

1. Applicant's Name: [REDACTED]

- a. Application Date: 26 April 2021
- b. Date Received: 26 April 2025
- 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 trauma induced by PTSD, insomnia, major depressive disorder, and extreme family issues at the time of discharge. The applicant was a single parent and was also experiencing pain from a previous diagnosis of kidney stones during overseas service in Iraq. The applicant also contends having uncontrollable anger issues and developing an opiate addiction from the pain medications previously prescribed. After suffering from insomnia and depression, the applicant began to self-medicate in hopes of gaining relief from mental strain and physical pain. The applicant became withdrawn and suffered several types of social anxiety became paranoid and was unable to communicate they needed help. The applicant believed the only answer was a quick discharge from the Army. They were in fear of being deployed again to Iraq and feared leaving their child.

- 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 outweighing the applicant's illegal substance abuse offense. 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 / General (Under Honorable Conditions)

- b. **Date of Discharge:** 15 March 2006

- c. **Separation Facts:**

- (1) **Date of Notification of Intent to Separate:** 6 February 2006

- (2) **Basis for Separation:** The applicant was informed of the following reasons: on or about 7 September 2005, wrongful use of cocaine.

- (3) **Recommended Characterization:** Honorable

(4) Legal Consultation Date: On 6 February 2006, the applicant waived legal counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 6 March 2006 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 24 October 2002 / 5 years

b. Age at Enlistment / Education / GT Score: 28 / High School Graduate / 105

c. Highest Grade Achieved / MOS / Total Service: E-5 / 88M2O 2B, Motor Transport Operator / 3 years, 4 months, 22 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Kuwait and Iraq (15 April 2003 – 18 February 2004; 8 December 2004 – 28 February 2005)

f. Awards and Decorations: ARCOM, AGCM, NDSM, GWTEM, GWTSM, ASR, ICM, OS-SVC-BAR

g. Performance Ratings: NIF

h. Disciplinary Action(s) / Evidentiary Record: Memorandum Debt Avoidance Notice, undated, reflects the applicant was indebted to the U.S Government for recoupment in the amount \$2,000, excessive leave (negative balance), and the "2/3 rule." The debt was satisfied by 3.0 days accrued leave as end of June, no year was given.

Amendment of Joint Custody, 18 May 2004, reflects the state of Georgia amended a contract on behalf of the plaintiff (applicant's spouse) regarding custody of their child. The amendment reflects both parties agreeing and stipulating joint custody, but the plaintiff had physical custody.

Joint Custody Agreement, 17 July 2004, execution of the order filed on 16 May 2002 with the modifications in accordance with the terms of the amendment to contract entered on 18 May 2004.

Memorandum for Defense Military Pay Office, 8 June 2005, reflects consideration for early separation/elimination from the U. S Army. The applicant signed the acknowledgment stating pay and allowances would be put in accrual and pay options would stop (direct deposit).

Letter of Instruction, 10 July 2005, reflects the applicant agreed to be the sole care provider with no one listed as a short-term power of attorney for care of the applicant's child in case of absence due to military service.

Power of Attorney, 12 July 2005, reflects the applicant appointing J. B. guardianship of the minor. The power of attorney was effective on 28 February 2006. The document was signed by a Paralegal serving as witness and acknowledgment.

Special Power of Attorney - Dependent Medical Care, 12 July 2005, reflects the applicant appointing J. B. granting the appointee authorization to do all acts necessary or disable for maintaining the health and education of the minor. The power of attorney was effective 28 February 2006.

Memorandum for Record, 29 August 2005, reflects the applicant informed of being the primary care giver of their child after their spouse was no longer physically able to do so. The applicant made attempts in obtaining someone to serve as a long-term provider but was informed neither parent was able to assist due to health conditions. The applicant also made attempts to contact other relatives who stated they were unable to serve as a long-term provider. SFC I. E., contacted the relatives to confirm statements. The memorandum was signed by SFC I. E.

Report of Medical Exam, 20 October 2005, reflects the applicant disclosing surgical removal of kidney stones and prior use of cocaine and attending rehab in September 2004.

