

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 under other than honorable conditions. The applicant requests honorable.

The applicant seeks relief contending, in effect, serving six years, with eight months of overseas service in Iraq, they sought psychiatric treatment for Generalized Anxiety Disorder and PTSD. They also contend their military service was stellar before the misconduct within the period under review. The treatment for the symptoms began a downward chain of events. The applicant is currently homeless and was previously admitted to an Adult Crisis Stabilization Unit. Also, they are unable to find suitable employment and access medical benefits. The applicant seeks GI Bill eligibility and desires Army reentry.

- b. **Board Type and Decision:** In a records review conducted on 29 May 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Generalized Anxiety Disorder outweighing the applicant's offenses of AWOL, FTR, and illegal substance abuse. 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, Chapter 14-12c / JKQ / RE-3 / Under Other Than Honorable Conditions

- b. **Date of Discharge:** 28 April 2010

- c. **Separation Facts:**

- (1) **Date of Notification of Intent to Separate:** 16 April 2010

- (2) **Basis for Separation:** The applicant was informed of the following reasons: On 24 March 2010, the applicant was convicted by a Summary Court Martial for Failure to report, Absence Without Leave (AWOL), and illegal use of marijuana (THC).

- (3) **Recommended Characterization:** Under Other Than Honorable Conditions

- (4) **Legal Consultation Date:** 12 April 2010

(5) Administrative Separation Board: On 12 April 2010, the applicant unconditionally waived consideration of the case before an administrative separation board.

(6) Separation Decision Date / Characterization: 16 April 2010 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

- a. **Date / Period of Enlistment:** 29 January 2007 / 4 years
- b. **Age at Enlistment / Education / GT Score:** 18 / High School Graduate / 101
- c. **Highest Grade Achieved / MOS / Total Service:** E-5 / 13P2O, Multiple Launch Rocket System / Fire Direction Specialist / 6 years, 3 months, 14 days
- d. **Prior Service / Characterizations:** RA, 8 October 2003 – 28 January 2007 / HD
- e. **Overseas Service / Combat Service:** SWA / Iraq 5 September 2006 – 4 September 2007
- f. **Awards and Decorations:** ARCOM, AAM, AGCM, NDSM, GWTSM, ICM-CS, NCOPDR, ASR, OSR
- g. **Performance Ratings:** NIF
- h. **Disciplinary Action(s) / Evidentiary Record:** Record of Proceedings under Article 15, Uniform Code of Military Justice, 1 July 2009, for having knowledge of a lawful order issued by COL R. B. to wit: Suspension / Revocation of Driving Privileges memorandum, 11 February 2009. The punishment consisted of a reduction to E-1, suspension to be automatically remitted, if not vacated before 28 December 2009, forfeiture of \$1,064 pay for 2 months, and extra duty and restriction for 45 days.

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

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 1 December 2009;
From AWOL to Dropped From Rolls (DFR), effective 4 January 2010;
From DFR, to PDY, effective 7 January 2010;
From PDY to AWOL, effective 28 January 2010;
From AWOL to DFR, effective 1 March 2010;
From DFR to PDY, effective 3 March 2010;

Record of Proceedings under Article 15, Uniform Code of Military Justice, 12 January 2010, for on or about 7 September to 7 October 2009 wrongfully use of Marijuana (THC). The punishment consisted of a reduction to E-1, forfeiture of \$723 pay for 2 months, and extra duty and restriction for 45 days.

Charge Sheet, 24 February 2010, reflects the applicant was charged with: Violating Article 86 UCMJ, for without authority absent oneself from the unit in desertion on or about 28 January 2010 with intent to remain away therefrom permanently, absent themselves and did remain absent until on or about (currently absent).

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE
AR20210000145

Deserter / Absentee Wanted by the Armed Forces, 1 March 2010, reflects the warrant being issued for the AWOL on 28 January 2010.

Charge Sheet, 5 March 2010, reflects the applicant was charged with:

Violation of the UCMJ, Article 86:

Specification 1: For without authority absent oneself from the unit in desertion between 7 August and 17 November 2009, fail to go at the time prescribed to their appointed place of duty.

Specification 2: On divers occasions between on or about 13 and 22 January 2010, without authority, fail to go at the time prescribed to their appointed place of duty.

Specification 3: On or about 1 December 2009, was absent without authority from unit, and did remain absent until on or about 7 January 2010.

Specification 4: On or about 28 January 2010, was absent without authority and did remain so absent until on or about 3 March 2010.

Memorandum, Positive Urinalysis Sample, 12 March 2010, reflects the applicant was identified for a positive urinalysis sample for THC (marijuana) LOL given on 3 March 2010. The applicant currently had three positive test results. The memorandum was signed by the Army Substance Abuse Program (ASAP) clinic.

Charge Sheet, 18 March 2010, reflects the applicant was charged with Violation of Article 112a UCMJ, for at or near Fort Sill, Oklahoma, between on or about 12 February 2010, wrongfully use Marijuana (THC).

Offer To Plead Guilty at Summary Court-Martial, 23 March 2010, reflects the applicant offered to plead guilty to all the specifications and charges preferred against them on 5 March 2010.

Record of Trial by Summary Court-Martial, 24 March 2010, reflects the applicant plead and was found guilty to the following:

Charge I: Violation of the UCMJ, Article 86 (AWOL):

Specification 1: On divers occasions between on or about 7 August 2009 and 17 November 2009, without authority, fail to go at the times prescribed to their appointed places of duty.

Specification 2: On divers occasions between on or about 13 January 2010 and 22 January 2010, without authority, fail to go at the times prescribed to their appointed places of duty.

Specification 3: Did, on or about 1 December 2009, without authority, absent themselves from their unit and did remain so absent until on or about 7 January 2010.

