

1. Applicant's Name:

- a. **Application Date:** 29 October 2020
- b. **Date Received:** 2 November 2020
- c. **Counsel:** Yes

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

a. **Applicant's Requests and Issues:** The current characterization of service for the period under review is uncharacterized. The applicant through counsel, requests an upgrade to honorable and changes to the RE code 3 to 1 and the narrative reason to "Secretarial Authority."

b. The applicant through counsel, seeks relief contending, in effect, during the applicant's brief service in the NY Army National Guard of the United States (NYARNGUS), the applicant unsuccessfully completed three Army Physical Fitness Tests (APFTs). Specifically, the applicant was failing the body composition portion of the APFT due to being approximately one percent over the maximum allowable body mass index. As a result of the applicant's three failed APFTs, the command initiated administrative separation proceedings shortly after enlistment in the ARNGUS.

c. The applicant's chain of command made an error in discretion by discharging the applicant from the ARNGUS after only three and a half months of service and also an error in procedure by discharging the applicant without giving the applicant adequate time to successfully complete the APFT.

(1) According to Field Manual (FM) 7-22 (Army Physical Readiness Training), Chapter 6, when a Soldier fails the APFT the unit should consider many factors, including time in training and regular physical readiness training (PRT) participation. Although the applicant previously served in the U.S. Coast Guard (USCG), the applicant was new to the ARNGUS and the fitness requirements of the Department of the Army. The applicant's entry into the ARNGUS after previously being an enlisted member of the USCG is akin to a new Soldier that is fresh out of Initial Military Training (IMT). According to FM 7-22, paragraph 6-1 (6-2), the Soldier who is fresh out of IMT may have a level of physical performance that below the minimum threshold of the gaining unit. They may be a borderline APFT performer or borderline overweight. Regardless of the situation, they will not be accustomed to the demands placed on the lower extremities during a normal duty day. These Soldiers will face new conditions relating to physical performance such as acclimatization to altitude, temperature, and humidity. It can take up to 4 weeks to adapt to these unfamiliar conditions.

(2) Additionally, FM 21-20 (Physical Fitness Training) states that in the case of an APFT failure, the Soldier can retake the APFT as soon as the Soldier and the commander believe the Soldier is ready for the test, but the Soldier has up to 3 months to complete the retest, in accordance with AR 350-15 (AR 350-1 (Army Training and Leader Development)), paragraph 11 (Appendix F, subparagraph F-5m(6)). The applicant was deprived of the opportunity to have up to 3 months to retake the test. The command forced the applicant to retake the APFT three times within a 3 month span when the applicant clearly needed more time to prepare for the

fitness tests. This constitutes a prima facie example of mistakes of discretion and procedure by the command that resulted in the applicant's early separation from the ARNGUS.

(3) The applicant has also been unjustly stigmatized and prejudiced and impugned because of the entry level separation from the ARNGUS which has negative connotations associated with such a short period of service. If given the opportunity to prepare physically for the APFT, the applicant undoubtedly would have been a valuable asset to the NYARNG. Unfortunately, the applicant was robbed of the chance to prove themselves to the command and fellow Soldiers after only 3 months of Army service. The applicant served with honor and distinction in the Coast Guard, as evident by receipt of two Coast Guard Reserve Meritorious Service Ribbons, National Defense Service Medal, Humanitarian Service Medal, and Coast Guard Meritorious Team Commendation Ribbon.

d. Board Type and Decision: In a records review conducted on 19 January 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.

(Board member names available upon request)

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: NIF / NGR 600-200 / NIF / RE-3 / Uncharacterized

b. Date of Discharge: 6 May 2019

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** NIF

(2) **Basis for Separation:** NIF

(3) **Recommended Characterization:** NIF

(4) **Legal Consultation Date:** NIF

(5) **Administrative Separation Board:** NIF

(6) **Separation Decision Date / Characterization:** NIF

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 18 December 2018 / 3 years

b. Age at Enlistment / Education / GT Score: 35 / GED / NIF

c. Highest Grade Achieved / MOS / Total Service: E-4 / None / 8 years, 11 months, and 11 days

d. Prior Service / Characterizations: USCG RSV, 25 May 2010 - 17 December 2018 / HD
(Concurrent Service)
USCG, 24 May 2016 - 6 September 2016 / HD

e. Overseas Service / Combat Service: None

f. Awards and Decorations: CGGCM-2, NDSM, HSM, CGMTC

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Orders 9042011, 6 February 2019, reflects the applicant was ordered to initial active duty for training (IADT) with a report date of 11 February 2019.

