- Character statements written by former supervisors, colleagues, and healthcare professionals attesting to his character and rehabilitation
- Pharmacy Technician license, dated 17 July 2012
- 3-page Veterans Affairs disability ratings excerpt

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:

a. His request for an upgrade is based on his medical conditions that were not properly considered at the time of discharge, procedural errors, evidence that supports his claim, and contributions since leaving the Army.

b. At the time of his discharge, he was suffering from undiagnosed PTSD and sleep apnea, which significantly affected his behavior and performance. These conditions contributed to periods of absence without leave (AWOL) as he struggled with the overwhelming symptoms of PTSD, including severe anxiety, hypervigilance, and sleep disturbances. These conditions were not adequately addressed nor treated during his service, contributing to the issues that led to my discharge

c. His discharge process was maned by procedural errors. He did not receive a thorough medical evaluation to diagnose my PTSD and sleep apnea. In addition, he was not provided with adequate counseling or support to address these issues. The lack of proper medical care and procedural fairness contributed to his discharge under conditions that do not reflect his overall service and dedication.

d. Since his discharge, he has become a certified Pharmacy Technician and worked in healthcare for 12 years. He aims to pursue a Master's Degree in Healthcare Administration to improve Veteran care policies. His AWOL was due to severe personal crises, which are now resolved. Additionally, his service-connected PTSD and TBI impacted his behavior and performance. This upgrade will allow him to use his Post 9/11 GI Bill benefits for further education and better serve his community and fellow Veterans.

3. A review of the applicant's service record shows:

a. He enlisted in the Regular Army on 1 November 2005.

b. He served in Iraq from 3 October 2006 – 5 December 2007.

c. His duty status changed as follows:

- From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 26 September 2006
- From AWOL to PDY, effective 27 September 2006
- From PDY to AWOL, effective 27 March 2009
- From AWOL to PDY, effective 1 April 2009

d. He accepted nonjudicial punishment (NJP )on 28 April 2009 for going AWOL; he was reduced to the grade of E-3.

e. Record of Trial by Summary Court-Martial indicates a preliminary proceeding was held on 11 January 2010 for violation of Article 86 (AWOL), with three specifications from 19 June 2009 thru 16 July 2009, from 17 July 2009 thru 5 August 2009, and from 11 August 2009 thru 5 November 2009. His punishment consisted of reduction to E-1, forfeiture of \$964.00 pay per month for one month, and extra duty for 45 days.

f. On 5 March 2010, his commander notified him of his intent to separate him under the provisions of AR 635-200, chapter 14-12c, commission of a serious offense, with a character of service of general under honorable conditions.

g. On 9 March 2010, he was afforded the opportunity to consult with appointed counsel. He elected not to submit statements on his own behalf.

h. His Battalion Commander recommended elimination from the service for commission of serious offense, with a character of service of general under honorable conditions.

i. On 15 March 2010, the separation authority approved separation UP of AR 635-200, chapter 14-12c for commission of a serious offense; he directed the applicant's service be characterized as general under honorable conditions

j. Accordingly, he was discharged on 28 March 2010, with a general under honorable conditions character of service, he completed 4 years and 7 days net active service this period. He had lost time as follows:

22 September 2006 thru 24 September 2006  
 27 March 2009 thru 30 March 2009  
 20 April 2009 thru 20 April 2009  
 19 June 2009 thru 15 July 2009  
 19 July 2009 thru 4 August 2009  
 11 August 2009 thru 4 November 2009.

4. On 27 January 2014, after examining the applicant's record of service, his military records, the documents and the issues submitted, the Board determined the Characterization of Service was proper and equitable and voted not to change it.

5. 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.

6. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting an upgraded under honorable conditions (general) character of service. He asserts his experience of PTSD is related to his request. 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) The applicant enlisted in the Regular Army on 01 November 2005; 2) The applicant deployed to Iraq from 03 October 2006 – 05 December 2007; 3) Summary Court-Martial proceeding were held on 11 January 2010 in regard to the applicant's charge of going AWOL with three specifications; 4) The applicant was discharged on 28 March 2010, Chapter 14-12c for commission of a serious offense with a general under honorable conditions character of service. He completed 4 years and 7 days net active service this period with six incidents of lost time.

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the supporting documents and the applicant's available military service records. The VA's Joint Legacy Viewer (JLV) and VA medical documentation provided by the applicant were also examined.

c. The applicant asserts he was experiencing PTSD, which mitigates his misconduct. The applicant was initially seen by behavioral health services during his deployment to Iraq from 2006-2007. He was seen intermittently for depressive and anxiety symptoms related family and relationship problems along with repeated exposure to IED blasts. He was diagnosed with Acute Stress Reaction and Adjustment Disorder. He was prescribed sleep and psychiatric medication and seen occasionally for individual therapy. After returning to garrison, the applicant continued to report relationship and family problems along with difficulty transitioning home from his deployment. He described depressive and anxiety symptoms with significant sleep problems. He was initially diagnosed with marital problems and insomnia, and he was recommended for continued individual therapy. However, the applicant did not attend regular individual therapy, and he only attended one additional therapy session as a walk-in. On 09 April 2009, he was seen for a Mental Status Evaluation as part of the administrative proceedings for a Chapter 14 for misconduct. He continued to reported stress and insomnia, but he was found to not meet criteria for a mental health condition and was cleared from a behavioral health perspective for administrative separation. Later on, 27 May 2009, he was seen again at behavioral health services and diagnosed with an Anxiety Disorder and referred to anger management group. He only attended two sessions before he discontinued. He was again seen at behavioral health services on 03 December 2009 reporting stress and depressive symptoms related to legal problems as a result of repeated incidents of going AWOL. He was diagnosed with an Adjustment Disorder with Depressed Mood and recommended for further individual therapy. He was seen for three additional sessions till January 2010 before he discontinued.

