

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, suffering from PTSD and other mental health conditions at the time of discharge. They report admission to two mental health facilities shortly after returning from deployment and claim prescribed medications impaired their cognitive function. The applicant contends good service, including a combat tour.

b. **Board Type and Decision:** In a records review conducted on 8 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 offenses of FTR, AWOL, Disrespect Toward an Officer, and Disrespect Toward an NCO. 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 November 2010

c. **Separation Facts:**

(1) **Date and Charges Preferred (DD Form 458, Charge Sheet):** 25 October 2010, reflects the applicant was charged with:

Charge I: Violating Article 86, UCMJ: Absence Without Leave (AWOL):

Specifications 1, 3, 4, 5, 6 and 7: On or about 6 April and 2 August 2010, without authority, failed to go at the time prescribed to appointed place of duty for accountability formation.

Specification 2: On or about 1 June 2010, without authority without authority, failed to go at the time prescribed to appointed place of duty; 0900 hours BN motor pool.

Specification 8: On or about 17 September 2010, without authority without authority, failed to go at the time prescribed to appointed place of duty; 1500 hours for safety brief formation.

Specifications 9 and 10: On or about 20 and 22 September 2010, without authority without authority, failed to go at the time prescribed to appointed place of duty; 0630 hours for PT formation.

Specification 11: On or about 24 September 2010, without authority without authority, absent themselves from unit and did remain absent until 27 September 2010.

Specification 12: On or about 2 October 2010, without authority without authority, absent themselves from unit and did remain absent until 4 October 2010.

Charge II: Violating Article 89, UCMJ: Disrespect toward superior commissioned officer; assault of superior commissioned officer. Specification: On or about 28 July 2010, behaved with disrespect toward CPT G.T. a superior commissioned officer, them known by saying "I hate that fucking cross, get it out of my face" or words to that effect.

Charge III: Violating Article 91, UCMJ: Insubordinate conduct:

Specification 1: On or about 28 July 2010, having received a lawful order from SFC M. E, a Non-Commissioned Officer, to come here and get at parade rest, an order which it was the applicant's duty to obey, willfully disobey the same.

Specification 2: On or about 28 July 2010, having received a lawful order from SSG C. L, a Non-Commissioned Officer, to shut and lock their door and return to the TMP van, and to wait until the medical staff allowed the applicant to smoke, an order which was the applicant's duty to obey, willfully disobey the same.

(2) Legal Consultation Date: 13 October 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.

(4) Recommended Characterization: General (Under Honorable Conditions)

(5) Separation Decision Date / Characterization: 23 November 2010 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 23 April 2007 / 6 years, 8 weeks

b. Age at Enlistment / Education / GT Score: 24 / High School Graduate / 114

c. Highest Grade Achieved / MOS / Total Service: E-5 / 13B10, Cannon Crewmember / 3 years, 7 months, 1 day

d. Prior Service / Characterizations: RA, 19 October 2000 – 20 December 2003 / HD
(Break in service)

e. Overseas Service / Combat Service: Germany, SWA / Iraq (3 March 2003 – 7 September 2003); Afghanistan (12 December 2008 – 11 December 2009)

f. Awards and Decorations: ACM-CS, ARCOM, AAM, AGCM, NDSM, GWOTSM, ICM-CS, ASR, OSR, NATOMDL

g. Performance Ratings: 1 December 2009 – 30 March 2010 / Among the best
31 March 2010 – 31 August 2010 / Marginal

h. Disciplinary Action(s) / Evidentiary Record: Memorandum In Support For Administrative Separation In Lieu Of Court-Martial, 13 October 2010, the applicant's defense counsel submitted the memorandum for the request for chapter 10 discharge with further detail explaining the cause of the misconduct. The applicant admitted wrong in committing the offenses and regrets their actions. The applicant's military service included two deployments: the first to Iraq during OIF I, where they were in the initial invasion while stationed in Baghdad, and the second to Afghanistan from 2008 to 2009. During the latter deployment, the applicant lost two "Battle-Buddies" to Improvised Explosive Devices (IEDs). Upon returning, the applicant struggled with combat-related mental health issues and was diagnosed with PTSD, bipolar disorder, and ADHD while undergoing a medical board process. The transition to garrison life proved challenging, prompting the applicant to seek separation to prioritize mental health treatment and rebuild relationships with family and friends.

i. Lost Time / Mode of Return: None

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: Certificate of Release or Discharge from Active Duty, Application for the Review of Discharge; Copy of Award Order; Copy of Non-Commissioned Officer Evaluation Report.

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 10-8a 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.)

(6) 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-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

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.

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 a 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 normal and appropriate under the regulatory guidance.

The applicant contends suffering from PTSD and other mental health conditions at the time of discharge. They were admitted into two mental health facilities and were prescribed medications altered cognitive function due to their conditions. The applicant did not submit evidence other than their statement to support the contention. The applicant's AMHRR does not include evidence of facility admission / discharge or a Mental Status Evaluation. The board will review all available evidence.

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, Bipolar Disorder, various Adjustment Disorders, Episodic Mood Disorder.

(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. The applicant is 70 percent SC for PTSD and has additional diagnoses of Bipolar Disorder, and various Adjustment Disorders that are subsumed by PTSD. Given the nexus between PTSD and avoidant behavior and PTSD and problems with authority, the applicant's offenses of FTR, AWOL, Disrespect Toward an Officer, and Disrespect Toward an NCO 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 offenses of FTR, AWOL, Disrespect Toward an Officer, and Disrespect Toward an NCO.

b. Response to Contention(s): The applicant contends suffering from PTSD and other mental health conditions at the time of discharge. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the offenses of FTR, AWOL, Disrespect Toward an Officer, and Disrespect Toward an NCO.

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c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the offenses of FTR, AWOL, Disrespect Toward an Officer, and Disrespect Toward an NCO. 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, AWOL, Disrespect Toward an Officer, and Disrespect Toward an NCO. 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.

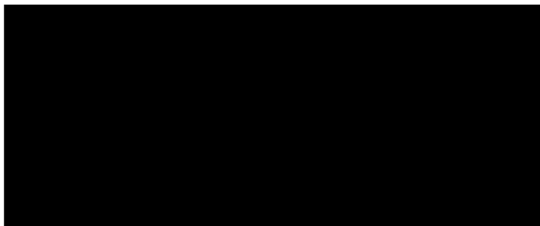
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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:

8/13/2025



AWOL – Absent Without Leave
AMHRR – Army Military Human Resource Record
BCD – Bad Conduct Discharge
BH – Behavioral Health
CG – Company Grade Article 15
CID – Criminal Investigation Division
ELS – Entry Level Status
FG – Field Grade Article 15

GD – General Discharge
HS – High School
HD – Honorable Discharge
IADT – Initial Active Duty Training
MP – Military Police
MST – Military Sexual Trauma
N/A – Not applicable
NCO – Noncommissioned Officer
NIF – Not in File
NOS – Not Otherwise Specified

OAD – Ordered to Active Duty
OBH (I) – Other Behavioral Health (Issues)
OMPF – Official Military Personnel File
PTSD – Post-Traumatic Stress Disorder
RE – Re-entry
SCM – Summary Court Martial
SPCM – Special Court Martial

SPD – Separation Program Designator
TBI – Traumatic Brain Injury
UNC – Uncharacterized Discharge
UOTHC – Under Other Than Honorable Conditions
VA – Department of Veterans Affairs