

**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 General (Under Honorable Conditions). The counsel on behalf of the applicant requests an upgrade to honorable and a change to the narrative reason to "Secretarial Authority" or "Miscellaneous/General Reasons", reentry code and Separation Code.

The applicant seeks relief, contending, in effect, the characterization of the discharge failed to accurately reflect honorable and exceptional service, the commendations earned, and the mitigating impact of diagnosed mental health conditions. The applicant contends documented diagnoses of PTSD and TBI outweighed the misconduct cited and should have excused or mitigated the basis for separation. The applicant requests an upgrade to the discharge to "Honorable" and an amendment the reentry code, separation authority, separation code, and narrative reason for Separation from "Pattern of Misconduct" to "Secretarial Authority" or "Miscellaneous/General Reasons," in accordance with AR 635-200, Chapter 15 or Paragraph 1-27.

**b. Board Type and Decision:** In a records review conducted on 15 July 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's AWOL and FTR offenses. 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 / General (Under Honorable Conditions)

**b. Date of Discharge:** 13 January 2009

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 2 December 2008

**(2) Basis for Separation:** The applicant was informed of the following reasons: The applicant was absent without leave (AWOL) on five separate occasions, three occasions of failure to

report (FTR), received a field grade article 15 on 1 October 2008, and a company grade article 15 on 16 May 2008.

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

**(4) Legal Consultation Date:** On 23 December 2008, the applicant waived legal counsel.

**(5) Administrative Separation Board:** On 23 December 2008, the applicant conditionally waived consideration of the case before an administrative separation board, contingent upon receiving a characterization of service no less favorable than honorable discharge.

The waiver was not addressed.

**(6) Separation Decision Date / Characterization:** 23 December 2008 / General (Under Honorable Conditions)

#### 4. SERVICE DETAILS:

**a. Date / Period of Enlistment:** 18 July 2005 / 4 years, 16 weeks

**b. Age at Enlistment / Education / GT Score:** 20 / High School Graduate / 86

**c. Highest Grade Achieved / MOS / Total Service:** E-5 / 21B2O, Combat Engineer / 3 years, 3 month, 20 days

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

**e. Overseas Service / Combat Service:** SWA / Iraq ( 30 October 2006 – 16 January 2008)

**f. Awards and Decorations:** ARCOM, NDSM, GWOTSM, ICM-CS, ASR, OSR

**g. Performance Ratings:** NIF

**h. Disciplinary Action(s) / Evidentiary Record:** CG Record of Proceedings under article 15, Uniform Code of Military Justice, 16 March 2008, for without authority failing to go at the prescribed time to their appointed place of duty on or about 23 April 2008, 1 May 2008, and 5 May 2008. The punishment consisted of forfeiture of \$477 pay and extra duty and restriction for 14 days.

FG Record of Proceedings under article 15, Uniform Code of Military Justice, 1 October 2008, for without authority failing to go at the prescribed time to their appointed place of duty on or about 17 and 24 July. They also without authority absent themselves from their unit on 25 and 28 July 2008. The punishment consisted of a reduction to E-4, forfeiture of \$974 pay per month for two months, an oral admonition and extra duty and restriction for 45 days.

FG Record of Proceedings under article 15, Uniform Code of Military Justice, 16 December 2008, for without authority absent themselves from their unit on or about 6 November 2008 and remain absent until on or about 18 November 2008. They also without authority absent themselves from 26 November 2008 and remained absent until on or about 1 December 2008. The

punishment consisted of a reduction to E-2, forfeiture of \$755 pay per month for two months (suspended), and extra duty for 45 days.

Twelve Personnel Action forms reflect the applicant's duty status changed as follows:

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 23 July 2008;  
From AWOL to PDY, effective 28 July 2008;  
From PDY to AWOL, effective 28 July 2008;  
From AWOL to PDY, effective 21 August 2008;  
From PDY to AWOL, effective 5 September 2008;  
From AWOL to PDY, effective 18 September 2008;  
From PDY to AWOL, effective 24 October 2008;  
From AWOL to PDY, effective 5 November 2008;  
From PDY to AWOL, effective 6 November 2008;  
From AWOL to PDY, effective 18 November 2008;  
From PDY to AWOL, effective 26 November 2008;  
From AWOL to PDY, effective 1 December 2008.

