

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 7 March 2025

DOCKET NUMBER: AR20240008899

APPLICANT REQUESTS:

- an upgrade of his characterization of service from general, under honorable conditions
- an upgrade his narrative reason for separation to a more favorable reason
- change his separation code

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) in lieu of a DD Form 149 (Application for Correction of Military Record)
- Personal Statement
- Spouses Statement in Support of Department of Veterans Affairs (VA) Claim
- My Healthvet Personal Information Report
- DA Form 2807-1 (Report of Medical History)
- Twelve Medical Records
- DD Form 214 (Certificate of Release or Discharge from Active Duty)
- VA Letter (VA Benefits)

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 at the time of his discharge, he was suffering from post-traumatic stress disorder (PTSD), and he did not know about treatment options. The events that resulted in his dismissal from the Army were a direct result of the symptoms he was dealing with and his self-medication of those symptoms. He believes his discharge status is both improper and inequitable because there was no process in place to properly screen for symptoms of PTSD and to provide treatment. The VA has

diagnosed him to suffer from PTSD and adjustment disorder and he has started receiving treatment for his symptoms. His full statement is available to the Board.

3. The applicant enlisted in the Regular Army on 6 March 2016. He served in Afghanistan from 12 October 2011 to 30 April 2012 (6 months and 18 days) and he was assigned to Vielseck Germany from approximately 31 January 2013 until he was discharged on 6 March 2015.

4. The complete facts and circumstances surrounding the applicant's discharge are not available for review with this case. However, his record contains a DD Form 214 that was prepared at the time of separation showing on 6 March 2015, he was discharged. He completed 2 years, 10 months, and 6 days of active service. He was awarded the Afghanistan Campaign Medal with Campaign Star, Army Achievement Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, North Atlantic Treaty Organization Medal, and Combat Infantryman Badge. His DD Form 214 also reflects in:

- Character of Service – Under Honorable Conditions (General)
- Separation Authority – Army Regulation (AR) 600-200, Paragraph 14-12c
- Separation Code – “JKQ”
- Reentry Code “3”
- Narrative Reason for Separation – Misconduct (Serious Offense)

5. The applicant provided a VA Letter, dated 2 December 2023, explaining he had an evaluation for PTSD (also claimed as anxiety, depression, adjustment disorder, sleep disturbances, insomnia and alcohol abuse), which were currently 50 percent disabling were increased to 70 percent effective 24 July 2023.

#### 6. MEDICAL REVIEW:

a. Background: The applicant is applying to the ABCMR requesting consideration of an upgrade to his characterization of service from under honorable conditions (general) to honorable, an upgrade to his narrative reason for separation, and a change in his separation code. He contends he experienced undiagnosed PTSD that mitigates his misconduct.

b. 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:

- The applicant enlisted into the Regular Army on 1 May 2012, and he served in Afghanistan from 12 October 2011 to 30 April 2012.

- The complete facts and circumstances surrounding the applicant's discharge are not available for review with this case. However, his DD Form 214 showed a narrative reason for separation as "Misconduct (Serious Offense)."
- The applicant was discharged on 6 March 2015 and completed 2 years, 10 months, and 6 days of net active service.

c. Review of Available Records: The Army Review Board Agency (ARBA) Behavioral Health Advisor reviewed the supporting documents contained in the applicant's file. The applicant asserts that he was suffering from undiagnosed PTSD, and he believes his dismissal was a direct result of the symptoms he was dealing and his self-medication of those symptoms. A Report of Medical History dated 5 November 2014 showed the applicant endorsed symptoms of depression, excessive worry, and sleep difficulty and indicated he had received counseling. He annotated having trouble "with bad dreams," constant worry, depression of life events, and receipt of counseling for anger and depression. A VA Decision letter dated 22 December 2023 showed a rating of 70% for PTSD. The application also included DoD mental health records showing a diagnosis of Alcohol Abuse. These records will be summarized below in the JLV section. There was insufficient evidence that the applicant was diagnosed with PTSD while on active service.

d. The Joint Legacy Viewer (JLV), which includes medical and mental health records from DoD and VA, was also reviewed and showed DoD records dated 14 August 2014 indicating the applicant was referred for a mental health intake, although he did not believe he needed to be seen. He reported he "blacks out when he gets into severe physical altercations," and there was documentation of engagement with the Army Substance Abuse Program (ASAP). The applicant declined treatment. Documentation on 16 September 2014 showed that the applicant had "incurred another alcohol related incident," which involved MPs, resisting arrest, and personal injury to the applicant. This appeared to be a second similar event with the first one related to being "drunk and disorderly." He was command enrolled in ASAP and diagnosed with Alcohol Abuse. He engaged in seven group therapy sessions related to alcohol use, and a Chapter Evaluation was completed on 8 January 2015. The applicant reported symptoms of depression but did not meet full criteria for the diagnosis. It was noted that he reported childhood trauma but denied exacerbated trauma related to deployment, and his screeners for PTSD were negative. The evaluator remarked that he met medical retention standards and did not warrant disposition through medical channels. The applicant initiated VA mental health care on 9 August 2021 due to work related stress and anxiety. He endorsed symptoms of depression, anxiety, and excessive alcohol use and was diagnosed with Adjustment Disorder with Anxiety. He engaged in evidence-based psychotherapy for PTSD and medication management. His most recent encounter was on 30 September 2024, and it was noted that symptoms were improved some with having quit going to school and being on three medications for sleep, nightmares, and mood.

