

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.

b. The applicant seeks relief contending, in effect, they were to be medically discharged, but they were wrongfully charged with missing formation because of the medication they were prescribed for PTSD and anxiety disorder. The conditions were not treated, and the applicant was released under false pretenses to live without any benefits or future. The applicant is concerned about a possible manufactured document, claiming they were intoxicated, but they did not receive a breathalyzer, nor are there any records showing they were intoxicated. The applicant hopes a review of their medical records will show the amount of sedatives they were prescribed and how they could affect a Soldier's ability to wake up in a timely manner.

c. **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 offenses of FTR and disobeying a lawful order. 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:** Misconduct (Serious Offense) / AR 635-200, Paragraph 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 1 July 2010

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 28 April 2010

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant disobeyed a direct order from a noncommissioned officer (NCO).

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

(4) **Legal Consultation Date:** 3 May 2010

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 2 June 2010 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 15 November 2006 / 4 years

b. Age at Enlistment / Education / GT Score: 19 / HS Graduate / 112

c. Highest Grade Achieved / MOS / Total Service: E-4 / 68W10, Health Care Specialist / 3 years, 7 months, 17 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq (21 September 2007 – 12 July 2008)

f. Awards and Decorations: AAM, NDSM, GWOTSM, ICM-CS, NCOPDR, ASR, OSR, CMB

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Company Grade Record of Proceedings under Article 15, Uniform Code of Military Justice, 23 February 2010, for failing to go at the time prescribed to their appointed place of duty (21 and 29 January 2010), without authority, going from their appointed place of duty (29 January 2010), and willfully disobeying a lawful order from Sergeant C. C. (29 January 2010). The punishment consisted of a reduction to E-3 (suspended), forfeiture of \$448 pay (suspended), and extra duty and restriction for 14 days.

(2) Four Developmental Counseling Forms for failing to report; not returning to appointed place of duty; failing to obey a lawful order from an NCO; and missing duty because of intoxication.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):**(1) Applicant provided:**

(a) Chronological Record of Medical Care, between 7 May 2009 and 23 October 2009, reflects their records list the following problems:

- Anxiety disorder, NOS
- Adjustment disorder with anxiety and depressed mood
- Adjustment disorder with disturbance of emotions and conduct
- Panic disorder without agoraphobia
- PTSD
- Secondary insomnia
- Major depression, recurrent

(b) Madigan Army Medical Center, Multidisciplinary Discharge Note, 4 November 2009, reflects the applicant was hospitalized on 30 October 2009 and discharged on 4 November 2009. The physician diagnosed the applicant with the following conditions:

- opioid dependence with psychologic dependence
- benzodiazepine abuse
- opioid withdrawal
- PTSD, by history
- Past medical history: anxiety, depression, and insomnia

(c) Report of Mental Status Evaluation, 8 March 2010, reflects the applicant could understand and participate in administrative proceedings, was mentally responsible, and could appreciate the difference between right and wrong. The applicant needed further examination. The applicant may not have met Army Regulation 40-501, Chapter 3 standards as they had been determined to have an anxiety disorder. Behavioral Health referred them to Forensic Psychiatry to determine if they met Army Regulation 40-501 retention standards.

(d) Report of Medical Examination, 24 March 2010, the examining medical physician noted in the summary of defects diagnoses section, relates history of PTSD, Rx'd (prescribed) March 2009.

(e) Memorandum, subject: Separation Under AR 635-200, Chapter 14-12c, Commission of a Serious Offense, [Applicant], 29 April 2010, reflects the applicant was placed on Rear Detachment because of medication stabilization and mental health issues.

(f) Mental Health Diagnostic Study Note, 29 July 2011, reflects PTSD diagnosis was suggested.

(2) **AMHRR Listed:** MSE and medical examination as described in previous paragraph 4j(1).

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

5. APPLICANT-PROVIDED EVIDENCE: Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; Service School Academic Evaluation Report; enlistment documents, separation memorandums; four Developmental Counseling Forms; Record of Proceedings Under Article 15, UCMJ; and in-service medical records.

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) Paragraph 1-33, in effect at the time, prescribes the process when a Soldier pending administrative separation does not meet the medical fitness standards for retention, and is referred to a medical evaluation board (MEB). For Chapter 14, the administrative separation proceedings will continue, but final action by the separation authority will not be taken, pending the results of the MEB. If the MEB refers the case to a physical evaluation board (PEB), the GCMCA may direct, in writing, that the Soldier be processed through the physical disability system when action under the UCMJ has not been initiated, and it has been determined the Soldier's medical condition is the direct or substantial contributing cause of the conduct that led to the recommendation for administrative elimination or other circumstances of the individual case warrant disability processing instead of further processing for administrative separation. The administrative separation action will be suspended and the GCMCA's signed decision to process a Soldier through the physical disability system will be transmitted to the MTF commander as authority for referral of the case to a PEB. If the Soldier is found physically unfit, the administrative separation action will be abated, if found physically fit the administrative separation action will resume.

