

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 under other than honorable conditions. The applicant requests an upgrade to honorable.

b. The applicant seeks relief contending, in effect, the discharge, repayment of bonus, and reduction in rank was unjust because of a mental and medical disability which the VA declared service-connected and the VA granted a 50 percent disability rating. The applicant was denied a medical evaluation board (MEB). The applicant further details the contentions in a self-authored statement submitted with the application.

c. **Board Type and Decision:** In a records review conducted on 24 July 2025, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighing the applicant's unsatisfactory participation. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable.

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 / AR 135-178 / NIF / NIF / NIF / Under Other Than Honorable Conditions

b. **Date of Discharge:** 27 April 2010

c. **Separation Facts:** The applicant's Army Military Human Resource Record (AMHRR) is void of the case separation file.

(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:** 7 October 2007 / 6 years (USAR)
- b. Age at Enlistment / Education / GT Score:** 32 / HS Graduate / 113
- c. Highest Grade Achieved / MOS / Total Service:** E-5 / 21W2O, Carpentry / Masonry Specialist / 17 years, 8 months, 3 weeks
- d. Prior Service / Characterizations:** USAR, 6 August 1992 – 26 July 2001 / NIF
IADT, 1 July 1993 – 29 October 1993 / UNC
(Concurrent Service)
USAR, 27 July 2001 – 9 September 2004 / NIF
AD, 15 March 2003 – 30 May 2004 / HD
(Concurrent Service)
USAR, 10 September 2004 – 6 October 2007 / NIF
- e. Overseas Service / Combat Service:** SWA / Kuwait (14 May 2003 – 9 June 2003); Iraq (9 June 2003 – 1 May 2004)
- f. Awards and Decorations:** AAM, ARCAM-2, NDSM-2, GWOTEM, GWOTSM, AFRM-M, ASR, ARCOTR-3, MUC
- g. Performance Ratings:** 1 April 2007 – 31 March 2008 / Successful
1 April 2008 – 28 February 2009 / Fair
- h. Disciplinary Action(s) / Evidentiary Record:** Headquarters, 416 Theater Engineer Command, Darien, IL, Orders 10-117-00007, reflect the applicant's grade was reduced to E-1 and the applicant was discharged from the Army Reserve on 27 April 2010 with the characterization of under other than honorable conditions.
- i. Lost Time / Mode of Return:** None
- j. Behavioral Health Condition(s):**
 - (1) Applicant provided:**
 - (a)** VA physician letter, 7 May 2009, reflects the applicant was in the care of the physician for treatment of PTSD since February of 2008. The clinician stated the PTSD was a direct result of the applicant's combat experience. At the time of the letter the applicant's symptoms were under poor control. The applicant's symptoms were debilitating enough to limit the applicant's professional and personal capabilities.
 - (b)** VA Rating Decision letter, 28 September 2009, reflects the applicant was granted 50 percent service-connected disability for PTSD with major depressive disorder and alcohol abuse.
 - (c)** Memorandum, subject: Notification of Commanding Officer Referral for Mental Health Evaluation (Non-Emergency), 28 October 2009, reflects the commander requested a formal mental health evaluation of the applicant because of the applicant having an apathetic attitude towards the military. The commander stated to the commander's understanding the applicant was a go-to Soldier while deployed, but that was no longer the case. The commander consulted with a mental health provider prior to making the referral.

(d) Report of Mental Status Evaluation, 17 November 2009, reflects the applicant was mentally responsible, had a clear-thinking process, and had the mental capacity to understand and participate in the proceedings. The applicant was diagnosed with posttraumatic stress disorder (PTSD). The applicant was deemed not fit for duty because of the severity and chronicity of the applicant's symptoms. The clinician stated it was in the best interest of the applicant to undergo an MEB.

(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; self-authored statement; two VA physician letters; Commander's Request for Mental Health Evaluation; command-referred mental health evaluation notice; command-referred mental health evaluation memorandum; Report of Mental Status Evaluation; separation orders; VA Rating Decision.

