

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 honorable. The applicant is considered for a change to the reentry eligibility code.

The applicant seeks relief contending, in effect, currently a 90 percent disabled veteran who served in the Army for three and half years, with one tour in Iraq. The applicant believes their discharge was a chain reaction due to their post-traumatic stress disorder (PTSD) and poor leadership. It started while the applicant was deployed to Iraq when Iraqi insurgents attacked their convoy. After their deployment, the applicant began pursuing treatment at Irwin Army Community Hospital, where they were diagnosed with delayed PTSD. The applicant started experiencing a significant change in their sleep patterns, horrible nightmares, flashbacks, and anxiety problems. The applicant's doctor sent them to begin treatment at an Outreach Clinic in November 2011. The applicant was in the program for four months, constantly staying in touch with their squad leader to let them know exactly where the applicant was and provided doctor's notes as needed. After the first three and a half months of treatment, the applicant's squad leader began harassing the applicant for not going to work. The applicant repeatedly informed their squad leader they were in an all-day treatment program. The squad leader stated the applicant would be recommended for Article 15 for being AWOL and insubordination, if they did not go to work. The applicant explained to their doctor what was going on, and the doctor advised the applicant to show up to work and to explain the situation to whomever else needed to prove the applicant was at the clinic. However, the applicant was told they were going to receive an Article 15 for being AWOL. The applicant provided a list of treatment dates, but it did not matter. The applicant ended up serving a 45-day punishment and was reduced to E-1. The applicant was dropped from their treatment program and was told they were being chaptered out once their 45 days were finished. The first sergeant told the applicant they were unfit to be a Soldier and would be chaptered for being AWOL and receive a general (under honorable conditions discharge). The applicant provided copies of their treatment records, reflecting solid proof the applicant was in a clinic when they were punished for being AWOL. The applicant desires an upgrade to receive benefits and pursue schooling and a job.

b. Board Type and Decision: In a records review conducted on 24 April 2025, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

(Board member names available upon request)

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Secretarial Authority / AR 635-200, Paragraph 5-3 / JFF / RE-3 / Honorable

b. Date of Discharge: 14 April 2011

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 16 March 2011

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant was AWOL between on or about 19 November 2010 and on or about 10 December 2010 and failed to obey a lawful order.

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

(4) **Legal Consultation Date:** 22 March 2011

(5) **Administrative Separation Board:** NA

(6) **Separation Decision Date / Characterization:** 12 April 2011 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 27 February 2008 / 4 years

b. **Age at Enlistment / Education / GT Score:** 18 / High School Graduate / 103

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 88M1O, Motor Transport Operator / 3 years, 27 days

d. **Prior Service / Characterizations:** None

e. **Overseas Service / Combat Service:** SWA / Iraq (25 August 2009 – 3 July 2010)

f. **Awards and Decorations:** ARCOM, NDSM, GWOTSM, ASR, CAB

g. **Performance Ratings:** NA

h. **Disciplinary Action(s) / Evidentiary Record:** General Officer Memorandum Of Reprimand, 15 October 2010, reflects the applicant was driving under the influence of alcohol on 3 July 2010. Late in the evening, the applicant was stopped by a Junction City police officer while traveling on East Chestnut street for not using their headlights when needed. The officer detected the odor of an alcoholic beverage coming from the applicant. The applicant submitted to a standardized field sobriety tests and showed multiple signs of impairment. The applicant refused to submit to a preliminary breath test. The applicant was placed under arrest and transported to the Junction City Police Department. The applicant was unable to be awakened to submit to a breath test using the Intoxilyzer 8000. The applicant was issued a citation for driving under the influence of alcohol.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 13 January 2011, for on or about 19 November 2010, without authority, absent oneself from their unit and did remain so absent until on or about 10 December 2010. On or about 12 October 2010, disobeyed a lawful order by wrongfully operating their privately owned vehicle on Fort Riley. The punishment consisted of a reduction to E-1, forfeiture of \$733 pay per month for two months (suspended), and extra duty for 45 days.

Two Personnel Action forms reflect the applicant's duty status changed as follows:

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 19 November 2010; and

From AWOL to Present for Duty (PDY), effective 10 December 2010.

i. **Lost Time / Mode of Return:** 20 days (AWOL, 19 November 2010 – 9 December 2010) / NIF

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

(1) **Applicant provided:** Salina Regional Health Center Discharge Summary, 24 April 2011, reflects a diagnosis of Axis I: Depression NOS; Anxiety NOS with PTSD features, r/o PTSD.