(2) The applicant provided NGB Form 22 (National Guard Report of Separation and Record of Service), reflecting the applicant was discharged on 2 April 2019 under the authority of National Guard Regulation (NGR) 600-200, Chapter 6 and Army Regulation (AR) 135-178 (Enlisted Administrative Separations) with an uncharacterized character of service. The NGB Form 22 was not authenticated with the applicant's electronic signature.

(3) The applicant provided Orders 226-1006, 14 August 2019, reflecting the applicant was discharged from the ARNG and the reserve of the Army, effective 2 April 2019 with an uncharacterized discharge. The Assignment/Loss Definition reflects: Pre-IADT Discharge Program.

(4) NGB Form 22A (Correction to NGB FM 22), reflects the applicant's discharge date was changed to reflect 6 May 2019.

(5) Orders 0000317093, 10 April 2020, reflects the applicant was involuntarily discharged on 6 May 2019 with an uncharacterized character of service. The Assignment Loss Reason reflects: Pre- IADT Discharge.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) **Applicant provided:** None

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE: Two DD Forms 293; Attorney brief; NGB Form 22; separation orders.

6. POST SERVICE ACCOMPLISHMENTS: The applicant has been employed as a corrections officer at the Bellevue Hospital Forensic Psychiatry Ward for the past 11 years. The applicant is a dedicated family man and spends the majority of time with their wife and three children.

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. AR 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. AR 135-178 (Enlisted Administrative Separations) sets forth the policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of Army National Guard and U.S. Army Reserve (USAR) enlisted Soldiers for a variety of reasons. The separation policies throughout the different Chapters in this regulation promote the readiness of the Army by providing an orderly means to judge the suitability of persons to serve on the basis of their conduct and their ability to meet required standards of duty performance and discipline. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, and convictions by civil authorities.

(1) At separation, the following types of characterization of service or description of separation are authorized: an honorable, general (under honorable conditions), under other than honorable conditions, or uncharacterized if the Soldier is in entry-level status. However, the permissible range of characterization varies based on the reason for separation.

(2) Characterization is based upon the quality of the Soldier's service, including the reason for separation, and determined in accordance with standards of acceptable personal conduct and performance of duty as found in the Uniformed Code of Military Justice, Army regulations, and the time-honored customs and traditions of the Army. The reasons for separation, including the specific circumstances that form the basis for the discharge are considered on the issue of characterization.

(3) Service will be described as uncharacterized if separation processing is initiated while a Soldier is in an entry level status, except in the following circumstances:

(a) When characterization under other than honorable conditions is authorized under the reason for separation and is warranted by the circumstances of the case; or

(b) The Secretary of the Army, or the Secretary's designated representative, on a case-by-case basis, determines that characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of military duty. This characterization is authorized when the Soldier is separated:

- By reason of selected changes in service obligations (Chapter 5); or
- For the convenience of the Government (Chapter 6); or
- Under the Secretarial plenary authority (Chapter 13)

(4) Chapter 13, 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 memorandums. Secretarial separation authority is normally exercised on a case-by-case basis.

(5) Initial entry training (IET) is mandatory training each Army Soldier must complete upon initial entry in the service to qualify in a military specialty or branch. This training is required by law for deployability on land outside the continental limits of the United States in accordance with Title 10, United States Code 671. IET encompasses the completion of basic training and specialty or branch qualification while serving on active duty or ADT. For ARNGUS and USAR Soldiers it includes completion of IADT, the officer basic course, and the warrant officer basic course.

(6) A member of a Reserve component who is not on active duty or who is serving under a call or order to active duty for 180 days or less begins entry-level status upon enlistment in a Reserve component. Entry-level status of such a member of a Reserve component terminates (a) 180 days after beginning training if the Soldier is ordered to ADT for one continuous period of 180 days or more; or (b) 90 days after the beginning of the second period of ADT if the Soldier is ordered to ADT under a program that splits the training into two or more separate periods of active duty. For the purposes of characterization of service, the Soldier's status is determined by the date of notification as to the initiation of separation proceedings.

e. AR 350-1 (Army Training and Leader Development) prescribes policies, procedures, and responsibilities for developing, managing, and conducting Army training and leader development. It states Soldiers must take a record APFT every 6 months for Regular Army and Active Guard and Reserve Soldiers, and annually for all other USAR and ARNG Soldiers. If a Soldier fails a record APFT, commanders may allow Soldiers to retake the test as soon as the Soldier and commander feel the Soldier is ready to test (not to exceed 90 days). A repetitive APFT failure occurs when a Soldier fails a record test, is provided adequate time and assistance to condition (not to exceed 90 days), and fails again. Soldiers without medical profiles that fail a retest or fail to take the APFT with no authorized waiver within the required time will be barred from re-enlistment or processed for separation from the service.

