

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 9 September 2020
- b. **Date Received:** 18 September 2020
- c. **Counsel:** None

2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is under other than honorable conditions. The applicant requests an upgrade to honorable and for their DD Form 214 (Certificate of Release or Discharge from Active Duty) to reflect their second deployment to Iraq.

(2) The applicant seeks relief stating their discharge is a poor reflection of their service because they were promoted to the rank/grade of sergeant/E-5 and received several awards. It is an injustice because they were not afforded the proper mental health treatment reflective of their combat experience and needed to calm their psyche. Their actions in the military were synonymous to Post-Traumatic Stress Disorder (PTSD) symptomology.

(3) During their deployment to Kuwait in January 2005, they did about 75 convoys into Iraq. On one of their platoon's missions they were hit by an improvised explosive device, it hit about 6 or 7 vehicles in front of them. On another mission they were exposed to depleted uranium. After their deployment, they went home on leave and their family noticed a few changes in them, they were really nervous, anxious, apprehensive about loud noises and jumpy, they were definitely suffering from PTSD. In June 2006, they reported to their new duty station at Fort Hood, TX.

(4) In October 2006, they deployed to Iraq, which is not documented on their DD Form 214. They received constant mortar attacks and one mortar attack hit their living quarters area. Their unit returned from their deployment in January 2008, and they took leave back to their home state. They struggled so much after the deployment with anxiety, feeling nervous, jumpy, apprehensive to loud noises, and not sleeping well due to nightmares. They went to their leadership for help and was basically told that they just needed to deal with it and that everybody was dealing with the same thing. They felt that they had no options in getting help and went absent without leave (AWOL) at that time. They found employment on 24 August 2009 and have been with that company since that day. They stayed under the radar for a few more years before being caught. After all this time and comments from their family, they recognize their mental distress was and is related to PTSD.

b. Board Type and Decision:

(1) The issue regarding the applicant's DD Form 214 to reflect their second deployment is not within the purview of this Board. This issue should be addressed by the Army Board of Correction of Military Records (ABCMR). A DD Form 149 (Application for the Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552) is enclosed for the applicant's use.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20230009435

(2) In a records review conducted on 5 April 2024, and by a 5-0 vote, the Board determined the applicant's separation is now inequitable based on the applicant's BH condition, Major Depressive Disorder, mitigates the basis of separation – absent without leave (AWOL). Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions) with a separation code of JKN and change of the reentry eligibility (RE) code to 3.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: In Lieu of Trial by Court-Martial / Army Regulation 635-200, Chapter 10 / KFS / RE-4 / Under Other Than Honorable Conditions

b. Date of Discharge: 2 November 2012

c. Separation Facts:

(1) **Date and Charges Preferred (DD Form 458, Charge Sheet):** 26 August 2012 / violation of Article 86 (Absence Without Leave), Uniform Code of Military Justice (UCMJ)

(2) **Legal Consultation Date:** Undated

(3) **Basis for Separation:** on or about 20 March 2011, without authority, absent themselves from their organization, to wit: Special Processing Company, U.S. Army Personnel Control Facility, Fort Knox, KY, and did remain so absent until on or about 6 August 2012.

(4) **Recommended Characterization:** Under Other Than Honorable Conditions

(5) **Separation Decision Date / Characterization:** Undated / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 29 April 2005 / NIF

b. Age at Enlistment / Education / GT Score: 38 / HS Graduate / 97

c. Highest Grade Achieved / MOS / Total Service: E-5 / 88M2O, Motor Transport Operator / 11 years, 26 days.

d. Prior Service / Characterizations: USAR, 15 May 2000 – 1 January 2003, HD
IADT, 31 May 2000 – 29 September 2004, HD
(Concurrent Service)

e. Overseas Service / Combat Service: Germany, SWA / Kuwait, Iraq (6 January 2005 – 6 January 2006 and 27 October 2006 – 12 January 2008)

f. Awards and Decorations: ARCOM, AAM, AGCM, NDSM, GWTEM, GWTSM, OSR-2, NCOPDR / The applicant's Army Military Human Resource Record (AMHRR) reflects award of the ICM-CS and ASR, however, the award is not reflected on their DD Form 214.

g. Performance Ratings: March 2005 – February 2006 / Fully Capable

1 March 2006 – 28 February 2007 / Fully Capable

1 March 2007 – 29 February 2008 / Fully Capable

h. Disciplinary Action(s) / Evidentiary Record:

(1) Note: The applicant's AMHRR is void of documents discharging the applicant from the U.S. Army Reserve, their reenlistment in the Regular Army on 29 April 2005, and their second deployment to Iraq 27 October 2006 through 12 January 2008.