Department of Veterans Affairs Rating Decision, 6 August 2015, reflects a diagnosis of PTSD, with an evaluation of 90 percent.

(2) **AMHRR Listed:** Memorandum for Commander, Mental Health Evaluation, 7 January 2011, reflects a diagnosis of Axis I: Post-traumatic stress disorder, Anxiety disorder NOS and depression.

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; three Applications for the Review of Discharge; IPERMS Record; VA Rating Decision; self-authored statement; medical records.

6. **POST SERVICE ACCOMPLISHMENTS:** The applicant sought treatment for their mental health.

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) Chapter 5, provides for the basic separation of enlisted personnel for the convenience of the government.

(4) Paragraph 5-1, states that a Soldier being separated under this paragraph will be awarded a characterization of service of honorable, general (under honorable conditions), or an uncharacterized description of service if in entry-level status.

(5) Chapter 5-3 (Chapter 15 current regulation) provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memorandums. Secretarial separation authority is normally exercised on a case-by-case basis.

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), in effect at the time, provided 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 identified the SPD code of "JFF" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 5, paragraph 5-3, Secretarial Authority.

f. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program), governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes: RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

8. SUMMARY OF FACT(S): The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

The applicant requests an upgrade to honorable. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

The applicant contends suffering from PTSD. The applicant provided a Department of Veterans Affairs Rating Decision, 6 August 2015, reflecting a diagnosis of PTSD, with an evaluation of 90 percent. A Salina Regional Health Center Discharge Summary, 24 April 2011, reflecting a diagnosis of Axis I: Depression NOS; Anxiety NOS with PTSD features, r/o PTSD. The AMHRR includes a Memorandum for Commander, Mental Health Evaluation, 7 January 2011, reflecting a diagnosis of Axis I: Post-traumatic stress disorder, Anxiety disorder NOS and depression. The separation authority considered the mental health evaluation.

The applicant contends being chaptered for AWOL when they were in a treatment program for PTSD. The applicant provided copies of their treatment records, reflecting the applicant was at New Option Junction City full schedule treatment program from 16 November 2010 to 13 January 2011. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends an upgrade of the discharge will allow the applicant to obtain better employment. The Board does not grant relief to gain employment or enhance employment opportunities.

The applicant contends an upgrade of the discharge would allow veterans benefits and educational benefits through the GI Bill. Eligibility for veteran's benefits to include educational benefits under the Post-9/11 or Montgomery GI Bill does 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.

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

9. BOARD DISCUSSION AND DETERMINATION:

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

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses/experiences: PTSD, Depression, Anxiety Disorder NOS.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant was diagnosed in service with PTSD, Depression, and Anxiety Disorder NOS and is service connected by the VA for PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions do not mitigate the discharge. The applicant was diagnosed in service with PTSD, Depression, and Anxiety Disorder NOS and is service connected by the VA for PTSD. There is direct evidence that the applicant's BH conditions and treatment for the conditions contributed to the AWOL. However, there is no natural sequela between PTSD, Depression, or Anxiety Disorder NOS and failing to obey a lawful order not to drive on post since none of these conditions interfere with the ability to distinguish between right and wrong and act in accordance with the right. However, the applicant already holds the maximum relief available from the ADRB.

(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 Post Traumatic Stress Disorder, Anxiety Disorder, and Depression outweighed the applicant's discharge as the applicant already holds the maximum relief available from the ADRB.

b. Response to Contention(s):

(1) The applicant contends suffering from PTSD. The Board considered this contention but cannot offer relief as the applicant already holds the maximum relief available from the ADRB.

(2) The applicant contends being chaptered for AWOL when they were in a treatment program for PTSD. The Board considered this contention but cannot offer relief as the applicant already holds the maximum relief available from the ADRB.

(3) The applicant contends an upgrade of the discharge will allow the applicant to obtain better employment. The Board considered this contention but does not grant relief to gain employment or enhance employment opportunities.

(4) The applicant contends an upgrade of the discharge would allow veterans benefits and educational benefits through the GI Bill. 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 that the discharge is, at this time, proper and equitable, in light of the current evidence of record. The applicant has exhausted all available appeal options available with ADRB. However, the applicant may still apply to the Army Board for Correction of Military Records. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

d. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service as the applicant already holds an honorable characterization and further relief is not available.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, and 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.

10. BOARD ACTION DIRECTED:

a. **Issue a New DD-214 / Separation Order:** No

b. **Change Characterization to:** No Change

c. **Change Reason / SPD Code to:** No Change

d. **Change RE Code to:** No Change

e. **Change Authority to:** No Change

Authenticating Official:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000123

6/23/2025

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