f. AR 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 USAR, and ARNG 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 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. AR 600-9 (The Army Body Composition Program (ABCP)), establishes policies and procedures for the implementation of the ABCP. Active Army and Reserve Component Soldiers who exceed body fat standards in appendix B will be enrolled in the unit ABCP. Initial entry Soldiers who exceed body fat standards after 180 days from date of entry to active service will be entered in the ABCP and flagged under the provisions of AR 600-8-2 by the unit commander. Notification counseling is required when a Soldier is determined to be exceeding the body fat standard. In accordance with AR 600-8-2 (Suspension of Favorable Personnel Actions (Flag)), the commander has three working days to flag the Soldier using DA Form 268 (Report to Suspend Favorable Personnel Actions (Flag)) and two working days from initiation of DA Form 268 to counsel and/or notify and enroll the Soldier in the ABCP. In part, Soldiers will be advised they:

- must participate in unit monthly ABCP assessments to document their progress

- must meet the body fat standard in order to be released from the ABCP
- must demonstrate satisfactory progress, as defined in paragraph 3-9b, while enrolled in the ABCP and understand that failure to do so will result in bar to reenlistment or initiation of separation proceedings
- may request a medical examination if there is reason to believe that there is an underlying medical condition that may be the direct cause of weight gain or the direct cause of the inability to lose weight or body fat
- must acknowledge enrollment in the ABCP by memorandum to the commander within 2 working days of notification of enrollment

h. NGR 600-200 and AR 135-91 govern procedures covering enlisted personnel management of the ARNG. Chapter 6 of NGR 600-200 covers, in pertinent part, reasons for discharge and separation of enlisted personnel from the State ARNG. Chapter 6 of NGR 600-200 covers, in pertinent part, reasons for discharge and separation of enlisted personnel from the State ARNG.

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 RE code 3 to 1 and the narrative reason to "Secretarial Authority." The applicant's AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's AMHRR is void of the specific facts and circumstances concerning the events which led to the applicant's discharge from the ARNGUS. The applicant's record does contain a properly constituted NGB Form 22, which was not authenticated with the applicant's electronic signature. The applicant's NGB Form 22, indicates the applicant was discharged under the provisions of NGR 600-200, Chapter 6 and AR 135-178, with a characterization of service of uncharacterized.

c. The applicant through counsel contends, the narrative reason for the discharge should be changed to "Secretarial Authority." The applicant was separated under the provisions of Chapter 6, NGR 600-200, with an uncharacterized discharge. Narrative reasons are specified by NGR 600-200. The applicant's AMHRR is void of the specific reason for the discharge and the NGB Form 22 does not specify a narrative reason.

d. The applicant through counsel requests an RE code change from 3 to 1. Soldiers processed for separation are assigned reentry codes based on their service records or the reason for discharge. An RE Code of "3" indicates the applicant requires a waiver before being allowed to reenlist. Recruiters can best advise a former service member as to the Army's needs at the time and are required to process waivers of RE codes if appropriate.

e. The applicant through counsel contends, in effect, during the applicant's brief service in the NYARNGUS, the applicant unsuccessfully completed three APFTs. Specifically, the applicant failed the body composition portion of the APFT. As a result of the applicant's three failed APFTs, the command initiated administrative separation proceedings shortly after enlistment in the ARNGUS. The applicant's chain of command made an error in discretion by discharging the applicant from the ARNGUS after only three and a half months of service and also an error in procedure by discharging the applicant without giving the applicant adequate time to successfully complete the APFT.

(1) FM 7-22 (Army Physical Readiness Training), Chapter 6, states when a Soldier fails the APFT the unit should consider many factors, including time in training and regular PRT

participation. Although the applicant previously served in the USCG, the applicant was new to the ARNGUS and the fitness requirements of the Department of the Army. The applicant's entry into the ARNGUS after previously being an enlisted member of the USCG is akin to a new Soldier that is fresh out of IMT. According to FM 7-22, paragraph 6-1 (6-2), the Soldier who is fresh out of IMT may have a level of physical performance that below the minimum threshold of the gaining unit. They may be a borderline APFT performer or borderline overweight. Regardless of the situation, they will not be accustomed to the demands placed on the lower extremities during a normal duty day. These Soldiers will face new conditions relating to physical performance such as acclimatization to altitude, temperature, and humidity. It can take up to 4 weeks to adapt to these unfamiliar conditions.