(2) The applicant's 2008 Master Military Pay Account (MMPA) reflects their service in Iraq from 27 October 2006 through 12 January 2008.

(3) A DA Form 2166-8 (NCO Evaluation Report) covering the period 1 March 2007 through 29 February 2008, reflects in –

- Part II (Authentication) – reflects the applicant's rater signed the form on 5 August 2008, senior rater signed on 21 August 2008, and the reviewer signed the form on 23 September 2008
- Part Va (Rater – Overall Potential) – their rater marked "Fully Capable"
- Part Vc (Senior Rater – Overall Performance) – their senior rater marked "2 (Successful)"
- Part Vd (Senior Rater – Overall Potential) – their senior rater marked "2 (Superior)"
- Part Ve (Senior Rater Bullet Comments) – their senior rater commented, in part, "Soldier is unavailable for signature due to being AWOL"

(4) A Duty Status – Listing, reflects the applicant duty status –

- AWOL – from 31 August 2006 through 5 September 2006
- AWOL – 20 June 2008 through 20 March 2011
- [Note: The applicant's AMHRR is void of documents surrounding their period of being AWOL from 20 June 2008 through 20 March 2011; however, the applicant's MMPA reflects a start date of AWOL as 20 June 2008]

(5) A DA Form 4187 (Personnel Action) dated 1 April 2011, the applicant's unit, U.S. Army Personnel Control Facility, Fort Knox, KY, changed the applicant's duty status from Present for Duty to AWOL, effective 20 March 2011.

(6) A DD Form 563 (Deserter/Absentee Wanted by the Armed Forces) dated 21 April 2011, reflects the applicant, on or about 20 March 2011, did without authority and with the intent to remain away therefrom permanently, absent themselves from their unit. Item 19 (Remarks) reflects the applicant's previous AWOL charge, 31 August 2006 through 5 September 2006. However, the form does not state the applicant's duty status of AWOL from 20 June 2008 through 20 March 2011.

(7) A DA Form 4187 (Personnel Action) dated 21 April 2011, the applicant's unit, U.S. Army Personnel Control Facility, Fort Knox, KY, changed the applicant's duty status from AWOL to Dropped from Rolls, effective 21 April 2011.

(8) The applicant's 2009 through 2012 MMPA reflects the applicant received zero federal and state wages.

(9) A DD Form 616 (Report of Return of Absentee) dated 6 August 2012, reflects the applicant was apprehended by civil authorities and returned to military control on 6 August 2012. Item G (Remarks) states the applicant was a previous deserter – recommend escort.

(10) A DA Form 4187 (Personnel Action) dated 10 August 2012, the applicant's unit, U.S. Army Personnel Control Facility, Fort Knox, KY, changed the applicant's duty status from Dropped from Rolls to Present for Duty, effective 6 August 2012.

(11) A DD Form 458 (Charge Sheet) dated 26 August 2012, reflects charges referred against the applicant for, on or about 20 March 2011, did, without authority, absent themselves from their organization, to wit: Special Processing Company, U.S. Army Personnel Control Facility, Fort Knox, KY, and did remain so absent until on or about 6 August 2012.

(12) The applicant's memorandum, subject: Request for Discharge in Lieu of Trial by Court-Martial), undated, reflects the applicant voluntarily requested discharge in lieu of trial by court-martial, under Army Regulation 635-200, chapter 10. They understood that they may request discharge in lieu of trial because the charge of violation of Article 86 (AWOL), UCMJ, from on or about 20 March 2011 to on or about 6 August 2012, which has been preferred against them, which authorizes the imposition of a bad conduct or dishonorable discharge. The applicant further acknowledged they were guilty of the charge against them or a lesser one.

(a) They understood, that if their request for discharge is accepted, they may be discharged under conditions which are other than honorable and furnished an Other Than Honorable Discharge certificate. They have been advised and understood the possible effects of an Other Than Honorable Conditions discharge and that as a result of the issuance of such discharge, they will be deprived of many or all Army benefits, that they and that they may be deprived of their rights and benefits as a veteran under both Federal and State law. They understood that they will be automatically reduced to the grade of private/E-1 upon the approval of the Other Than Honorable Conditions discharge.

