

1. Applicant's Name: [REDACTED]

- a. Application Date: 26 April 2021
- b. Date Received: 26 April 2021
- c. Counsel: None

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

- a. **Applicant's Requests and Issues:** The current characterization of service for the period under review is bad conduct. The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect the discharge should be upgraded because the absence without leave (AWOL) incident was caused by undiagnosed post-traumatic stress disorder (PTSD). The applicant contends they were unaware of the condition at the time but has since been awarded a 30 percent service-connected rating for PTSD by the Department of Veterans Affairs. However, the applicant remains ineligible to receive these benefits due to the current discharge characterization. Additionally, the applicant contends appellate judge who reviewed the case supported the belief an upgrade is warranted based on the circumstances.

- b. **Board Type and Decision:** In a records review conducted on 10 June 2025, and by a 5-0 vote, after carefully examining the applicant's record of service during the period of enlistment under review and all other evidence presented, the Board determined that clemency is warranted based on the applicant's length and quality of service outweighing the applicant's AWOL offense. 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, and the reentry code to RE-3.

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:** Court-Martial (Other) / AR 635-200, Chapter 3 / JJD / RE-4 / Bad Conduct

- b. **Date of Discharge:** 5 March 2008

- c. **Separation Facts:**

(1) Pursuant to Special Court-Martial Empowered to Adjudge a Bad-Conduct Discharge: As announced by Special Court-Martial Order Number 4, 9 February 2007, on 27 September 2006, the applicant was found guilty of the following: Charge I, in violation of Article 86, On or about 27 June 2005, without authority, absent themselves from their unit, and did remain so absent until on or about 24 May 2006.

(2) Adjudged Sentence: Reduction to E-1; to forfeit \$849, to be confined for six months, and to be discharged from the service with a Bad Conduct discharge.

(3) Date / Sentence Approved: 9 February 2007 / Except for the part of the sentence extending to a bad conduct discharge, would be executed. The applicant was credited the portion of the sentence extending to confinement as served.

(4) Appellate Reviews: The Record of Trial was forwarded to The Judge Advocate General of The Army for review by the Court of Military Review. The United States Army Court of Criminal Appeals affirmed the approved findings of guilty and the sentence.

(5) Date Sentence of BCD Ordered Executed: 9 November 2007

4. SERVICE DETAILS:

- a. Date / Period of Enlistment:** 9 March 2004 / 4 years
- b. Age at Enlistment / Education / GT Score:** 28 / High School Graduate / 95
- c. Highest Grade Achieved / MOS / Total Service:** E-4 / 21B1O, Combat Engineer / 8 years, 8 months, 23 days
- d. Prior Service / Characterizations:** RA, 23 August 1995 – 22 August 1998 / HD
USARCG, 23 August 1998 – 19 February 2001 / NIF
RA, 20 February 2001 – 8 March 2004 / HD

- e. Overseas Service / Combat Service:** Bosnia, Germany / None
- f. Awards and Decorations:** AAM-2, ASUA, AGCM-2, NDSM-2, GWOTEM, GWOTSM, AFSM, ASR, OSR, NATOMDL
- g. Performance Ratings:** NA
- h. Disciplinary Action(s) / Evidentiary Record:** Two Personnel Action forms reflect the applicant's duty status changed as follows:

From Present for Duty (PDY) to Confined by Military Authorities (CMA), effective 27 September 2006;

From Confined by Military Authorities (CMA) to Present for Duty (PDY), effective 22 February 2007.

- i. Lost Time / Mode of Return:** 1 year, 3 months, 21 days:

AWOL, 27 June 2005 – 24 May 2006 / NIF
Confined by Military Authorities, 27 September 2006 – 21 February 2007 / NIF

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

(1) Applicant provided: VA Rating Decision, 13 May 2010, reflects the applicant was awarded 30 percent not service connected for PTSD.

(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: Application for the Review of Discharge; VA Rating Decision; Special Court Martial Order Number 185; 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), 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), 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. A characterization of under honorable conditions may be issued only when the reason for separation specifically allows such characterization.

(4) 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.

(5) Paragraph 3-10 states a Soldier will be given a dishonorable discharge pursuant only to an approved sentence of a general court-martial. The appellate review must be completed, and the affirmed sentence ordered duly executed. Questions concerning the finality of appellate review should be referred to the servicing SJA.

