

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 5 August 2025

DOCKET NUMBER: AR20250003160

APPLICANT REQUESTS:

- an upgrade of her bad conduct discharge to general, under honorable conditions discharge
- a personnel appearance before the Board

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

- DD Form 149 (Application for Correction of Military Record)
- Self-Authored Letter
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- Indianapolis – Marion County Public Library Letter of Selection
- Professional Development Report
- Two Character Letters
- Web Links

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 that she is requesting a discharge upgrade general, under honorable conditions. Her appeal is based on reenlistment, honorable service, and discrimination during the "Don't Ask, Don't Tell" era.

a. She entered the Army after four years of high school, excelled in training at Fort Jackson, and served as a platoon leader and driver. During advanced individual training (AIT), she built a friendship with a female soldier, which led to a same-sex relationship and subsequent discharge due to military policy. After returning home, she honorably served in the Reserves and then reenlisted for active duty. She was stationed in California, married her husband, and later deployed to Germany, where she completed

her tour and reenlisted. At Chanute Air Force Base, she confronted her suppressed identity. As her marriage ended, she entered same-sex relationships and feared reprisal which led to her feeling overwhelmed, and she went absent without leave (AWOL).

b. Since leaving the military, she has led an exemplary life: serving as an Associate Pastor, marrying her wife, and building a 29-year career at The Indianapolis Public Library. She's received multiple awards and serves on several community boards. She earned the Army Good Conduct and Army Achievement Medals and believes her discharge misrepresents her character. Due to the military's inclusive policy since 2011, she requests her record be corrected to reflect a general, under honorable conditions discharge.

3. The applicant provides:

a. An Indianapolis – Marion County Public Library, Letter of Selection, shows the applicant was selected to be a Transformational Leader.

b. Two-character letters from Mrs. JG and Mrs. GN state that the applicant is a principled and dedicated leader with extensive experience in library services and community engagement. She is consistently described as ethical, trustworthy, fair, and compassionate, with a strong work ethic and uplifting personality. Her military background and continuous training reflect her structured approach and commitment to excellence.

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

a. She enlisted in the Regular Army on 3 January 1986.

b. Her foreign service includes a tour in Germany from 21 October 1986 to 11 October 1989.

c. On 7 December 1989, she was convicted by a special court-martial of one specification of disobeying a lawful order, one specification of wrongful appropriation of U.S. government currency in the amount of \$2,288.95, and two specifications of being absent without leave (AWOL) from on or about 11 September 1989 through on or about 18 September 1989 and from on or about 20 September 1989 through on or about 6 November 1989. Her sentence included reduction to private (E-1), forfeiture of \$466.00 pay per month for two months, confinement for 75 days, and a bad conduct discharge.

d. On 14 February 1990, the convening authority approved the sentence and except for the bad conduct discharge, ordered it executed. The record of trial was forwarded to the Judge Advocate General of the Army for appellate review.

e. Special Court-Martial Order Number 72, dated 15 May 1991, shows the specification for wrongful appropriation of U.S. government currency in the amount of \$2,288.95 was set aside, and in the interest of justice, the charge was dismissed. After Article 71(c) was complied with, the sentence was affirmed, ordered the bad conduct discharge executed.

f. On 9 July 1991, she was discharged from active duty with a bad conduct discharge. She completed 5 years, 3 months and 7 days of active military service with approximately 90 days of lost time. It also shows she was awarded or authorized:

- Army Service Ribbon
- Army Achievement Medal (1 oak leaf cluster)
- Overseas Service Ribbon
- Army Good Conduct Medal

5. On 23 May 2025, the U.S. Army Criminal Investigation Division (CID) provided information for the processing of this case. CID conducted a search of the Army criminal files indexes regarding the applicant's claims regarding Sexual Assault and no records were found.

6. 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.

7. 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.

8. By regulation (AR 15-185), an applicant is not entitled to a hearing before the ABCMR. Hearings may be authorized by a panel of the ABCMR or by the Director of the ABCMR.

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 record of service, documents submitted in support of the petition, and executed a comprehensive review based on law, policy, regulation, and published DoD guidance for liberal consideration of discharge upgrade requests. The evidence shows the applicant was discharged from active duty as a result of a court-martial for being AWOL. In a self-authored letter to the Board the applicant referenced a period of service in the USAR when she was coerced to engage in homosexual activity. She then enlisted in the Regular Army and her suppressed feelings were exacerbated

while on tour in Germany. She knew the military's position on "Don't Ask, Don't Tell" and she feared exposure and risking being discharged. She became scared and went AWOL. The Board found no error or injustice in her separation processing. However, the Board found based upon repeal of the "Don't Ask, Don't Tell" policy and a change in DoD policy relating to homosexual conduct, an upgrade is appropriate. The Board determined the applicant's fear of exposure of her homosexual activity was an aggravating circumstance of her going AWOL. Additionally, the Board was convinced by the compelling evidence submitted by the applicant of her sustained honorable conduct and personal growth since discharge, demonstrating long-term commitment and stability, and as a result, determined a change to the characterization of service, narrative reason for separation, corresponding codes, and rank is appropriate.

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:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
XXX	XXX	XXX	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 9 July 1991 to show in:

- Item 4a (Grade, Rate or Rank) SP4
- Item 4b (Pay Grade) E4
- Item 12h (Effective Date of Pay Grade) 1 June 1986
- item 24 (Character of Service): Honorable
- item 25 (Separation Authority): Army Regulation 635-200
- item 26 (Separation Code): JFF
- item 28 (Narrative Reason for Separation): Secretarial Authority

The resulting correction of rank prior to the applicant's Court-Martial should not result in pay due.

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) 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. AR 635-200 (Personnel Separations – Enlisted Personnel) sets forth the basic authority for separation of enlisted personnel.

a. Chapter 3 states a Soldier will be given a bad conduct discharge pursuant only to an approved sentence of a general or a special court-martial. The appellate review must be completed, and the affirmed sentence ordered duly executed.

b. An honorable discharge is a separation with honor. The honorable characterization is appropriate when the quality of the soldier'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.

c. A general discharge is a separation from the Army under honorable conditions. When authorized, it is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

4. Court-martial convictions stand as adjudged or modified by appeal through the judicial process. In accordance with Title 10, U.S. Code, section 1552, the authority under which this Board acts, the ABCMR is not empowered to set aside a conviction.

Rather, it is only empowered to change the severity of the sentence imposed in the court-martial process and then only if clemency is determined to be appropriate. Clemency is an act of mercy or instance of leniency to moderate the severity of the punishment imposed.

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//