**i. Lost Time / Mode of Return:** 71 days (AWOL, 23 July 2008 – 28 July 2008, 28 July 2008 – 28 July 2008, 21 August 2008 – 5 September 2008, 18 September 2008 – 24 October 2008, 5 November 2008 – 6 November 2008, 18 November 2008 – 26 November 2008) / NIF

**j. Behavioral Health Condition(s):**

**(1) Applicant provided:** Post Deployment Health Assessment, on an undated form, the applicant reported seeing someone wounded, killed, or dead. They also reported being engaged in direct combat and feeling in great danger. The applicant requested help for stress, emotional, alcohol, or family problems. The applicant reported having nightmares about an experience was frightening, horrible, or upsetting. The form shows they were referred for mental health and TBI screening.

Adult Preventative and Chronic Care Flowsheet, reflects the applicant was seen for PTSD, anxiety, nightmare disorder, insomnia, and post-concussion syndrome prior to discharge.

Chronological Record of Medical Care, 21 August 2008, reflects the applicant did not want treatment and wanted to leave the service. The applicant stated their command would work toward discharge. The document also revealed that the applicant received treatment for post-concussion syndrome, nightmare disorder, chest pain, anxiety, and PTSD. The document notes the applicant was not treatable for PTSD due to non-compliance.

Mental Status Evaluation, 21 November 2008, reflects the applicant had the mental capacity to understand and participate in proceedings, was mentally responsible and met retention requirements of Chapter 3, AF 50-501. The applicant was diagnosed with general anxiety with PTSD like symptoms and general medical conditions (headaches, sleep disorder). The clinician noted although the applicant was mentally responsible it was felt their general anxiety with PTSD and TBI type symptoms contributed to their behavior on a daily basis. The clinician further noted after a review of the applicant's AHLTA notes the applicant presented with persistent mental health symptoms interfered with their daily activities in personal and military performance. The treatment and complaints of the applicant were consistent with major biopsychosocial pathology needed long term care.

Mental Status Evaluation, 29 November 2017, reflects the applicant was diagnosed with chronic PTSD and a TBI score of 73. The applicant's PTSD and depressive symptoms were good until 2-3 weeks prior when the symptoms started with anxiety. Outburst, and feeling emotional.

VA Rating Decision, 15 August 2012, reflects the applicant was award with a 100 percent disability rating for PTSD and 50 percent rating for headaches associated with PTSD.

Initial Evaluation of Residuals of TBI Questionnaire, 24 March 2015, reflects the applicant was evaluated for the claim of post-concussion syndrome. The clinician reviewed the applicant's records and found the applicant sustained a TBI with loss of consciousness in a blast exposure from an IED in June of 2007. This event occurred in a combat situation; no detailed medical records exist. The applicant developed a post-concussion syndrome characterized by headaches after.

**(2) AMHRR Listed:** None

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

- 5. APPLICANT-PROVIDED EVIDENCE:** two Application for the Review of Discharge; Legal Brief.
- 6. POST SERVICE ACCOMPLISHMENTS:** Sought medical treatment for symptoms through the TBI clinic and received a diagnosis.
- 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 3-7a 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.

(3) 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.

(4) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

(5) 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.

(6) 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 waiverable and nonwaiverable 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 waiverable. 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 honorable. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

The applicant was separated for pattern of misconduct based on the applicant being absent without leave (AWOL) on five separate occasions, three occasions of failure to report (FTR), receiving a field grade Article 15 on 1 October 2008, and a company grade Article 15 on 16 May 2008. The applicant received a characterization of service of general (under honorable conditions).

The applicant contends documented diagnoses of PTSD and TBI outweighed the misconduct cited and should have excused or mitigated the basis for separation. The applicant provided several medical documents from in and out service which supported the applicant's contention including a MSE from the separation packet not included in the applicant's case separation file. The applicant's AMHRR includes no documentation of a PTSD diagnosis.

The applicant contends the narrative reason for the discharge needs to be changed to "Secretarial Authority" or "Miscellaneous/General Reasons," in accordance with AR 635-200, Chapter 15 or Paragraph 1-27. The applicant was separated under Chapter 14, paragraph 14-

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

The applicant contends the SPD code should be changed. The SPD codes are three-character alphabetic combinations identifying reasons for and types of separation from active duty. The primary purpose of SPD codes is to provide a statistical accounting of reasons for separation. They are intended exclusively for the internal use of DoD and the Military Services to assist in collecting and analyzing separation data. The Office of the Secretary of Defense controls SPD codes and implements them in Army policy AR 635-5-1 to track types of separations. The SPD code specified by Army Regulations for a discharge under Chapter 14, paragraph 14-12b is "JKA."

