

1. Applicant's Name:

- a. **Application Date:** 30 April 2020
- b. **Date Received:** 5 May 2020
- c. **Counsel:** None

2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:

a. **Applicant's Requests and Issues:** The current characterization of service for period under review is general (under honorable conditions). The applicant requests an upgrade to honorable, and changes to the SPD and narrative reason.

b. The applicant seeks relief contending, in effect, during the period of the discharge proceedings, the applicant was struggling with undiagnosed PTSD, which was the primary reason for the behavior at the time of separating from the Army. The first deployment, as part of the surge in 2008, undoubtedly affected the applicant's overall mental health. The applicant experienced many near misses and skated death by only inches. The applicant was shot at, had improvised explosive devices explode nearby, had been in a near ambush situation and lived to talk about it, including being hit by enemy exploding grenades. The applicant's mind remains in a constant state of awareness. After two deployments, the applicant accepted recruiting duty, attended recruiting school, and was stationed at home. While returning home could be beneficial, instead the applicant found no longer being in the realm of the Army but was also the victim of an abusive relationship, which subsequently ended in divorce. The stigma of being frowned on and appearing weak as an infantryman and a paratrooper, caused the applicant not to seek help. An online relationship with a possible recruit and an unauthorized relationship according to USAREC Regulations, led to the current discharge. The applicant describes themselves as being empathetic and regrets every bad decision made. According to a therapist, the thrill seeking and carelessness experienced were the direct result of PTSD. The applicant has since remarried, earned a bachelor's degree, was accepted for a master of business administration program, volunteers as a softball and baseball coach for their children and obtained employment with an electric company. The applicant further details the contentions in an allied self-authored statement provided with the application.

c. **Board Type and Decision:** In a records review conducted on 26 April 2024, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

Please see Section 9 of this document for more detail regarding the Board's decision.

3. DISCHARGE DETAILS:

a. **Reason / Authority / Codes / Characterization:** Misconduct (Serious Offense) / AR 635-200, Chapter 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 8 September 2014

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 5 June 2014

(2) **Basis for Separation:** The applicant was informed of the following reasons:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20200006859

(a) Between 1 August 2013 and 31 January 2014, the applicant violated USAREC Regulation 600-25, paragraph 2-3, by sexually harassing A__ on Facebook, through cell phone text messages, and by sending a partially naked photo of himself.

(b) Between 1 August 2013 and 31 January 2014, the applicant violated USAREC Regulation 600-25, paragraph 2-1(a), by wrongfully sending A__ sexually in nature text and a photo of himself.

(c) On 14 January 2014, the applicant violated a lawful order by CPT R__ W. T__, to not have any further contact with A__.

(d) On 1 April 2012, the applicant violated USAREC 600-25, paragraph 2-1a(1), by wrongfully having an unauthorized relationship with S__ by contacting S__ about unofficial business.

(3) Recommended Characterization: General (Under Honorable Conditions)

(4) Legal Consultation Date: 5 June 2014

(5) Administrative Separation Board: On 29 May 2014, the applicant conditionally waived consideration of the case before an administrative separation board, contingent upon receiving a characterization of service no less favorable than general (under honorable conditions) discharge.

(6) Separation Decision Date / Characterization: 9 June 2014 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 8 February 2008 / 6 years and 9 months

b. Age at Enlistment / Education / GT Score: 19 / 1 year of College / 123

c. Highest Grade Achieved / MOS / Total Service: E-6 / 11B24 2B, Infantryman / 9 years, 6 months, and 6 days

d. Prior Service / Characterizations: USAR, 3 March 2005 - 12 July 2006 / HD

e. Overseas Service / Combat Service: SWA / Iraq (2 January 2007 - 15 March 2008; 20 August 2008 - 26 July 2010)

f. Awards and Decorations: PH, AAM-2, MUC, AGCM-2, NDSM, GWOTSM, ICM-CS-3, NCOPDR-2ASR, OSR-2CIB / The applicant's AMHRR reflects award of the ARCOM-2, however, the awards are not reflected on the DD Form 214.

g. Performance Ratings: 1 December 2008 - 30 September 2009 / Fully Capable
30 November 2009 - 29 November 2010 / Among The Best
30 November 2010 - 23 September 2011 / Among The Best
24 September 2011 - 23 September 2012 / Among The Best
24 September 2012 - 23 September 2013 / Among The Best
24 September 2013 - 17 June 2014 / Marginal

h. Disciplinary Action(s) / Evidentiary Record:

(1) Incident Information Report, 14 June 2012, reflects the applicant was arrested on 13 June 2012 for aggravated / domestic felonious assault from a reported domestic dispute between the applicant and their spouse.