(6) Paragraph 3-11 states a Soldier will be given a bad conduct discharge pursuant only to an approved sentence of a general or special court-martial. The appellate review must be completed, and the affirmed sentence ordered duly executed. Questions concerning the finality of appellate review should be referred to the servicing SJA.

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 "JJD" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 3, Court-Martial (other).

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

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

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's Army Military Human Resource Record (AMHRR) indicates the applicant was adjudged guilty by a court-martial and the sentence was approved by the convening authority. Court-martial convictions stand as adjudged or modified by appeal through the judicial process.

The applicant contends appellate judge who reviewed the case supported the belief an upgrade is warranted based on the circumstances. The Board is empowered to change the discharge only if clemency is determined to be appropriate. Clemency is an act of mercy, or instance of leniency, to moderate the severity of the punishment imposed.

The applicant contends the discharge should be upgraded because the absence without leave (AWOL) incident was caused by undiagnosed post-traumatic stress disorder (PTSD). The applicant did not submit evidence other than their statement to support the contention the discharge resulted from any medical condition. The applicant's AMHRR includes no documentation of a PTSD diagnosis.

The applicant contends they were unaware of the condition at the time but has since been awarded a 30 percent service-connected rating for PTSD by the Department of Veterans Affairs. However, the applicant remains ineligible to receive these benefits due to the current discharge characterization. Eligibility for veterans' benefits, including educational benefits under the Post-9/11 or Montgomery GI Bill, 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.

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: Adjustment Disorder w/Disturbance of Emotions and Conduct, Adjustment Disorder w/Anxiety and Depressed Mood, PTSD (diagnosed by a VA provider and later determined to not meet ful criteria).

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found the applicant was diagnosed with Adjustment Disorder w/Disturbance of Emotions and Conduct during service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board determined, based on the Board Medical Advisor's opine, that the applicant's behavioral health conditions do not mitigate the discharge. The applicant was diagnosed with PTSD by a VA provider, however, upon further evaluation it was determined the applicant did not meet criteria for PTSD and that there was no evidence in the record of a PTSD diagnosis that met criteria IAW the DSM. Given that determination and there being insufficient evidence in the record for the ARBA medical advisor to support a diagnosis of PTSD, the condition is not being considered for mitigation. The applicant also has a post-service diagnosis of Adjustment Disorder w/Anxiety and Depressed Mood related to difficulties adjusting in the applicant's role as a step-parent. As the condition is not related to military service, it is not considered for mitigation. Regarding the applicant's diagnosis of Adjustment Disorder w/Disturbance in Emotion and Conduct, there is insufficient evidence in the record to establish the applicant Adjustment Disorder was of a severity to impact judgement, behavior, and cognition to a degree that impaired the ability to differentiate between right and wrong and adhere to the right, at the time of the misconduct.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the available evidence did not support a conclusion that the applicant's Adjustment Disorder and Post Traumatic Stress Disorder (which was not supported by medical evidence) outweighed the applicant's medically unmitigated AWOL offense.

b. Response to Contention(s):

(1) The applicant contends the discharge should be upgraded because the absence without leave (AWOL) incident was caused by undiagnosed post-traumatic stress disorder (PTSD). The Board liberally considered this contention but determined that the available evidence did not support a conclusion that the applicant's Adjustment Disorder and Post Traumatic Stress Disorder (which was not supported by medical evidence) outweighed the applicant's medically unmitigated AWOL offense.

(2) The applicant contends they were unaware of the condition at the time but has since been awarded a 30 percent service-connected rating for PTSD by the Department of Veterans Affairs. However, the applicant remains ineligible to receive these benefits due to the current discharge characterization. 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.

(3) The applicant contends an appellate judge who reviewed the case supported the belief that an upgrade is warranted based on the circumstances. The Board considered this contention but ultimately did not address it due to an upgrade being granted based on the applicant's record of service.

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c. The Board determined that clemency is warranted based on the applicant's length and quality of service outweighing the applicant's AWOL offense. 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, and the reentry code to RE-3.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's length and quality of service outweighing the applicant's AWOL offense. 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.

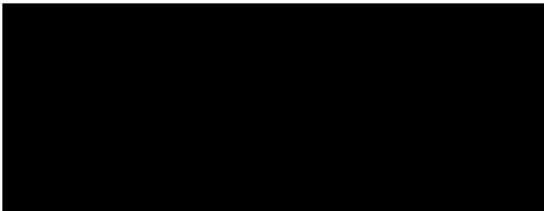
(3) The RE code will change to RE-3.

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:

7/29/2025



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