

1. Applicant's Name: [REDACTED]

a. Application Date: 26 April 2021

b. Date Received: 26 April 2021

c. Counsel: [REDACTED]
[REDACTED]

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

a. Applicant's Requests and Issues: The current characterization of service for the period under review is under other than honorable conditions. On behalf of the Former Service Member (FSM), the applicant's father requests an upgrade to honorable.

The applicant seeks relief contending, in effect, when the applicant returned home from Iraq, their family and friends could sense there was something terribly wrong; however, the applicant did not have the mindset to request help and would not allow family and friends to intervene. The applicant boarded the plane on two occasions and flew to Atlanta but could not go any further because they were overwhelmed with fear, so fearful and torn apart because of Iraq, they could not function. The applicant requests an upgrade to receive help. They could not understand post-traumatic stress disorder (PTSD) but could understand pain and need. The applicant was in dire need of medical, physical, and mental help. The stress in Iraq took a toll on the applicant and their family. The family is still paying the price. When family members carried the applicant to Louisiana to request their release, it was a way of seeking the help the applicant did not know how to request and could not understand their request for the applicant. The things the applicant witnessed in Iraq were possessing their every thought, every moment. The applicant could not function. It was too much for the applicant to handle. The applicant was a good Soldier and served well when they were mentally able to serve. The family offers their apologies for the applicant's actions toward the end of their military service. The applicant needed assistance and attempted to take their own life. The applicant suffered from a serious brain injury. The applicant never seemed to be happy after returning from Iraq. The applicant lived with their parents but moved out and was living from place to place. In December, the applicant called their sibling and begged to live with the sibling. The applicant's parents further detail the contentions in a letter to Honorable T. C.

b. Board Type and Decision: In a records review conducted on 24 June 2025, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's length of service, prior honorable service, and combat service partially outweighing the applicant's AWOL offenses. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

*Please see Section 9 of this document for more details regarding the Board's decision.
Board member names available upon request.*

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / Under Other Than Honorable Conditions

b. Date of Discharge: 10 August 2009

c. Separation Facts:

(1) Date and Charges Preferred (DD Form 458, Charge Sheet): On 2 July 2009, the applicant was charged with: The Charge: Violating Article 86, UCMJ, Specifications 1 and 2, for without authority being absent from their organization located in Iraq, from 10 December 2008 to 5 March 2009, and their organization located in Fort Knox, from 8 March 2009 until to 24 June 2009.

(2) Legal Consultation Date: 2 July 2009

(3) Basis for Separation: Pursuant to the applicant's request for discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial.

(4) Recommended Characterization: Under Other Than Honorable Conditions

(5) Separation Decision Date / Characterization: 19 July 2009 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 7 September 2008 / NTE 348 days

b. Age at Enlistment / Education / GT Score: 19 / GED / NIF

c. Highest Grade Achieved / MOS / Total Service: E-4 / 88M1O, Motor Transport Operator / 2 years, 1 month, 18 days

d. Prior Service / Characterizations: USAR, 23 June 2007 – 6 September 2008 / NA IADT, 3 July 2007 – 2 November 2007 / HD (Concurrent Service)

e. Overseas Service / Combat Service: SWA / Iraq (7 September 2008 – 9 December 2008)

f. Awards and Decorations: NDSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Four Personnel Action forms reflect the applicant's duty status changed as follows:

From Rest and Recuperation Leave (R&R) to Absent Without Leave (AWOL), effective 10 December 2008;

From AWOL to Dropped From Rolls (DFR), effective 9 January 2009;

From PDY to AWOL to DFR, effective 8 March 2009; and

From DFR to Present for Duty/Returned to Military Control (PDY/RMC), effective 24 June 2009.

Two Report of Return forms reflect the applicant returned by:

Apprehension by civil authorities on 5 March 2009 from an absence which began on 10 December 2008; and

Surrender to military authorities on 24 June 2008 from an absence which began on 8 March 2009.

Memorandum, subject: AWOL/Interview Report Chapter 10/Chapter 14, 2 July 2009, reflect the applicant went AWOL because of medical and family problems.

i. Lost Time / Mode of Return: AWOL for 85 days, 10 December 2008 to 4 March 2009, and for 108 days, 8 March 2009 to 23 June 2009. These periods are not annotated on the DD Form 214.

j. Behavioral Health Condition(s):

- (1) Applicant provided:** None
- (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 Certificates of Release or Discharge from Active Duty; Application for the Review of Discharge; parents' letter to Honorable T. C.; Honorable T. C.'s letter to the Army Review Boards Agency (ARBA); ARBA's letter to Honorable T. C., the applicant's Certificate of Live Birth; and other congressional-related documents.