(2) Pontiac Recruiting Company, Great Lakes Battalion, U.S. Army Recruiting Command, Troy, MI, Memorandum, Report of Investigation, 29 June 2012, reflects an investigating officer was appointed to investigate allegations into an inappropriate relationship between the applicant and recruiting applicants.

(a) The Investigating Officer found the applicant had been involved in an inappropriate relationship with S__ in accordance with UR 600-25. They were contacting each other about unofficial, personal business while S__ was a recruiting applicant at Southgate Recruiting Station. Although the applicant knew S__ prior to S__ becoming a recruiting applicant at Southgate Recruiting Station, the applicant did not make the chain of command aware of this fact. If the applicant would have made Captain (CPT) S__ aware of the previous friendship with S__, CPT S__ could have decided to grant permission to continue contact with S__. The Investigating Officer did not find any evidence through the investigation that the inappropriate relationship consisted of inappropriate sexual contact and/or adultery.

(b) The Investigating Officer recommended the applicant be charged under the UCMJ for an inappropriate relationship and implementation of training on UR 600-25.

(3) Great Lakes Battalion, U.S. Army Recruiting Command, Lansing, MI, Memorandum, Commander's Inquiry, 6 July 2012, reflects the battalion commander concurred with the findings of the investigating officer and the authority for disposition was returned to the company commander.

(4) CG Article 15, 25 July 2012, for violating a lawful general regulation, USAREC Regulation 600-25, paragraph 2-1a(1), by wrongfully having an unauthorized relationship with S__ a recruiting applicant, by contacting S__ about an unofficial, personal business on or about 1 April 2012. The punishment consisted of a forfeiture of \$673 pay (suspended); extra duty for 14 days; and an oral reprimand.

(5) Incident Information Report, 14 January 2014, reflects a complaint was submitted by F__ H. A__ alleging the applicant was sexually harassing them on Facebook, through phone texts, and sending photos of the applicant.

(6) U.S. Army Recruiting Battalion Great Lakes, Lansing, MI, Report of Investigation for Commander's Inquiry, 29 January 2014, reflects an investigating officer was appointed to investigate if the applicant engaged in sexual misconduct and/or unauthorized conduct (not physical) with A__ or significantly violate Army standards of conduct (violate Article 134).

(a) The Investigating Officer found:

- The first finding is missing because page five of six is missing from the AMHRR;
- violated the removal from recruiting under ALARACT 147;
- violated the no contact order;
- made a false official statement; and
- allowed A__ to become a friend through the applicant's personnel "Facebook" page, violating the USAREC Social Media Handbook

(b) The Investigating Officer recommended FG UCMJ punishment and consideration for possible involuntary separation. And an info paper or policy to provide guidance and clarification on the parameters of using "Facebook" as a recruiting tool.

(7) U.S. Army Recruiting Battalion Great Lakes, Lansing, MI, Memorandum, Commander's Inquiry; AR 15-6 Investigation (Applicant), 3 February 2014, reflects the battalion commander found that based on the preponderance of evidence, the applicant:

(a) Tried to pursue a prohibited relationship, in violation of AR 600-20 and UR 600-25, with a potential recruiting applicant; violated the applicant's removal from recruiting under ALARACT 147; violated the no contact order on DD Form 2873 (Sworn Statement) from CPT T__; made a false official statement on a DA Form 2823; and "friended" a potential recruiting applicant on the applicant's personal Facebook page, violating the USAREC Social Media Handbook.

(b) The battalion commander recommended FG UCMJ action and consideration for possible involuntary separation.

(8) Headquarters, U.S. Army 3rd Recruiting Brigade, Fort Knox, KY, Memorandum, Commander's Inquiry, Recruiter (Applicant), 27 February 2014, the brigade commander states the allegation that the applicant sexually harassed A__ on Facebook, through phone texts, and sending naked photos of themselves is substantiated. The brigade commander recommended FG UCMJ and initiation of administrative separation for serious misconduct.

(9) FG Article 15, 8 April 2014, for violating a lawful general regulation, USAREC Regulation 600-25 on two separate occasions between on or about 1 August 2013 and 31 January 2014, by wrongfully sexually harassing A__ on Facebook, through phone text, and sending a partially naked photo of themselves; by wrongfully sending A__ sexual in nature text and a photo of themselves; and failing to obey the lawful order of CPT R__ W. T__, on or about 14 January 2014, by wrongfully contacting A__. The punishment consisted of a reduction from E-6 to E-5; forfeiture of \$1,416.00 pay per month for 2 months; and extra duty and restriction for 45 days (suspended).

