

1. Applicant's Name: [REDACTED]**a. Application Date:** 26 April 2021**b. Date Received:** 26 April 2021**c. Counsel:** [REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant's Requests and Issues: The current characterization of service for the period under review is under other than honorable conditions. The applicant requests an upgrade to general.

The applicant seeks relief contending, in effect, suffering from PTSD a Depressive Disorder following a second deployment to Afghanistan and used alcohol to cope. This led the applicant to self-refer to a Behavioral Health Services. The applicant's command was made aware of the struggles and still allowed the applicant to deploy for a third time. The applicant's legal counsel contends this was the Uniform Code of Military Justice (UCMJ) violation, this was the only incident of misconduct. The characterization of discharge does not allow the applicant to seek to continue mental health treatment. The applicant's legal counsel contends good service before and after the UCMJ violation in 25 June 2006.

Board Type and Decision: In a records review conducted on 29 July 2025, and by a 4-1 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighing the applicant's offenses of dereliction of duty. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

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: Pattern of Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / Under Other Than Honorable Conditions

b. Date of Discharge: 18 July 2007

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 19 April 2007

(2) Basis for Separation: The applicant was informed of the following reasons: Absence Without Leave (AWOL), from 12 to 20 February 2007, numerous instances of disobedience and disrespect towards Non-Commissioned Officers over 12 months, multiple instances of dereliction of duty during at the same and being arrested for shoplifting at the Public Exchange.

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

(4) **Legal Consultation Date:** 11 June 2007

(5) **Administrative Separation Board:** On 11 June 2007, the applicant unconditionally waived consideration of the case before an administrative separation board.

(6) **Separation Decision Date / Characterization:** 11 July 2007 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 25 June 2003 / 6 years

b. **Age at Enlistment / Education / GT Score:** 17 / General Educational Development / 108

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 15U10, CH-47 Helicopter Repairman / 4 years, 17 days

d. **Prior Service / Characterizations:** None

e. **Overseas Service / Combat Service:** SWA / Afghanistan (25 February 2005 – 15 April 2005; 27 January 2006 – 19 April 2006; 27 November 2006 – 6 January 2007)

f. **Awards and Decorations:** AAM, AGCM, NDSM, ACM, GWOTEM, GWOTSM, ASR

g. **Performance Ratings:** NA

h. **Disciplinary Action(s) / Evidentiary Record:**

CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 28 July 2005, for violating a lawful general order on 4 July 2005, CAM Regulation 190-1, paragraph 13-7(e) dated 5 May 2005, by wrongfully possessing a pyrotechnic (Roman Candle) in the barracks. This is a violation of Article 92, UCMJ. The punishment consisted of 14 days restriction and extra duty with an oral reprimand.

Eight Developmental Counseling Forms for disobeying a direct order (23 and 30 May 2006, 4 August 2006); not performing a ACFT (3 and 5 August 2006); disrespect towards a Non-Commissioned Officers and not telling anyone the where abouts of the applicant (16 December 2006); AWOL (23 February 2007).

CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 12 September 2006, for willfully disobeyed a lawful order from SGT C. B. to return a personnel data sheet by 1700, violating Article 91, UCMJ; on or about 30 May 2006, the applicant willfully disobeyed a lawful order from SGT T. E. to cease cell phone use and begin working, violating Article 91, UCMJ; On or about 3 August 2006, the applicant willfully disobeyed a lawful order from SGT C. B. to get a haircut, violating Article 91, UCMJ; on or about 2 August 2006, the applicant, despite knowing assigned duties, negligently failed to disconnect the CH-47 turbine engine's aft mount before hoisting, violating Article 92, UCMJ; on or about 5 August 2006, the applicant negligently failed to remove a bolt from the arm during the removal of a viscous dampener from the flight control pallet, violating Article 92, UCMJ. The punishment consisted of a reduction to E-3, extra duty for 30 days and an oral reprimand.

Memorandum For Record, 22 June 2007, reflects the applicant was subject to punitive action. The applicant did not acknowledge via signature, nor elect as to whether the applicant wanted to appeal.

United States District Court, undated, reflects U.S.A vs. the applicant. The applicant was charged with theft of government property, a pair of "NIKE" glasses valued at \$75, from the Main Post Exchange. The stolen item belonged to the Army and Air Force Exchange Service (AAFES), a U.S. government agency. This conduct violated Title 18, U.S. Code, Section 641.

Charge Sheet, 2 March 2007, reflects the applicant was charged with: Violation of the UCMJ, Article 86, for without authority absent oneself from the unit in desertion (on or about 13 February 2007) and did not return until 20 February 2007.

Report of Result of Trial reflects the applicant was tried in a Summary Court-Martial on 23 March 2007, reflects the applicant was charged with one specification. Violation of Article 86, AWOL from on or about 13 February 2007 to on or about 20 February 2007; and on 12 March 2007; guilty, consistent with the plea. Sentence: Forfeiture Reduction to E-1 \$433.80 pay for one month and restriction for 60 days.

Pay Adjustment Authorization, 3 May 2007, reflects the applicant voluntarily authorized a deduction in the amount of \$275 from pay and allowances. The applicant understood the deduction was not to be prorated.

i. Lost Time / Mode of Return: 6 days (AWOL, 13 February 2007 – 19 February 2007) / Surrendered to Military Authorities

j. Behavioral Health Condition(s):

(1) Applicant provided: Behavioral Health Services (BHS) discharge and aftercare plan, 26 February 2007, reflects the applicant was diagnosed with Alcohol Dependence and PTSD. The applicant was recommended for ongoing individual counseling and medication management.