Specification 4: Did, on or about 28 January 2010, without authority, absent themselves from their unit and did remain so absent until on or about 3 March 2010.

Charge II: Violation of the UCMJ, Article 112a: Specification: did, at or near Fort Sill, Oklahoma, between on or about 12 February 2010, wrongfully use Marijuana (THC).

The sentence adjudged: Forfeiture \$500 pay and 30 days confinement.

Confinement Order, 24 March 2010, reflects the applicant was confinement as result of a Summary Court-Martial conviction.

i. Lost Time / Mode of Return: 2 months, 4 days:

AWOL, 1 December 2009 – 7 January 2010 / NIF

AWOL, 28 January 2010 – 3 March 2010 / NIF

Confinement by Military Authorities, 23 March 2010 – 16 April 2010 / NIF

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: Report of Mental Status Evaluation (MSE), 7 January 2010, reflects the applicant was psychiatrically cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; and met medical retention requirements of AR 40-501. The applicant had been screened for PTSD and TBI. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider the influence of these conditions.

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

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge, Certificate of Release or Discharge from Active Duty.

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 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(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) Paragraph 3-7c states Under Other Than Honorable Conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(6) 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.

(7) Paragraph 14-2c, prescribes Commanders will not take action prescribed in this chapter instead of disciplinary action solely to spare an individual who may have committed serious misconduct from the harsher penalties that may be imposed under the UCMJ.

(8) Paragraph 14-12c prescribes 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.

(9) 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.

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 waivable and nonwaivable 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 waivable. Eligibility: Ineligible unless a waiver is granted.

RE-4 Applies to: Person separated from last period of service with a nonwaivable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

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

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

The applicant was notified on 12 March 2010 the intent to separate them from the Army for a conviction by a Summary Court Martial for failure to report, absence without leave (AWOL), and illegal use of marijuana (THC), under the provisions of AR 635-200, Chapter 14-12c for Misconduct (Serious Offense). The applicant consulted with counsel and waived an administrative board on 12 April 2010. On 16 April 2010, the separation authority approved the applicant's discharge with a under other than honorable conditions.

The applicant contends serving six years, with eight months of overseas service in Iraq, and following their combat service, they sought psychiatric treatment for Generalized Anxiety Disorder and PTSD. The applicant did not submit evidence other than their statement to support the contention. The applicant's AMHRR includes no documentation of a Generalized Anxiety Disorder or PTSD diagnosis. The AMHRR shows the applicant underwent a MSE, 7 January 2010, reflecting the applicant was psychiatrically cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; and met medical retention requirements of AR 40-501. The applicant had been screened for PTSD and TBI. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider the influence of these conditions. The separation considered the MSE.

The applicant contends their military service was stellar prior to the misconduct within the period under review. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends current homelessness and was previously admitted to an Adult Crisis Stabilization Unit. Eligibility for housing support program benefits for Veterans 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. Moreover, all veterans at risk for homelessness or attempting to exit homelessness can request immediate assistance by calling the National Call Center for Homeless Veterans hotline at 1-877-424-3838 for free and confidential assistance.

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 would allow medical and educational benefits through the GI Bill. Eligibility for veterans' benefits, including 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 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: Generalized Anxiety Disorder, PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant was diagnosed in service with Generalized Anxiety Disorder and exhibited symptoms of PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions mitigate the discharge. The applicant was diagnosed in service with Generalized Anxiety Disorder and exhibited symptoms of PTSD. Given the nexus between Generalized Anxiety Disorder, PTSD, avoidance, and using substances for self-medication, the FTR, AWOL, and use of marijuana 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 and Generalized Anxiety Disorder outweighed the applicant's offenses of AWOL, FTR, and illegal substance abuse.

b. Response to Contention(s):

(1) The applicant contends following 6 years and 8 months of overseas service in Iraq, they sought out psychiatric treatment for Generalized Anxiety Disorder and PTSD. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder and Generalized Anxiety Disorder outweighed the applicant's offenses of AWOL, FTR, and illegal substance abuse. Therefore, a discharge upgrade is warranted.

(2) The applicant contends their military service was stellar prior to the misconduct within the period under review. 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 and Generalized Anxiety Disorder outweighing the applicant's offenses of AWOL, FTR, and illegal substance abuse.

(3) The applicant contends current homelessness and was previously admitted to an Adult Crisis Stabilization Unit. 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 and Generalized Anxiety Disorder outweighing the applicant's offenses of AWOL, FTR, and illegal substance abuse.

(4) 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.

(5) The applicant contends an upgrade would allow 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.

(6) The applicant contends wanting to reenter the Army. The Board considered this contention and voted to maintain/change the RE-code to a RE-3, based on the applicant's diagnosed behavioral health conditions requiring a waiver prior to reentry. An RE Code of "3" indicates the applicant requires a waiver before being allowed to reenlist. Recruiters can best advise a former service member as to the Army's needs at the time and are required to process waivers of reentry eligibility (RE) codes, if appropriate.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Generalized Anxiety Disorder outweighing the applicant's offenses of AWOL, FTR, and illegal substance abuse. 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 and Generalized Anxiety Disorder outweighed the applicant's offenses of AWOL, FTR, and illegal substance abuse. 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.

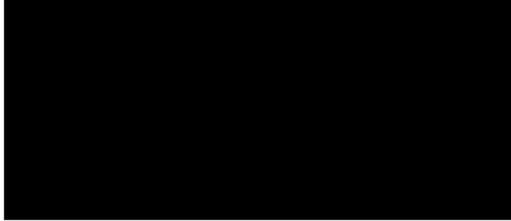
ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE
AR20210000145

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:

6/30/2025



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