d. A review of JLV provided evidence the applicant began to engage with the VA in 2011 primarily for medical treatment for physical concerns, and he has been diagnosed with service-connected PTSD (currently SC 70%) since 2017.

e. Based on the available information, it is the opinion of the Agency Medical Advisor that there is sufficient evidence to support the applicant had a condition or experience, which 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 he experienced PTSD, which mitigates his misconduct. The applicant was diagnosed with service-connected PTSD by the VA in 2017.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts he experienced PTSD, which mitigates his misconduct. The applicant was diagnosed with service-connected PTSD by the VA in 2017.

(3) Does the condition/experience actually excuse or mitigate the discharge? Yes, there is sufficient evidence beyond self-report the applicant was experiencing PTSD, while on active service. The applicant repeatedly went AWOL, which can be an avoidant behavior and a natural sequelae to PTSD. Therefore, per Liberal Consideration, the applicant's misconduct, which led to his discharge is mitigable.

#### BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was 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 Board reviewed and concurred with the medical advisor's review finding sufficient evidence to support the applicant had a behavioral health condition during military service that mitigated his misconduct. Therefore, the Board determined relief was warranted and granted relief.

2. Based upon the misconduct leading to the applicant's separation and the following recommendation found in the medical review related to the liberal consideration:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant asserts he experienced PTSD, which mitigates his misconduct. The applicant was diagnosed with service-connected PTSD by the VA in 2017.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts he experienced PTSD, which mitigates his misconduct. The applicant was diagnosed with service-connected PTSD by the VA in 2017.

(3) Does the condition/experience actually excuse or mitigate the discharge? Yes, there is sufficient evidence beyond self-report the applicant was experiencing PTSD, while on active service. The applicant repeatedly went AWOL, which can be an avoidant behavior and a natural sequelae to PTSD. Therefore, per Liberal Consideration, the applicant's misconduct, which led to his discharge is mitigable.

The Board concluded there was sufficient evidence of an error or injustice warranting a change to the applicant's characterization of service.

BOARD VOTE:

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

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant relief. As a result, the Board recommends that all Department of the Army records of the individual concerned be corrected by amending the applicant's DD Form 214, for the period ending 28 March 2010 to show in item 24 (Character of Service): Honorable

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 (AR) 635-200 (Active Duty Enlisted Administrative Separations) sets forth the basic authority for the separation of enlisted personnel. Chapter 14 (Separation for Misconduct) deals with separation for various types of misconduct, which includes drug abuse, and states that individuals identified as drug abusers may be separated prior to their normal expiration of term of service.

a. 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. Only the honorable characterization may be awarded a member upon completion of his or her period of enlistment or period for which called or ordered to active duty or active duty for training, or where required under specific reasons for separation, unless an entry level status separation (uncharacterized) is warranted.

b. 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. A characterization of under honorable conditions may be issued only when the reason for the member's separation specifically allows such characterization. It will not be issued to members upon separation at expiration of their period of enlistment, military service obligation, or period for which called or ordered to active duty.

3. The Acting Principal Deputy Under Secretary of Defense (Personnel and Readiness) provided clarifying guidance to Service DRBs and Service BCM/NRs on 24 February 2016 [Carson Memorandum]. The memorandum directed the BCM/NRs to waive the statute of limitations. Fairness and equity demand, in cases of such magnitude that a Veteran's petition receives full and fair review, even if brought outside of the time limit. Similarly, cases considered previously, either by DRBs or BCM/NRs, but without benefit of the application of the Supplemental Guidance, shall be, upon petition, granted de novo review utilizing the Supplemental Guidance.

4. The Under Secretary of Defense (Personnel and Readiness) provided clarifying guidance to Service DRBs and Service BCM/NRs on 25 August 2017 [Kurta Memorandum]. The memorandum directed them to give liberal consideration to veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD, traumatic brain injury (TBI), sexual assault, or sexual harassment. Standards for review should rightly consider the unique nature of these cases and afford each veteran a reasonable opportunity for relief even if the sexual assault or sexual harassment was unreported, or the mental health condition was not diagnosed until years later. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for

relief is based in whole or in part on 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.

a. Guidance documents are not limited to under other than honorable conditions discharge characterizations but rather apply to any petition seeking discharge relief including requests to change the narrative reason, re-enlistment codes, and upgrades from general to honorable characterizations.

b. An honorable discharge characterization does not require flawless military service. Many veterans are separated with an honorable characterization despite some relatively minor or infrequent misconduct.

c. Liberal consideration does not mandate an upgrade. Relief may be appropriate, however, for minor misconduct commonly associated with mental health conditions, including PTSD; TBI; or behaviors commonly associated with sexual assault or sexual harassment; and some significant misconduct sufficiently justified or outweighed by the facts and circumstances.

5. 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//