(10) On 5 June 2014, the applicant was notified that the commander initiated action to separate the applicant.

(11) On 9 June 2014, the battalion commander approved the applicant's request for a conditional waiver requesting a general under honorable conditions discharge.

(12) The applicant's Enlisted Record Brief, 30 September 2014, shows the applicant was flagged for elimination - field initiated (BA), effective 1 May 2014; and was ineligible for reenlistment due to pending separation (9V).

(13) The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty), reflects the applicant had completed the first full term of service. The applicant was discharged on 8 September 2014 under the authority of AR 635-200, paragraph 14-12c, with a narrative reason of Misconduct (Serious Offense). The DD Form 214 was authenticated with the applicant's electronic signature.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: VA Rated Disabilities list reflecting the applicant was rated 50 percent disability for PTSD.

(2) AMHRR Listed:

(a) Report of Medical Examination, 15 April 2014, the examining medical physician noted the applicant's medical conditions in the comments section: Anxiety.

(b) Report of Mental Status Evaluation, 15 May 2014, reflects the applicant was psychiatrically cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant had been screened for PTSD and mild TBI with positive results for both. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. It was in the opinion of the behavioral health provider that the applicant's PTSD issues were not contributory to the issues leading to initiation of the chapter separation. The command was advised to consider the influence of these conditions. The applicant was diagnosed with PTSD.

The ARBA's medical advisor reviewed DoD and VA medical records and not solely those documents listed in 4j(1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293; self-authored statement; Oath of Extension of Enlistment; DD Form 214; three third-party statements; MBA admission letter; VA Rated Disabilities list; VA Summary of Benefits letter; Compensation Claim list; Bachelor of Applied Science certificate; and 12 photos depicting family and teams.

6. POST SERVICE ACCOMPLISHMENTS: The applicant remarried, earned a bachelor's degree, was accepted for a master of business administration program, volunteers as a softball and baseball coach for the children and obtained employment with an electric company.

7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given 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; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. Army Regulation 15-180 (Army Discharge Review Board) sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10, United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) provides the basic authority for the separation of enlisted personnel.

(1) An honorable discharge is a separation with honor and 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.

(2) A general discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(3) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities

and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

(4) Paragraph 14-3 prescribes a discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

(5) Paragraph 14-12c prescribes a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

(6) Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

e. Army Regulation 635-5-1 (Separation Program Designator (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. It identifies the SPD code of "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c, misconduct (serious offense).

f. Army Regulation 601-210, (Regular Army and Reserve Components Enlistment Program) governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1 defines reentry eligibility (RE) codes:

(1) RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

(2) RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

8. SUMMARY OF FACT(S): The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

a. The applicant requests an upgrade to honorable, and changes to the SPD and narrative reason. The applicant's AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's DD Form 214 shows the applicant served 9 years, 6 months, and 6 days during which the applicant served 2 years, 1 month, and 21 days in Iraq. The applicant received a CG and FG Record of Proceedings under Article 15, UCMJ, for inappropriate behavior with two recruiting applicants. The applicant was discharged on 8 September 2014 under the provisions of AR 635-200, Chapter 14, paragraph 14-12c, by reason of Misconduct (Serious Offense), with a characterization of service of general (under honorable conditions).

c. The applicant requests the narrative reason for the discharge to be changed. The applicant was separated under the provisions of Chapter 14, paragraph 14-12c, AR 635-200 with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Misconduct (Serious Offense)," and the separation code is "JKQ." Army Regulation 635-8, Separation Processing and Documents, governs the preparation of the DD Form 214, and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1, Separation Program Designator (SPD) Codes. The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

d. The applicant requests the SPD to be changed. Separation codes are three-character alphabetic combinations that identify reasons for, and types of, separation from active duty. The primary purpose of SPD codes is to provide statistical accounting of reasons for separation. They are intended exclusively for the internal use of DoD and the Military Services to assist in the collection and analysis of separation data. The SPD Codes are controlled by OSD and then implemented in Army policy AR 635-5-1 to track types of separations the SPD code specified by Army Regulations for a discharge under Chapter 14, paragraph 14-12c, is "JKQ."

e. The applicant contends, in effect, during the period of the discharge proceedings, the applicant was struggling with undiagnosed PTSD, which was the primary reason for the behavior at the time of separating from the Army. The first deployment, as part of the surge in 2008, undoubtedly affected the applicant's overall mental health. The stigma of being frowned on and appearing weak as an infantryman and a paratrooper, caused the applicant not to seek help. An online relationship with a possible recruit and an unauthorized relationship according to USAREC Regulations, led to the current discharge.