(b) They elected to submit a statement on their behalf. (Note: their statement is not in evidence for review.)

(13) A memorandum, U.S. Army Installation Management Command, subject: Request for Discharge in Lieu of Trial by Courts-Martial, [Applicant], undated, provides the commander approved the applicant's request for voluntary discharge with a characterization of under other than honorable conditions and reduction to the rank/grade of private/E-1.

(14) Headquarters, U.S. Army Personnel Control Facility, Fort Knox, KY Orders 304-1, dated 30 October 2012, reflects the applicant reduction in rank/grade from sergeant/E-5 to private/E-1, effective 27 August 2012.

(15) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 2 November 2012. The DD Form 214 shows in –

- item 4a (Grade, Rate or Rank) – Private
- item 4b (Pay Grade) – E-1
- item 12c (Net Active Service This Period) – 8 years, 5 months, 14 days
- item 12f (Foreign Service) – 2 years, 2 months, 24 days
- item 12i (Effective Date of Pay Grade) – 27 August 2007
- item 18 (Remarks) – in part,
 - Service in Kuwait 20050106 – 20060106 [Note: no entry for service in Iraq]

- Excess Leave (Creditable for all Purposes Except Pay and Allowance) – 80 days – 20120815-20121102
- Member has not Completed First Full Term of Service

- item 24 (Character of Service) – Under Other Than Honorable Conditions
- item 26 (Separation Code) – KFS [In Lieu of Trial by Court-Martial]
- item 27 (Reentry Code) – 4
- item 28 (Narrative Reason for Separation) – In Lieu of Trial by Court-Martial
- item 29 (Dates of Time Lost During This Period) – 20110320 - 20120806

i. Lost Time / Mode of Return: 1 year, 4 months, 18 days (AWOL, 20 March 2011 – 6 August 2012) / Apprehended by Civil Authorities (Note the following period of Lost Time are not shown in the applicant's DD Form 214 - 31 August 2006 through 5 September 2006 and 20 June 2008 through 19 March 2011).

j. Behavioral Health Condition(s): None

5. APPLICANT-PROVIDED EVIDENCE: None submitted in support of their petition.

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552), with attached letters
- DA Form 2166-8
- DD Form 214
- five 3rd Party Statements, attesting to the applicant's character and their second deployment to Iraq

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the application.

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

a. Title 10, U.S. Code, Section 1553, (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, Title 10, U.S. Code, Section 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 (DoD) 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), dated 25 September 2019, 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), 6 September 2011, set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(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) An Under other-than-honorable-conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(4) A separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status, except when: (1) Characterization under other than honorable conditions is authorized under the reason for separation and is warranted by the circumstances of the case. (2) The Soldier has less than 181 days of continuous active military service, has completed Initial Entry Training (IET), has been awarded a Military Occupational Specialty (MOS), and has reported for duty at a follow-on unit of assignment.

(5) Chapter 10 (Discharge in Lieu of Trial by Court-Martial) stated a Soldier who has committed an offense or offenses, the punishment for which under the UCMJ and the Manual of Courts-Martial, 2012, includes a bad conduct or dishonorable discharge, may submit a request for discharge in lieu of trial by court-martial. The Soldier's written request will include an acknowledgment that he/she understands the elements of the offense(s) charged and is guilty of the charge(s) or of a lesser included offense(s) therein contained which also authorizes the imposition of a punitive discharge.

(6) Paragraph 10-6 stipulates medical and mental examinations are not required but may be requested by the Soldier under Army Regulation 40-501, chapter 8.

(7) Paragraph 10-8 (Types of Discharge, Characterization of Service) stated a discharge under other than honorable conditions normally is appropriate for a Soldier who is discharged in lieu of trial by court-martial. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record during the current enlistment. For Soldiers who have completed entry-level status, characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be improper.

(8) Paragraph 10-10, Limited use evidence, states due diligence should be exercised to avoid including limited use evidence in a separation action under this chapter, but the inclusion of such evidence will not form the basis for a Soldier to challenge the separation or the characterization of service. If limited use evidence is included in the separation action, the requirement that an honorable discharge be given due to the introduction of limited use evidence does not apply to separations under this chapter. The separation authority will include a statement in the approval of separation under this chapter that the inclusion of any information in the separation packet, which may be considered limited use evidence, was excluded as evidence from and not considered or used against the Soldier on the issue of characterization in accordance with DoDI 1010.01 and AR 600-85.

