

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 26 August 2025

DOCKET NUMBER: AR20250001565

APPLICANT REQUESTS:

- an upgrade of her characterization of service
- a personal appearance before the board by herself or counsel

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, in effect, that she was a victim of military sexual trauma (MST). She also checked on her DD Form 149 that her case is related to post-traumatic stress disorder (PTSD), other mental health, and sexual assault/harassment. Her DD Form 214 (Certificate of Release or Discharge from Active Duty) list the following –
 - character of service as “Under Honorable Conditions (General)”
 - separation code as “[JDG]”
 - reentry code as “3”
 - separation authority as “Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), paragraph 5-8
 - narrative reason as “parenthood”
3. A review of the applicant’s record shows:
 - a. The applicant enlisted in the Regular Army on 17 September 1998.
 - b. On 24 May 2000 a physical evaluation board convened at Fort Lewis, WA. The applicant was found physically fit to perform the duties of her office, grade, rank and military occupational specialty (MOS).

4. The applicant's record is void of a separation packet containing the specific facts and circumstances surrounding her discharge processing. Her DD Form 214 shows she was discharged on 30 April 2001, under the provisions of AR 635-200 (Personnel Separations – Enlisted Personnel), paragraph 5-8, by reason of parenthood. She completed 2 years, 7 months, and 14 days of active service. Her DD Form 214 also shows:

- item 24 (Character of Service) – Under Honorable Conditions (General)
- item 25 (Separation Code) – “JDG”
- item 26 (Reentry Code) – “3”

5. An email issued by the Army Criminal Investigation Division dated 23 June 2015, that shows no records were found pertaining to the applicant.

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

7. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting an upgrade of her under honorable conditions (general) discharge. She contends that she experienced Military Sexual Trauma (MST) and mental health conditions including PTSD that justify her request for upgrade. 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 17 September 1998; 2) On 24 May 2000 a physical evaluation board (PEB) found the applicant physically fit for continued service; 3) The full facts and circumstances of her discharge were unavailable for review; 4) The applicant was discharged on 30 April 2001, AR 635-200 paragraph 5-8, by reason of parenthood. Her character of service was under honorable conditions (general). She completed 2 years, 7 months, and 14 days of net active service.

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) was also reviewed. Lack of citation or discussion in this section should not be interpreted as lack of consideration.

c. The applicant asserts she experienced MST and other mental health conditions including PTSD during her time in service that warrant a change to her discharge. The applicant reported normal psychological functioning on a report of medical examination from 29 March 2000. There is insufficient evidence the applicant reported or was diagnosed with a mental health condition while on active service.

d. A review of JLV indicated that the applicant initially connected with VA physical medicine services beginning on 16 May 2000. The applicant was initially referred for VA mental health care on 30 December 2016 and initially seen on 31 January 2017. The applicant has primarily received HUD and physical medicine and engaged in intermittent mental health care within the VA. The applicant was most recently treated by VA mental health for the diagnosis of PTSD on 14 November 2024. The applicant is currently 100% VA service-connected (SC) for various physical and mental health conditions including an 100% VA service-connection for PTSD.

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 mental health condition or experience. However, there is insufficient information regarding the circumstances of her discharge, to provide a full and complete opine.

f. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the misconduct? Yes, the applicant asserts she experienced MST and mental health conditions including PTSD during her time in service that might potentially warrant a change in her discharge status. The applicant has received VA mental health treatment and is 100% VA SC for PTSD and has reported that she experienced MST while on active service.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts she experienced MST and mental health conditions including PTSD during her time in service. The applicant has received VA mental health treatment for and is 100% VA SC for PTSD and has reported that she experienced MST while on active service.

(3) Does the condition experience actually excuse or mitigate the misconduct? No, while there is sufficient evidence that the applicant was diagnosed with and treated for VA SC PTSD and reported experiencing MST during her time in service. However, there is insufficient information regarding the circumstances of her discharge to provide a full and complete opine. The applicant was discharged due to parenthood, which is an option for all enlisted females, however, the complete rationale beyond this information was unavailable for review. Yet, the applicant contends she experienced a mental health condition or experience while on active service that warrants a change to her discharge status, and the applicant's contention is sufficient for consideration per the Liberal Consideration Policy.

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 record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation, and published Department of Defense guidance for liberal and clemency determinations requests for upgrade of her characterization of service. Upon review of the applicant's petition, available military record and medical review, The Board did not concur with the medical advisory official's opine that there was mitigating circumstances to warrant relief, in spite of having insufficient documentation regarding the circumstances of her separation. Therefore, the Board determined there was no error or injustice in the characterization of service the applicant received at the time of separation and denied 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 misconduct? Yes, the applicant asserts she experienced MST and mental health conditions including PTSD during her time in service that might potentially warrant a change in her discharge status. The applicant has received VA mental health treatment and is 100% VA SC for PTSD and has reported that she experienced MST while on active service.

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

3. 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:

| <u>Mbr 1</u> | <u>Mbr 2</u> | <u>Mbr 3</u> | |
|--------------|--------------|--------------|----------------------|
| : | : | : | 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

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 ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.

a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.

b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 that 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), in effect at the time, set forth the basic authority for the separation of enlisted personnel.

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. Paragraph 5-8 provides for the involuntary separation due to parenthood. Soldiers were considered for involuntary separation when parental obligations interred with the fulfillment of military responsibilities. Specific reasons for separation due to parenthood included inability to perform prescribed duties satisfactorily, repeated absenteeism, late for work, inability to participate in field training exercises or perform special duties such as charge of quarters and staff duty noncommissioned officer, and unavailability for worldwide assignment or deployment according to the needs of the Army.

4. 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.

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 Discharge Review Boards (DRB) and Boards for Correction of Military/Naval Records (BCM/NR) 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.

7. Section 1556 of Title 10, United States Code, 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 applicants (and/or their counsel) prior to adjudication.

//NOTHING FOLLOWS//