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 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) Paragraph 2-7, prescribes possible characterizations of service include 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) Paragraph 2-8, prescribes the 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 UCMJ, 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) Paragraph 2-9a prescribes an honorable characterization 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 2-9b, prescribes, if a Soldier's service has been honest and faithful, it is appropriate to characterize that service as general (under honorable conditions).

Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

(5) Paragraph 2-9c, prescribes the service may be characterized as under other than honorable conditions only when discharge is for misconduct, fraudulent entry, unsatisfactory participation, or security reasons, and under other circumstances

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

b. The applicant's Army Military Human Resources Record (AMHRR) is void of the specific facts and circumstances concerning the events leading to the discharge from the Army Reserve. The applicant's AMHRR includes a properly constituted discharge order: Orders 10-117-00007, 27 April 2010. The orders indicate the applicant's discharge was under AR 135-178 provisions, with a characterization of service of under other than honorable conditions.

c. The applicant contends the discharge was unjust because of mental and medical disability which was found by the VA to be service connected and was granted a 50 percent disability rating. The applicant provided a mental status evaluation (MSE) which reflects the applicant was mentally responsible, had a clear-thinking process, and had the mental capacity to understand and participate in the proceedings. The applicant was diagnosed with posttraumatic stress disorder (PTSD). The applicant was deemed not fit for duty because of the severity and chronicity of the applicant's symptoms. The clinician stated it was in the best interest of the applicant to undergo a MEB. The applicant provided two VA mental health letters reflecting the applicant was treated for PTSD symptoms. The applicant also provided a VA Rating Decision granting the applicant service-connected disability at 50 percent for PTSD with major depressive disorder and alcohol abuse. The applicant's AMHRR includes no documentation of a PTSD diagnosis.

d. The applicant contends medical evaluation board processing was ongoing during the separation proceedings. The Department of Defense disability regulations do not preclude a disciplinary separation while undergoing a medical board. Appropriate regulations stipulate separations for misconduct take precedence over potential separations for other reasons. Whenever a member is being processed through the Physical Evaluation Board and is subsequently processed for an involuntary administrative separation or referred to a court-martial for misconduct, the disability evaluation is suspended. The Physical Evaluation Board case remains in suspense pending the outcome of the non-disability proceedings. If the action includes either a punitive or administrative discharge for misconduct, the medical process is stopped, and the board report is filed in the member's medical record. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

e. 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.

f. The applicant requests the reinstatement of the rank of E-5 and the repayment of DFAS to be forgiven. The applicant's requests do not fall within this board's purview. The applicant may apply to the Army Board for Correction of Military Records (ABCMR) using the enclosed DD Form 149 or obtained from a Veterans' Service Organization.

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, Major Depressive Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant was diagnosed in service with PTSD and Major Depressive Disorder and is service connected by the VA for the conditions.

(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. PTSD and Major Depressive Disorder have a nexus with avoidance, so missing drills is mitigated by these 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 unsatisfactory participation.

b. Response to Contention(s):

(1) The applicant contends the discharge was unjust because to mental and medical disability which was found by the VA to be service connected and was granted a 50 percent disability rating. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighed the applicant's unsatisfactory participation.

(2) The applicant contends medical evaluation board processing was ongoing during the separation proceedings. 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 unsatisfactory participation.

(3) 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 unsatisfactory participation.

(4) The applicant requests the reinstatement of the rank of E-5 and the repayment of DFAS to be forgiven. The Board determined that the applicant's requests for reinstatement and debt forgiveness does not fall within the purview of the ADRB. The applicant may apply to the Army Board for Correction of Military Records (ABCMR), using a DD Form 293 regarding this matter. A DD Form 293 may be obtained online at

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210000053**

<https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0293.pdf> or from a Veterans' Service Organization.

c. The Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighing the applicant's unsatisfactory participation. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable.

d. Rationale for Decision: The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighed the applicant's unsatisfactory participation. Thus, the prior characterization is no longer appropriate.

10. BOARD ACTION DIRECTED:

- a. Issue a New Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Authority to: AR 135-178

Authenticating Official:

7/25/2025

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