(2) AMHRR Listed: Mental Status Evaluation (MSE), 31 March 2007, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant was mentally responsible, had a clear-thinking process, and had the mental capacity to understand and participate in the proceedings. The MSE reflects the applicant was diagnosed with Alcohol Dependence and Depressive Disorder NOS. The evaluator recommended the applicant be issued an order against the use of alcohol.

The ARBA's medical advisor reviewed DoD and VA medical records, including documents listed in 4j(1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge with allied legal brief (Exhibits A through T); Medical Records; BHS Discharge and Aftercare Plan; Certificate of Training; Developmental Counseling; Separation Orders 193-0616; Enlisted Record Brief; Certificate of Release or Discharge from Active Duty.

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

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) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(2) Paragraph 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(3) Paragraph 3-7a states 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.

(4) Paragraph 3-7b states 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.

(5) Paragraph 3-7c states 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.

(6) Chapter 14-12a 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.

(7) 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.

(8) Paragraph 14-12b, addresses a pattern of misconduct consisting of either discreditable involvement with civilian or military authorities or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the Uniform Code of Military Justice, Army Regulations, the civilian law and time-honored customs and traditions of the Army.

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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12b, pattern of misconduct.

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 waivable and nonwaivable separations. Table 3-1, defines reentry eligibility (RE) codes:

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.

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

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

The applicant requests an upgrade to general. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

The applicant was notified of the intent to separate under the provisions of Chapter 14, paragraph 14-12b (Pattern of Misconduct) on 19 April 2007, for Absence Without Leave (AWOL), from 12 to 20 February 2007, numerous instances of disobedience and disrespect towards Non-Commissioned Officers over 12 months, multiple instances of dereliction of duty during at the same and being arrested for shoplifting at the Public Exchange. The applicant was recommended an under other than honorable conditions for a characterization of service. The applicant consulted with counsel on 11 June 2007 and was notified of the procedures for an Administration Separation Board (ASB) on the same date. The applicant elected to unconditionally waive the rights of an ASB. The separation authority directed an Under Other Than Honorable Conditions for the applicant's characterization of discharge on 11 July 2007.

The applicant contends suffering from PTSD a Depressive Disorder following a second deployment to Afghanistan and used alcohol to cope. This led the applicant to self-refer to a Behavioral Health Services. The applicant's command was made aware of the struggles and still allowed the applicant to deploy for a third time. The applicant submitted discharge paperwork for BHS with an aftercare plan. The applicant's AMHRR reflects an MSE confirming a diagnosis of PTSD and Alcohol Dependence conducted on 21 March 2007. The separation authority considered the MSE.

The applicant contends the event leading to the discharge from the Army was an isolated incident. The applicant's AMHRR reflects two Article 15's (29 July 2006 and 12 September 2006) and a charge sheet for AWOL on 2 March 2007, in which the applicant plead guilty, consistent with findings. Army Regulation 635-200, paragraph 3-5c states there are circumstances in which the conduct or performance of duty reflected by a single incident provides the basis for a characterization.

The applicant contends an upgrade of the discharge would allow veterans benefits, to include health care. Eligibility for veteran's benefits does not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local Department of Veterans Affairs office for further assistance.

The applicant contends good service, including a combat tour. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

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: PTSD, MDD recurrent, Depressive Disorder NOS, Anxiety Disorder NOS, Adjustment Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found the applicant was diagnosed with the above listed behavioral health conditions during service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partially.** The Board determined, based on the Board Medical Advisor's opine, that the applicant's behavioral health conditions partially mitigate the discharge. The applicant has in-service diagnosis of PTSD, MDD, Anxiety Disorder NOS, Adjustment Disorder subsumed by PTSD, and Depression and Depressive Disorder NOS subsumed by MDD. Given the nexus between PTSD and problems with authority figures and avoidance, the applicant's offenses of disrespect and disobedience towards NCOs and AWOL are medically mitigated. The applicant's offense of dereliction of duty related to the engine turbine and viscous dampener is also mitigated given the nexus between MDD and problems with concentration and attention. The offense of shoplifting and wrongfully possessing pyrotechnics in the barracks are not mitigated as the misconduct is not natural sequela of any of the applicant's diagnosed BH conditions.

(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 Post Traumatic Stress Disorder and Major Depressive Disorder outweighed the applicant's offenses of dereliction of duty, AWOL, FTR, disrespect, and disobedience.

b. Response to Contention(s):

(1) The applicant contends suffering from PTSD a Depressive Disorder following a second deployment to Afghanistan and used alcohol to cope. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighed the applicant's offenses of dereliction of duty, AWOL, FTR, disrespect, and disobedience.

(2) The applicant contends the event leading to the discharge from the Army was an isolated incident. 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 Post

Traumatic Stress Disorder and Major Depressive Disorder outweighing the applicant's offenses of dereliction of duty, AWOL, FTR, disrespect, and disobedience.

(3) The applicant contends an upgrade of the discharge would allow veterans benefits, to include health care. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

(4) The applicant contends good service, including a combat tour. 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 Post Traumatic Stress Disorder and Major Depressive Disorder outweighing the applicant's offenses of dereliction of duty, AWOL, FTR, disrespect, and disobedience.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighing the applicant's offenses of dereliction of duty, AWOL, FTR, disrespect, and disobedience. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder outweighed the applicant's dereliction of duty offenses. 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 RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

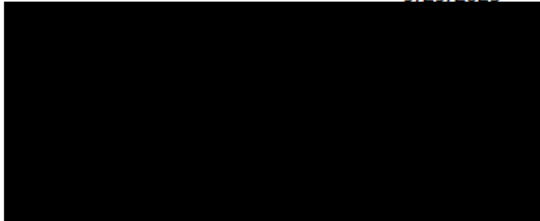
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10. BOARD ACTION DIRECTED:

- 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: No Change
- e. Change Authority to: AR 635-200

Authenticating Official:

9/29/2025



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