Developmental Counseling Form, 26 October 2005, reflects the applicant was notified of consideration for separation under the provisions of Chapter 14-12c.

Record of Proceedings under Article 15, Uniform Code of Military Justice, 5 December 2005, for violation of Article of 112a: Wrongfully using cocaine on or about 7 September 2005. The punishment consisted of a reduction to E-4, forfeiture of \$250 and extra duty for 15 days.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: Georgia Veterans Health Systems medical records containing psychiatry progress note, 27 January 2010, reflects a diagnosis of "severe PTSD with the inability to gain schooling, work, nor function well in general society ..." Mental health treatment plan note, 20 March 2009, providing evidence of symptoms associated with borderline personality disorder.

South Georgia Psychiatric & Counseling Center, Psychiatric Evaluation, 29 July 2011, reflects a diagnosis of "PTSD, major depressive disorder, recurrent, moderate, generalized as well as social anxiety disorder."

(2) AMHRR Listed: Report of Mental Status Evaluation (MSE), 1 February 2006, reflects the applicant underwent a MSE and was psychologically cleared for any administrative action deemed appropriate by command, was mentally responsible, and had the mental capacity to understand and participate in the proceedings. No mental health diagnosis was provided in the evaluation.

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; medical records; Psychiatric Evaluation.

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 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.

(5) 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.

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-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.

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's AMHRR reflects notification of separation under AR 635-200, Chapter 14, section III, paragraph 14-12c(2) on 8 February 2006 for wrongful use of cocaine, and the recommended character of discharge was honorable. The applicant consulted counsel on 6 February 2006. The separation authority directed a separation under the provisions of Chapter 14, paragraph 14-12c, commission of serious offense with a general (under honorable conditions) characterization of service on 6 March 2006.

The applicant contends suffering from PTSD, insomnia, major depressive disorder, uncontrollable anger issues, an opiate addiction deriving from past medical treatment for a kidney stone, social anxiety, and paranoia at the time of the discharge. The applicant admitted to self-medicating and seeking relief from pain and mental strain. The applicant stated the only answer to their problems was a quick discharge from the military. The applicant provided a copy of medical records from Georgia Veterans Health System with documentation of post-service diagnosis of PTSD, TBI, Borderline Personality Disorder, and Psychiatric treatment. The applicant's AMHRR includes no documentation of a PTSD diagnosis. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 1 February 2006, indicating the applicant was mentally responsible and recognized right from wrong. The MSE does not indicate any diagnosis. The separation authority considered the MSE.

The applicant contends extreme family issues affected their behavior and led to the discharge. The applicant contends the responsibility of being a single parent while suffering from unresolved mental health and health issues increased stress prior to discharge. The applicant states fear of deploying again and not being able to return to their child. The applicant's AMHRR reflects the applicant consulted and sought assistance from their command in obtaining a long-term care giver for the child. The command confirmed the applicant's difficulty in obtaining a caregiver.

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, PTSD.

(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 and is service connected by the VA for PTSD. Service connection establishes that the PTSD also existed in service.

(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. Given the nexus between PTSD and using substances for self-medication, the cocaine use that led to the separation is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board

determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's illegal substance abuse offense.

b. Response to Contention(s):

(1) The applicant contends suffering from a PTSD insomnia, major depressive disorder, uncontrollable anger issues, an opiate addiction deriving from past medical treatment for kidney stone, social anxiety and paranoia at time of discharge. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's illegal substance abuse offense.

(2) The applicant contends extreme family issues affected their behavior and led to the discharge. The applicant contends the responsibility of being a single parent while suffering from unresolved mental health and health issues increased stress prior to discharge. The applicant states fear of deploying again and not being able to return to their child. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse offense.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse offense. 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 illegal substance abuse offense. 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.

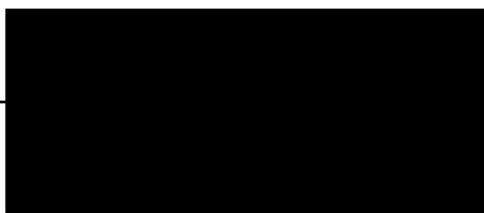
ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE
AR20210000146

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