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

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) Paragraph 14-12c, states a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

(8) Paragraph 14-17g, in effect at the time, prescribes the separation authority (GCMCA) may direct the case be process through medical channels, if appropriate. Such disposition is required if the Soldier has an incapacitating physical or mental illness that was the direct or substantial contributing cause of the conduct, and action under the UCMJ is not initiated. A copy of the signed decision by the GCMCA will be included in the record. Authority to determine that a case will be referred for disability processing instead of other administrative processing will not be delegated.

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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c, misconduct (serious offense).

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.

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 available evidence reflects the applicant's commander notified them of the commander's intent to recommend them for separation from the Army for disobeying a direct order from an NCO.

c. The applicant contends PTSD and anxiety disorders affected behavior leading to their discharge. The applicant provided several medical documents reflecting the applicant was diagnosed with in-service anxiety, opioid dependence with psychologic dependence, benzodiazepine abuse, opioid withdrawal, PTSD, by history. They had a past medical history of depression and insomnia. Their medical records reflect the following problems: anxiety disorder, NOS; adjustment disorder with anxiety and depressed mood; adjustment disorder with disturbance of emotions and conduct; panic disorder without agoraphobia; secondary insomnia; and major depression, recurrent. The applicant provided and their AMHRR contains a Report of Mental Status Evaluation (MSE), reflecting they underwent the evaluation on 8 March 2010, indicating the applicant was mentally responsible and was able to recognize right from wrong, but the applicant needed further examination because they were diagnosed with anxiety disorder. The provided referred the applicant to Forensic Psychiatry for evaluation. The record is void of the results of the evaluation from Forensic Psychiatry. A Report of Medical Examination, 24 March 2010, reflecting the examining medical physician noted a history of PTSD. The separation authority considered the documents in the AMHRR.

d. The applicant contends members of the unit manufactured documents indicating they were intoxicated. The applicant provided and their AMHRR contains a counseling statement indicating the applicant missing duty because of intoxication. The basis for separation was disobeying an NCO. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

e. The applicant contends they should have been medically discharged. Army Regulation 635-200, paragraph 1-33, in effect at the time, prescribes for Soldiers pending separation under chapter 14 and do not meet medical retention standards may be processed under the physical disability system, if directed by their GCMCA, and their case meets certain criteria. Paragraph

14-17g, in effect at the time, prescribes the separation authority (GCMCA) may direct the case be processed through medical channels, if appropriate. Such disposition is required if the Soldier has an incapacitating physical or mental illness that was the direct or substantial contributing cause of the conduct, and action under the UCMJ is not initiated. A copy of the signed decision by the GCMCA will be included in the record. Authority to determine that a case will be referred for disability processing instead of other administrative processing will not be delegated. The applicant did not provide any evidence to show the applicant was referred to an MEB and their AMHRR is void of any evidence their case was referred to an MEB.

f. 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: PTSD, Anxiety Disorder NOS, Adjustment Disorder subsumed by PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found the applicant is 70 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. Given the nexus between and problems with authority, the applicant's misconduct characterized by disobeying a direct order by an NCO is mitigated. The applicant asserts missing formations due to prescription medication use. Records support that the applicant was prescribed sleep medication that could have potentially interfered with the ability to awake in a timely manner, so the applicant's 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 offenses of FTR and disobeying a lawful order.

b. Response to Contention(s):

(1) The applicant contends PTSD and anxiety disorders affected behavior leading to their discharge. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's offenses of FTR and disobeying a lawful order. Therefore, a discharge upgrade is warranted.

(2) The applicant contends members of the unit manufactured documents indicating they were intoxication. 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 outweighing the applicant's offenses of FTR and disobeying a lawful order.

(3) The applicant contends they should have been medically discharged. 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 outweighing the applicant's offenses of FTR and disobeying a lawful order.

(4) 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 should contact a local office of the Department of Veterans Affairs for further assistance.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's offenses of FTR and disobeying a lawful order. 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 offenses of FTR and disobeying a lawful order. 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 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

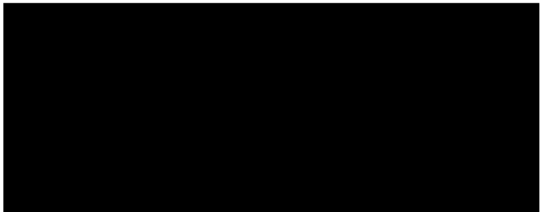
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10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: 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:

9/5/2025



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