The applicant requests an amendment to the reentry code. Soldiers processed for separation are assigned reentry codes based on their service records or the reason for discharge. Based on Army Regulation 601-210, the applicant was appropriately assigned an RE code of "3." There is no basis for granting a change to the reason or the RE code. An RE Code of "3" indicates the applicant requires a waiver before being allowed to reenlist. Recruiters can best advise a former service member on the Army's needs at the time and must process waivers of reentry eligibility (RE) codes if appropriate.

#### **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 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, mTBI, GAD, Adjustment Disorder subsumed by PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found the applicant is 100 percent SC for PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board determined, based on the Board Medical Advisor's opine, that the applicant's behavioral health conditions mitigate the discharge. The applicant is 100 percent SC for PTSD and has additional diagnoses of MDD, GAD, Adjustment Disorder, mTBI by history, and Post-Concussive Syndrome. Given the nexus between PTSD and avoidant behavior, the applicant multiple AWOL and FTR offenses are mitigated.

(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 outweighed the applicant's AWOL and FTR offenses.

**b. Response to Contention(s):**

(1) The applicant contends documented diagnoses of PTSD and TBI outweighed the misconduct cited and should have excused or mitigated the basis for separation. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's AWOL and FTR offenses. Therefore, a discharge upgrade is warranted.

(2) The applicant contends the narrative reason for the discharge needs to be changed to "Secretarial Authority" or "Miscellaneous/General Reasons," in accordance with AR 635-200, Chapter 15 or Paragraph 1-27. The Board considered this contention but determined the narrative reason should change to Misconduct (Minor Infractions) after considering applicant's mitigated basis for separation, but does not warrant a change to Secretarial Authority as the applicant was involuntarily separated for misconduct, and the behavioral health condition does not fully excuse the applicant's responsibility for the misconduct.

(3) The applicant requests an amendment to the reentry code. The Board considered this contention and voted to maintain the RE-code to a RE-3, based on the applicant's behavioral health conditions requiring a waiver prior to reentry. 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 reentry eligibility (RE) codes, if appropriate.

(4) The applicant contends that a discharge upgrade is warranted on equity grounds due to a documented diagnosis of PTSD and TBI, which likely contributed to the minor misconduct. Additionally, the applicant contends that the Wilkie and Hagel Memoranda states that honorable service does not require perfection and evolving standards, and policy changes would support a more favorable characterization if adjudicated today. The Board considered this contention and determined that and upgrade to honorable characterization was warranted based on the applicant's behavioral health conditions mitigating the applicant's misconduct.

(5) The applicant contends that the applicant's case is similar to two prior ADRB decisions and warrants that resulted in the Board granting an HD upgrade and a narrative reason change of "Secretarial Authority." The Board considered this contention but determined the narrative reason should change to Misconduct (Minor Infractions) after considering applicant's mitigated basis for separation, but does not warrant a change to Secretarial Authority as the applicant was involuntarily separated for misconduct, and the behavioral health condition does not fully excuse the applicant's responsibility for the misconduct. The Board did not find the two cases to be similar to a degree to serve as binding precedent for the case at issue.

**c.** The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's AWOL and FTR offenses. 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 AWOL and FTR offenses. Thus, the prior characterization is no longer appropriate.

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(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. The Board found that the applicant's case does not warrant a change to Secretarial Authority as the applicant was involuntarily separated for misconduct, and the behavioral health condition does not fully excuse the applicant's responsibility for the misconduct.

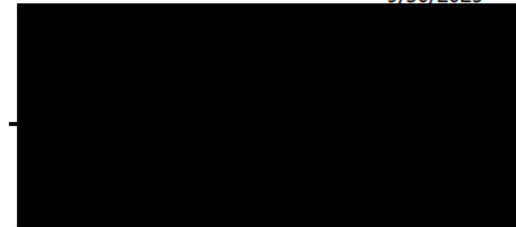
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

**10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214: 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:**

9/30/2025



**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