

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, they were not given a fair chance at their discharge. They were placed in pre-trial confinement and after 10 days in confinement, the command gave them paperwork to sign, stating they would be given a general (under honorable conditions) and would be released from confinement. After signing the documents, the applicant was informed they received an under other than honorable conditions and they were out-processed immediately. The applicant was having multiple problems with post-traumatic stress disorder (PTSD). They went to their command for assistance numerous times for their support. The applicant went to the command for assistance with a financial situation. They could not afford their rent and had notices of their utilities being shut off within 10 days. The applicant requested a letter of release from their commander regarding their lease. After two weeks no action was taken; the applicant gave their landlord fake orders to be released from their lease. Later their command found out and gave the applicant an Article 15 for forging military documents. They also approached the command for assistance to receive treatment for their PTSD in a 28-day program at Haven Behavioral. The command kept delaying the treatment, accusing the applicant of being untruthful about their condition, and the command insisted the applicant was fine and could lead without issues. The applicant finally missed movement to a field exercise and again was punished with an Article 15. After this incident, the applicant was enrolled in the 28-day program, completed the program, and was discharged back to their unit. Upon returning to their unit, the applicant was confined in pretrial confinement. The unit presented the applicant with discharge paperwork to sign while in confinement and told them signing the documents was the only way to be released from confinement. After signing the documents, the unit processed the applicant out of the Army within three days.

b. Board Type and Decision: In a records review conducted on 1 July 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Major Depressive Disorder, and Anxiety Disorder outweighing the applicant's offenses of illegal substance abuse, FTR, disobeying a lawful order, and disrespect toward a superior commissioned officer. 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: In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 23 December 2010

c. Separation Facts:

(1) Date and Charges Preferred (DD Form 458, Charge Sheet): On 17 November 2010, the applicant was charged with:

Charge I: Violating Article 86, UCMJ, Specifications 1 through 3, for: On 23 September and 1 October 2010, fail to go at the time prescribed to the appointed place of duty.

Charge II: Violating Article 89, UCMJ, The Specification for: On 7 November 2010, was disrespectful toward Second Lieutenant (2LT) K. K., their superior commissioned officer, by hanging up the phone on 2LT K. K.

Charge III: Violating Article 91, UCMJ, The Specification for: On 22 September 2010, willfully disobeying a lawful order from First Sergeant (1SG) H. G., a noncommissioned officer, to attend the platoon sergeant meeting.

Charge IV: Violating Article 112a, UCMJ, The Specification for: Between 21 and 24 September 2010, wrongfully using methamphetamine.

(2) Legal Consultation Date: 17 November 2010

(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. (The record is void of the second page of the applicant's request for Chapter 10.)

(4) Recommended Characterization: Under Other Than Honorable Conditions

(5) Separation Decision Date / Characterization: 3 December 2010 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 12 June 2009 / 6 years

b. Age at Enlistment / Education / GT Score: 26 / Associate's Degree / 111

c. Highest Grade Achieved / MOS / Total Service: E-6 / 68W3O, Health Care Specialist / 7 years, 7 months, 15 days

d. Prior Service / Characterizations: RA, 8 May 2003 – 6 February 2005 / HD
RA, 7 February 2005 – 11 June 2009 / HD

e. Overseas Service / Combat Service: Hawaii, SWA / (Afghanistan 15 April 2004 – 15 April 2005); Iraq (5 August 2006 – 5 November 2007)

f. Awards and Decorations: ICM-2CS, ARCOM-3, AAM-2, MUC, AGCM-2, NDSM, GWOTEM, GWOTSM, NCOPDR-2, ASR, OSR-3, CMB

g. Performance Ratings: 1 June 2008 – 13 March 2009 / Fully Capable
14 March 2009 – 21 October 2009 / Among the Best

h. Disciplinary Action(s) / Evidentiary Record: Two Developmental Counseling Forms, 29 September and 1 October 2010, for missing the platoon sergeant meeting, missing an appointment, and failing to report.

Field Grade Record of Proceedings under Article 15, Uniform Code of Military Justice, 22 October 2010, for, on three occasions, failing to go at the time prescribed to their appointed place of duty (22 and 23 September and 1 October 2010), and willfully disobeying a lawful order from 1SG H. G. (22 September 2010). The applicant demanded trial by court-martial.

Electronic Copy of Specimen Custody Document – Drug Testing, 29 October 2010, reflects the applicant tested positive for DAMP 1543 (D-Amphetamine) and DMETH 9824 (D-Methamphetamine)) during an Inspection Random (IR) urinalysis testing conducted on 24 September 2010.

Memorandum, subject: Conditions on Liberty, 4 November 2010, reflects the applicant's pass privileges were revoked.