(2) Additionally, FM 21-20 (Physical Fitness Training) states that in the case of an APFT failure, the Soldier can retake the APFT as soon as the Soldier and the commander believe the Soldier is ready for the test, but the Soldier has up to 3 months to complete the retest, in accordance with AR 350-15 (AR 350-1 (Army Training and Leader Development)), paragraph 11 (Appendix F, subparagraph F-5m(6)). The applicant was deprived of the opportunity to have up to 3 months to retake the test. The command forced the applicant to retake the APFT three times within a 3 month span when the applicant clearly needed more time to prepare. This constitutes a prima facie example of mistakes of discretion and procedure by the command that resulted in the applicant's early separation from the ARNGUS.

(3) Analyst notes the applicant's AMHRR is void of the applicant's APFT scorecards and DA Form 5500 (Body Fat Assessment Worksheet) and the applicant through counsel was unable to provide a copy.

(4) AR 350-1 states Soldiers must take a record APFT every 6 months for Regular Army and Active Guard and Reserve Soldiers, and annually for all other USAR and ARNG Soldiers. If a Soldier fails a record APFT, commanders may allow Soldiers to retake the test as soon as the Soldier and commander feel the Soldier is ready to test (not to exceed 90 days). A repetitive APFT failure occurs when a Soldier fails a record test, is provided adequate time and assistance to condition (not to exceed 90 days), and fails again. Soldiers without medical profiles that fail a retest or fail to take the APFT with no authorized waiver within the required time will be barred from re-enlistment or processed for separation from the service.

(5) AR 600-9, states Active Army and Reserve Component Soldiers who exceed body fat standards in appendix B will be enrolled in the unit ABCP. Initial entry Soldiers who exceed body fat standards after 180 days from date of entry to active service will be entered in the ABCP and flagged under the provisions of AR 600-8-2 by the unit commander. Failure to demonstrate satisfactory progress while enrolled in the ABCP will result in bar to reenlistment or initiation of separation proceedings.

(6) The AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

f. The applicant through counsel contends, in effect, the applicant served with honor and distinction in the Coast Guard, as evident by receipt of two Coast Guard Reserve Meritorious Service Ribbons, National Defense Service Medal, Humanitarian Service Medal, and the Coast Guard Meritorious Team Commendation Ribbon. The Board will consider the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

g. 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 [REDACTED] the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **N/A**. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused, or mitigated a discharge.

(2) Did the condition exist or experience occur during military service? **N/A**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Prior Decisions Cited: None

c. Response to Contentions:

(1) The applicant through counsel contends, the narrative reason for the discharge should be changed to "Secretarial Authority." The applicant was separated under the provisions of Chapter 6, NGR 600-200, with an uncharacterized discharge. Narrative reasons are specified by NGR 600-200. The applicant's AMHRR is void of the specific reason for the discharge and the NGB Form 22 does not specify a narrative reason. The Board considered this contention and determined that the applicant's official records do not contain the facts and circumstances surrounding the applicant's discharge and the applicant did not provide any evidence of the basis of the applicant's separation. In accordance with AR 635-200, based on the applicant's official record, applicant was separated while in an entry level status and an UNC is the proper characterization of service except when the DCS, G-1 determines that an HD is warranted based on unusual circumstances involving personal conduct and performance of duty, which is not applicable in this case. Therefore, no change is warranted.

(2) The applicant through counsel contends, in effect, during the applicant's brief service in the NYARNGUS, the applicant unsuccessfully completed three APFTs. Specifically, the applicant failed the body composition portion of the APFT. As a result of the applicant's three failed APFTs, the command initiated administrative separation proceedings shortly after enlistment in the ARNGUS. The applicant's chain of command made an error in discretion by discharging the applicant from the ARNGUS after only three and a half months of service and also an error in procedure by discharging the applicant without giving the applicant adequate time to successfully complete the APFT. In accordance with AR 635-200, based on the applicant's official record, applicant was separated while in an entry level status and an UNC is the proper characterization of service except when the DCS, G-1 determines that an HD is warranted based on unusual circumstances involving personal conduct and performance of duty, which is not applicable in this case. Therefore, no change is warranted.

(3) The applicant through counsel contends, in effect, the applicant served with honor and distinction in the Coast Guard, as evident by receipt of two Coast Guard Reserve Meritorious Service Ribbons, National Defense Service Medal, Humanitarian Service Medal,

and the Coast Guard Meritorious Team Commendation Ribbon. The Board recognizes and appreciates the applicant's service and awards.

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 voted not to change the applicant's characterization of service because there were no mitigating factors for the Board to consider. 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 was unable to determine if there was evidence of in-service or BH conditions mitigating factors because the applicant's official records do not contain the facts and circumstances surrounding the applicant's discharge and the applicant did not provide any evidence of the basis of the applicant's separation. Without knowing the facts and circumstances relating to the applicant's discharge, 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:

1/29/2024

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

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