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

7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health

conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. Army Regulation 15-180 (Army Discharge Review Board) sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) provides the basic authority for the separation of enlisted personnel.

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

(2) Paragraph 3-7a 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) 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) Chapter 10 provides, in pertinent part, that a member who has committed an offense or offenses for which the authorized punishment includes a punitive discharge may submit a request for a discharge for the good of the Service in lieu of trial by court-martial. The request may be submitted at any time after charges have been preferred and must include the individual's admission of guilt.

(6) Paragraph 10-6 stipulates medical and mental examinations are not required but may be requested by the Soldier under AR 40-501, chapter 8.

(7) Paragraph 10-8a stipulates a discharge under other than honorable conditions normally is appropriate for a Soldier who is discharged in lieu of trial by court-martial. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record during the current enlistment. (See chap 3, sec II.)

(8) Paragraph 10-8b stipulates Soldiers who have completed entry-level status, characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be improper.

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 "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

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 evidence in the applicant's Army Military Human Resource Record (AMHRR) confirms the applicant was charged with the commission of an offense punishable under the UCMJ with a punitive discharge. In consultation with legal counsel, the applicant voluntarily requested, in writing, a discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial. In this request, the applicant admitted guilt to the offense, or a lesser included offense, and indicated an understanding an under other than honorable conditions discharge could be received, and the discharge would have a significant effect on eligibility for veterans' benefits.

The under other than honorable conditions discharge received by the applicant was normal and appropriate under the regulatory guidance.

The applicant contends PTSD affected behavior, which led to the applicant's discharge. The applicant provided a personal letter to Honorable T. C., which described the applicant's change in behavior after returning from combat to support the contention. The applicant's AMHRR includes no documentation of a PTSD diagnosis. The AMHRR is void of a mental status evaluation.

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.

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

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: Circadian Rhythm Sleep Disorder related to marital problems and adjustment to the theater of operation.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board found the diagnosis was rendered during active duty.

(3) Does the condition or experience 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 in-service with Circadian Rhythm Sleep Disorder with noted difficulty adjusting to the theater of operation and marital problems. However, the misconduct is not mitigated by the condition as it was not of a severity to impact judgement, cognition, or behavior, at the time of the misconduct. While it is contended that the misconduct was related to PTSD, a review of the records was void of medical evidence to support the applicant was diagnosed with PTSD during or after service, and in absence of such documentation, there is insufficient evidence to establish the applicant's misconduct was related to or mitigated by PTSD.

(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 Circadian Rhythm Sleep Disorder outweighed the medically unmitigated separating AWOL offenses.

b. Response to Contention(s):

(1) The applicant contends PTSD affected behavior which caused the applicant's discharge. The Board liberally considered this contention and found insufficient evidence to support the assertion that the applicant had PTSD. The Board determined that the available

evidence did not support a conclusion that the applicant's Circadian Rhythm Sleep Disorder outweighed the applicant's medically unmitigated AWOL offenses.

(2) The applicant contends good service, including a combat tour. The Board considered this contention and determined that an upgrade was warranted based on the applicant's service, including prior honorable service and a combat tour in Iraq. Therefore, the Board voted to upgrade the characterization of service to General.

(3) The applicant contends an upgrade of the discharge would allow veterans benefits. 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's representative should contact a local office of the Department of Veterans Affairs for further assistance.

c. The Board determined that the characterization of service was inequitable based on the applicant's length of service, prior honorable service, and combat service partially outweighing the separating AWOL offenses. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to General because the applicant's length of service, prior honorable service, and combat service partially outweighed the separating AWOL offenses. A General discharge is proper and equitable as the applicant's misconduct fell below that level of meritorious service warranted for an Honorable characterization.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code, as the reason the applicant was discharged was both proper and equitable.

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

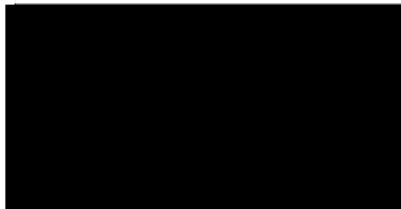
ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE
AR20210000076

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: General, Under Honorable Conditions
- c. Change Reason / SPD Code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

Authenticating Official:

7/15/2025



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