Confinement Order, 12 November 2010, reflects the applicant was placed in pretrial confinement for failure to report, willfully disobeying an NCO, and wrongfully using of methamphetamine.

Memorandum, subject: Pretrial Confinement Memorandum [Applicant], 12 November 2010, reflects the commander ordered the applicant to pretrial confinement because of the applicant's statements they would leave and they would obtain more methamphetamine; their pending charges; and less severe forms of restraint were inadequate.

Memorandum, subject: Memorandum in support of request for administrative separation in lieu of court-martial [Applicant], 17 November 2010, reflects the applicant's defense counsel, at the time of the separation proceedings, presented several arguments to support administrative separation instead of court-martial. The defense counsel indicated the applicant was diagnosed with PTSD and took the initiative to request treatment for the condition.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: Haven Behavioral – Pueblo Discharge Order, 16 December 2010, reflects a psychiatrist diagnosed the applicant with major depressive disorder, polysubstance abuse, PTSD, closed head injury; no support system; and global assessment of functioning (GAF) score of 60.

(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: Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; Haven Behavioral –Pueblo Discharge Order; and character reference.

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) 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.

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

(6) 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.)

(7) 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 waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes: RE-4 Applies to: Person separated from last period of service with a nonwaiverable 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 general (under honorable conditions) discharge received by the applicant was appropriate under the regulatory guidance.

The applicant contends Behavioral Health diagnosed them with PTSD. The applicant provided a medical document indicating a diagnosis of major depressive disorder, polysubstance abuse, PTSD, closed head injury; no support system; and global assessment of functioning (GAF) score of 60. The evaluation was completed while the applicant was in the Army.

The applicant contends the command delayed their treatment for PTSD. The evidence of the applicant's AMHRR shows the command approved the applicant's request for treatment in a 28-day behavioral program.

The applicant contends members of the unit deceived them regarding the type of discharge they would receive. 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 good service, including a combat tour. The third-party statement provided with the application speaks highly of the applicant. It recognizes the applicant's good military service. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

9. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses/experiences: Adjustment Disorder, Anxiety Disorder NOS, 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 an Adjustment Disorder, PTSD, Anxiety Disorder NOS, and Major Depressive Disorder, and the VA has service connected the 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 PTSD, Anxiety Disorder NOS, Major Depressive Disorder, avoidance, and using substances for self-medication, the FTRs, disobeying an order to attend a platoon sergeant meeting, and wrongfully using methamphetamine are mitigated. PTSD also has a nexus with difficulty with authority, so the disrespect is mitigated as well.

(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, Major Depressive Disorder, and Anxiety Disorder outweighed the applicant's offenses of illegal substance abuse, FTR, disobeying a lawful order, and disrespect toward a superior commissioned officer.

b. Response to Contention(s):

(1) The applicant contends Behavioral Health diagnosed them with PTSD. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder, Major Depressive Disorder, and Anxiety Disorder outweighed the applicant's offenses of illegal substance abuse, FTR, disobeying a lawful order, and disrespect toward a superior commissioned officer.

(2) The applicant contends the command did not provide any assistance with their PTSD. 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, Major Depressive Disorder, and Anxiety Disorder outweighing the applicant's offenses of illegal substance abuse, FTR, disobeying a lawful order, and disrespect toward a superior commissioned officer.

(3) The applicant contends members of the unit deceived them regarding the type of discharge they would receive. 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, Major Depressive Disorder, and Anxiety Disorder outweighing the applicant's offenses of illegal substance abuse, FTR, disobeying a lawful order, and disrespect toward a superior commissioned officer.

(4) 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, Major Depressive Disorder, and Anxiety Disorder outweighing the applicant's offenses of illegal substance abuse, FTR, disobeying a lawful order, and disrespect toward a superior commissioned officer.

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c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Major Depressive Disorder, and Anxiety Disorder outweighing the applicant's offenses of illegal substance abuse, FTR, disobeying a lawful order, and disrespect toward a superior commissioned officer. 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, Major Depressive Disorder, and Anxiety Disorder outweighed the applicant's offenses of illegal substance abuse, FTR, disobeying a lawful order, and disrespect toward a superior commissioned officer. 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.

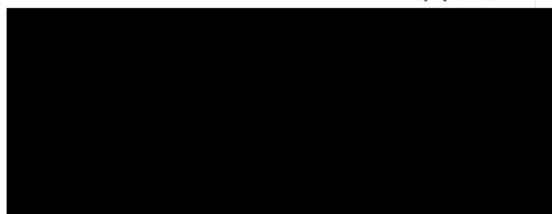
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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:

8/6/2025



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