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 "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

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 Department of Defense Instructions 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.

g. Manual for Courts-Martial (2012 Edition), United States, states military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good orders and discipline in the Armed Forces. Article 86 (AWOL) states in subparagraph being absence without leave for more than 30 days, the maximum punishment consists of a dishonorable discharge, forfeiture of all pay and allowances, and confinement for 18 months.

8. SUMMARY OF FACT(S):

a. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

b. A review of the records provides administrative irregularity in the proper retention of required records. Specifically, the applicant's AMHRR is void of the specific facts and circumstances concerning the applicant's previous periods of being AWOL from 31 August 2006 through 5 September 2006 and 20 June 2008 through 20 March 2011.

c. The evidence in the applicant's AMHRR confirms the applicant was charged with the commission of an offense punishable under the UCMJ with a punitive charge. The applicant, in consultation with legal counsel, voluntarily requested, in writing, a discharge under the provisions of Army Regulation 635-200, chapter 10, in lieu of trial by court-martial. In this request, the applicant admitted to the offense, or a lesser included offense, and indicated an understanding a under other than honorable conditions discharge could be received, and the discharge would have a significant effect on eligibility for veterans' benefits. The under other than honorable conditions discharge received by the applicant was normal and appropriate under the regulatory guidance. They completed 8 years, 5 months, and 14 days of net active service this period and completed their first full term of service; however, their reenlistment document, dated 29 April 2005, is not in evidence showing their contractual service obligation.

d. Army Regulation 635-200 states a Chapter 10 is a voluntary discharge request in-lieu of trial by court-martial. A discharge under other than honorable conditions normally is appropriate for a Soldier who is discharged in lieu of trial by court-martial. However, the separation authority

may direct a general discharge if such is merited by the Soldier's overall record during the current enlistment. For Soldiers who have completed entry-level status, characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be improper.

e. The applicant's AMHRR contains no documentation of a diagnosis of PTSD during the applicant's term of service nor did the applicant provide documentation of a diagnosis of PTSD during their service or after their discharge from service.

f. 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 diagnoses/experiences: Adjustment Disorder with depressed mood; Major Depressive Disorder; Post-Traumatic Stress Disorder (self-assertion).

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found Major Depressive Disorder and self-asserted diagnosis of Post-Traumatic Stress Disorder both occurred or began during active duty.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the applicant has a mitigating behavioral health condition, Major Depressive Disorder. As there is an association between Major Depressive Disorder and avoidant behavior, there is nexus between her diagnosis of Major Depressive Disorder and her period of Absent Without Leave. (Note- diagnosis of Adjustment Disorder with depressed mood and self-assertion of Post-Traumatic Stress Disorder are subsumed under diagnosis of Major Depressive Disorder).

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's BH conditions outweighed the applicant's AWOL.

b. Response to Contention(s):

(1) The applicant contends stating they made a lot of mistakes when they were younger, and they have learned from their mistakes. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Major Depressive Disorder fully outweighing the applicant's Absent Without Leave basis for separation.

(2) The applicant contends stating based on their mistake they feel the punishment has served its purpose and they would like the Board to reconsider their character of service. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Major Depressive Disorder fully outweighing the applicant's Absent Without Leave basis for separation.

c. The Board determined, based on the applicant's BH diagnosis (Major Depressive Disorder) fully mitigates the applicant's misconduct. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions) with a separation code of JKN and change of the reentry eligibility (RE) code to 3.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Major Depressive Disorder mitigated the applicant's misconduct of Absent Without Leave. Thus, the prior characterization is no longer appropriate.

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

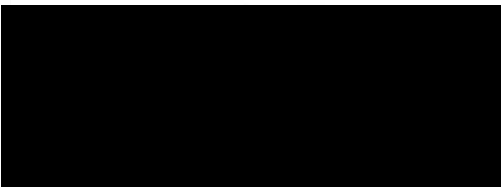
(3) The Board voted to change the RE code to RE-3.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD Code to: Misconduct (Minor Infractions)/JKN
- d. Change RE Code to: RE-3
- e. Change Authority to: AR 635-200

Authenticating Official:

4/26/2024



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

SPD – Separation Program Designator
 TBI – Traumatic Brain Injury
 UNC – Uncharacterized Discharge
 UOTHC – Under Other Than Honorable Conditions
 VA – Department of Veterans Affairs