

**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 general (under honorable conditions). The applicant requests an upgrade to honorable.

The applicant seeks relief, contending, in effect, their discharge needs to be upgraded due to significant mitigating mental health circumstances not properly addressed at the time of separation. The applicant contends during their second overseas tour, they endured multiple traumatic events contributing to Post-Traumatic Stress Disorder (PTSD), including witnessing a close friend's murder-suicide at the noncommissioned officer (NCO) club, surviving two near-fatal crashes, observing multiple fatal accidents involving mangled bodies, experiencing displacement following the 9/11 attacks, and suffering the loss of a parent and a divorce in rapid succession. These cumulative events severely impacted their mental health and contributed to behavior ultimately leading to separation. The applicant contends honorably serving from August 1996 to March 2002, completing one full enlistment, reenlisting early, and earning awards while serving as the battalion Sergeant Major's driver. The applicant contends although mental health services were available, the applicant feared stigma and being labeled, which deterred them from seeking help. The applicant contends they are in treatment and on the path to recovery. The applicant respectfully requests a discharge upgrade because of their previous honorable service, combat-related trauma, and current rehabilitative efforts.

b. **Board Type and Decision:** In a records review conducted on 15 July 2025, and by a 5-0 vote, the Board, based on the applicant's Bipolar Disorder and Major Depressive Disorder outweighing the applicant's AWOL and FTR offenses. Therefore, the Board determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the characterization of service was 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:** Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 7 March 2002

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 29 January 2002

**(2) Basis for Separation:** The unit commander informed the applicant under the provisions of AR 635-200, Chapter 14-12b, Patterns of Misconduct, for the following reasons: The applicant went AWOL, wrongfully operated a motorcycle without a valid motorcycle license, wrongfully failed to properly register their privately owned vehicle, and failed to report at the prescribed time to their appointed place of duty on numerous occasions.

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

**(4) Legal Consultation Date:** 1 February 2002

**(5) Administrative Separation Board:** The commander notified the applicant they may receive an under other than honorable conditions discharge, but no evidence of an administrative board is in the applicant's AMHRR.

**(6) Separation Decision Date / Characterization:** On 26 February 2002, the separation authority approved the applicant's separation under the provisions of AR 635-200, Chapter 14-12b, Patterns of Misconduct. / General (Under Honorable Conditions)

#### 4. SERVICE DETAILS:

**a. Date / Period of Enlistment:** 3 December 1998 / 4years, 2 months / The applicant extended for an all others tour to Europe on 8 September 1999 for a period of 14 months giving the applicant a new ETS of 2 February 2003.

**b. Age at Enlistment / Education / GT Score:** 21 / GED / 104

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 88M1O, Motor Transport Operator / 5 years, 6 months, 11 days

**d. Prior Service / Characterizations:** RA, 27 August 1996 – 2 December 1998 / HD

**e. Overseas Service / Combat Service:** Germany / None

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

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 17 October 2000, for violating a lawful general order by wrongfully operating their privately owned vehicle without a valid registration. The punishment consisted of a reduction to E-3 (suspended), forfeiture of \$311, and extra duty and restriction for 14 days.

CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 9 April 2001, for failing to go at the time prescribed to their place of duty. The punishment consisted of a reduction to E-3 (suspended) and forfeiture of \$367.

CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 27 August 2001, for failing to obey a regulation by wrongfully operating a motorcycle without a license and failing to register their POV immediately after taking possession of it. The punishment consisted of a reduction to E-3, forfeiture of \$323, and extra duty 14 days.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 11 January 2002, for without authority absents themselves from their unit from 21 November 2001 until 13 December 2001. The punishment consisted of a reduction to E-1, forfeiture of \$552 pay per month for two months (suspended), and extra duty for 45 days and restriction.

**i. Lost Time / Mode of Return:** None

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

**(1) Applicant provided:** None

**(2) AMHRR Listed:** Mental Status Report, 8 January 2002, reflects the applicant was responsible for their actions, had the mental capacity to understand and participate in the proceedings, and met medical retention standards in accordance with AR 40-501. The applicant was psychiatrically cleared for any administrative action deemed appropriate by the commander.

*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; Certificate of Release or Discharge from Active Duty.

**6. POST SERVICE ACCOMPLISHMENTS:** Received services for mental health on the road to recovery.

**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-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 unit commander informed the applicant under the provisions of AR 635-200, Chapter 14-12b, Patterns of Misconduct for the following reasons: The applicant went AWOL, wrongfully operated a motorcycle without a valid motorcycle license, wrongfully failed to properly register their privately owned vehicle, and failed to report at the prescribed time to their appointed place of duty on numerous occasions.