e. Compensation and Pension (C&P) PTSD Disability Questionnaires (DBQ) were obtained and reviewed. The initial PTSD DBQ was conducted on 27 April 2023 and showed that the applicant endorsed the required number and severity of symptoms to warrant a diagnosis of PTSD. Deployment related trauma was described as being on a FOB in Afghanistan and being over run resulting in deaths and retrieval of bodies/body parts. Additionally, the applicant reported childhood trauma when he was four-years-old and was playing with matches, which caused a house fire and baby sister's death. He reported being inpatient for six months as a nine-year-old and having a lot of anger problems. A Review PTSD DBQ dated 5 October 2023 showed that the applicant continued to report significant symptoms of PTSD with social and occupational impairment and was again diagnosed with PTSD.

f. Based on the available information, it is the opinion of the Agency Behavioral Health Advisor that there is insufficient evidence to fully opine on the change of his characterization of discharge because of the absence of the specific facts and circumstances surrounding his discharge processing.

g. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes. The applicant asserts he had an undiagnosed mental health condition, including PTSD, at the time of the misconduct. DoD records show he had two alcohol related incidents, was referred to ASAP, and was diagnosed with Alcohol Abuse. VA records show he was diagnosed with PTSD in 2023 and is 70% service connected for this condition. He has received psychotherapy and medication management treatment through the VA.

(2) Did the condition exist or experience occur during military service? Yes, the applicant asserts he was experiencing a mental health condition while on active service. Military records show he deployed to Afghanistan from 12 October 2011 to 30 April 2012.

(3) Does the condition or experience actually excuse or mitigate the discharge? NA. The applicant asserts PTSD as a mitigating factor in his discharge, and VA records document he is 70% service-connected for PTSD. Substance abuse is a common self-medicating strategy for avoiding uncomfortable emotions and memories related to trauma exposure, and substance use can be a natural sequela to mental health conditions associated with exposure to traumatic and stressful events. However, in the absence of a separation packet, there is insufficient evidence to demonstrate a nexus between his PTSD and the condition or experience that generated his discharge. Without knowledge of the basis for separation, no opinion regarding mitigation under liberal consideration can be made. However, the applicant's assertion of an

undiagnosed mental health condition as a mitigating factor, per Liberal Consideration, warrants consideration by the board.

BOARD DISCUSSION:

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 noted the medical advisor's review finding insufficient evidence to fully opine on the change of his characterization of discharge because of the absence of the specific facts and circumstances surrounding his discharge processing; however, the applicant's assertion of PTSD and post-service treatment records substantiate the applicant's contention. The Board concluded an upgrade of the applicant's characterization of service to honorable was warranted as well as amending his narrative reason for separation to Secretarial Authority with corresponding codes.

BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

|     |     |     |                      |
|-----|-----|-----|----------------------|
| :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 6 March 2015 to show in:

- item 24 (Character of Service): Honorable
- item 25 (Separation Authority): Army Regulation 635-200
- item 26 (Separation Code): JFF
- item 27 (Reentry Code): 1
- item 28 (Narrative Reason for Separation): Secretarial Authority

  
**X** //SIGNED//

CHAIRPERSON

Signed by:

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. AR 15-185 (ABCMR) provides that the ABCMR begins its consideration of each case with the presumption of administrative regularity.
3. AR 601-210 (Active and Reserve Components Enlistment Program) covers eligibility criteria, policies, and procedures for enlistment and processing into the Regular Army and the U.S. Army Reserve. Table 3-1 included a list of the Regular Army RE codes:
  - a. RE-1 applies to Soldiers completing their term of active service who are considered qualified to reenter the U.S. Army. They are qualified for enlistment if all other criteria are met.
  - b. RE-3 applies to Soldiers who are not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable. They are ineligible for enlistment unless a waiver is granted.
  - c. RE-4 applies to Soldiers who are separated from their last period of service with a nonwaivable disqualification. They are ineligible for enlistment.
4. AR 635-5-1 (SPD Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. The SPD code of "JKQ" was the appropriate code to assign Soldiers separated under the provisions of AR 635-200, paragraph 14-12c, due to misconduct (commission of a serious offense).
5. AR 635-200 sets forth the basic authority for the separation of enlisted personnel. Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense, and convictions by civil authorities. Action will be taken to separate a member for misconduct when it was clearly established that rehabilitation is impracticable or is unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter.

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. 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.

6. 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 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.

7. 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.

8. 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.

9. 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//