(1) The applicant's AMHRR contains:

(a) Report of Medical Examination, 15 April 2014, the examining medical physician noted the applicant's medical conditions in the comments section: Anxiety.

(b) Report of Mental Status Evaluation, 15 May 2014, reflects was diagnosed with PTSD.

(2) The applicant provided a VA Rated Disabilities list reflecting the applicant was rated 50 percent disability for PTSD.

f. The applicant remarried, earned a bachelor's degree, was accepted for a master of business administration program, volunteers as a softball and baseball coach for the children and obtained employment with an electric company. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. No law or regulation provides for the upgrade of an unfavorable discharge based solely on the passage of time or good conduct in civilian life after leaving the service. The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate

previous in-service misconduct was an aberration and not indicative of the member's overall character.

g. The third party statements provided with the application reflect the applicant has paid a price for their indiscretion with the ending of their military career. The applicant has been an amazing father, husband, coach, and person. The applicant made a bad decision and paid for it, and is continuing to pay for it. The applicant is a gifted employee who goes above and beyond in what they are tasked to do. The applicant is forthright, fair, discreet, motivational, and supremely knowledgeable in track work at CSX (current job).

h. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

9. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnosis: PTSD

(2) Did the condition exist or experience occur during military service? **Yes.** PTSD

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that although the applicant asserts thrill seeking, documentation supports multiple steps, over time, with awareness of what decisions were being planned and executed and possible consequences; any conditions did not impair his ability to make conscious and thought-out choices.

(4) Does the condition or experience outweigh the discharge? **No.** Based on liberally considering all the evidence before the Board, the ADRB determined that the PTSD diagnosis did not outweigh the basis of separation- An online relationship with a possible recruit and an unauthorized relationship.

b. Prior Decisions Cited:

c. Response to Contention: The applicant contends, in effect, during the period of the discharge proceedings, the applicant was struggling with undiagnosed PTSD, which was the primary reason for the behavior at the time of separating from the Army. The first deployment, as part of the surge in 2008, undoubtedly affected the applicant's overall mental health. The stigma of being frowned on and appearing weak as an infantryman and a paratrooper, caused the applicant not to seek help. An online relationship with a possible recruit and an unauthorized relationship according to USAREC Regulations, led to the current discharge.

d. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the issues before the Board. The applicant is responsible for satisfying the

burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

e. Rationale for Decision:

(1) The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The Board found insufficient evidence of in-service mitigating factors and concurred with the conclusion of the medical advising official that the applicant's BH condition (PTSD) does not mitigate the applicant's misconduct. While liberal consideration was applied, the condition is not mitigating. Although the applicant asserts thrill seeking, documentation supports multiple steps, over time, with awareness of what decisions were being planned and executed and possible consequences; any condition did not impair his ability to make conscious and thought-out choices. The applicant broke the trust of the Army and the recruits he was charged with helping to enter the Army, therefore, based on a preponderance of evidence, the Board determined that the reason for the applicant's separation and the character of service the applicant received upon separation were proper and equitable.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, and the reason the applicant was discharged was both proper and equitable.

(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order:** No
- b. Change Characterization to:** No change
- c. Change Reason / SPD code to:** No change
- d. Change RE Code to:** No change
- e. Change Authority to:** No change

Authenticating Official:

7/31/2024

X

Presiding Officer, COL, U.S. ARMY
Army Discharge Review Board

Legend:

AWOL – Absent Without Leave
AMHRR – Army Military Human Resource Record
BCD – Bad Conduct Discharge
BH – Behavioral Health
CG – Company Grade Article 15
CID – Criminal Investigation Division

ELS – Entry Level Status
FG – Field Grade Article 15
GD – General Discharge
HS – High School
HD – Honorable Discharge
IADT – Initial Active Duty Training
MP – Military Police
MST – Military Sexual Trauma

N/A – Not applicable
NCO – Noncommissioned Officer
NIF – Not in File
NOS – Not Otherwise Specified
OAD – Ordered to Active Duty
OBH (I) – Other Behavioral Health (Issues)

OMPF – Official Military Personnel File
PTSD – Post-Traumatic Stress Disorder
RE – Re-entry
SCM – Summary Court Martial
SPCM – Special Court Martial

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20200006859

SPD – Separation Program
Designator
TBI – Traumatic Brain Injury

UNC – Uncharacterized
Discharge

UOTHC – Under Other Than
Honorable Conditions

VA – Department of Veterans
Affairs