The applicant contends their discharge needs to be upgraded due to significant mitigating mental health circumstances not properly addressed at the time of separation. The applicant contends during their second overseas tour, they endured multiple traumatic events contributing to Post-Traumatic Stress Disorder (PTSD), including witnessing a close friend's murder-suicide at the noncommissioned officer (NCO) club, surviving two near-fatal crashes, observing multiple fatal accidents involving mangled bodies, experiencing displacement following the 9/11 attacks, and suffering the loss of a parent and a divorce in rapid succession. 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 contains documentation supporting an in-service diagnosis. The record shows the applicant underwent a mental status evaluation (MSE)

on 8 January 2002, which indicates the applicant was mentally responsible and was able to recognize right from wrong. The separation authority considered the MSE.

The applicant contends serving honorably from August 1996 to March 2002, completing one full enlistment, reenlisting early, and earning awards while serving as the battalion Sergeant Major's driver. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends although mental health services were available, the applicant feared stigma and being labeled, which deterred them from seeking help. The applicant did not submit evidence other than their statement to support the contention. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends they are in treatment and on the path to recovery. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. No law or regulation provides for the upgrade of an unfavorable discharge based solely on the passage of time or good conduct in civilian life after leaving the service. The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character.

#### 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: Bipolar Disorder, MDD.

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

(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. Medical mitigation is being based on the Depressive pole of the applicant's Bipolar condition, as well as MDD, as there is no history of mania prior to 2012. As such, the AWOL and FTR offenses are mitigated due to the nexus between MDD and withdrawal, isolation, avoidant behavior. However, the offenses of operating a motorcycle w/o a valid license and failure to properly register a POV are not mitigated as this misconduct is not natural sequela of MDD or Depression associated with Bipolar Disorder.

(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 Bipolar Disorder and Major Depressive Disorder outweighed the applicant's AWOL and FTR offenses. The Board found that the applicant's offenses of operating a motorcycle without a valid license and failure to properly register a POV were not mitigated.

b. Response to Contention(s):

(1) The contends their discharge needs to be upgraded due to significant mitigating mental health circumstances not properly addressed at the time of separation. The Board liberally considered this contention and determined that the applicant's Bipolar Disorder and Major Depressive Disorder outweighed the applicant's AWOL and FTR offenses. Therefore, a discharge upgrade is warranted.

(2) The applicant contends serving honorably from August 1996 to March 2002, completing one full enlistment, reenlisting early, and earning awards while serving as the battalion Sergeant Major's driver. The Board considered the applicant's record of service but determined that it did not warrant further upgrade beyond that decided based on partial medical mitigation.

(3) The applicant contends although mental health services were available, the applicant feared stigma and being labeled, which deterred them from seeking help. The Board considered this contention but determined that there is insufficient evidence in the applicant's official record or provided by the applicant that the applicant was not provided sufficient access to BH resources. Therefore, no change is warranted.

(4) The applicant contends they are in treatment and on the path to recovery. The Board considered the applicant's post-service accomplishments but determined that they do not outweigh the applicant's discharge.

c. The Board, based on the applicant's Bipolar Disorder and Major Depressive Disorder outweighing the applicant's AWOL and FTR offenses. Therefore, the Board determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the characterization of service was proper and equitable and voted not to change it.

d. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service because, despite applying liberal consideration to all evidence before the Board, the applicant's Bipolar Disorder and Major Depressive Disorder did not outweigh the medically unmitigated offenses of operating a motorcycle without a valid license and failure to properly register a POV. The Board also considered the applicant's contentions regarding good service and mistreatment but found that the totality of the applicant's record does not warrant a discharge upgrade. The applicant did not present any issues of impropriety for the Board's consideration. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process. Therefore, the applicant's General discharge was proper and equitable as the applicant's misconduct fell below that level of meritorious service warranted for an upgrade to Honorable discharge.

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) based on partial medical mitigation of the applicant's misconduct, 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**

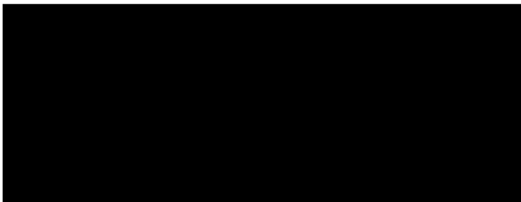
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**10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214: Yes
- b. Change Characterization to: No Change
- 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:**

9/5/2025



**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