

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, during their military career, the applicant was an outstanding Soldier and always went the extra mile to help fellow Soldiers. Before the applicant's return from Iraq, they had never received negative counseling. Once the applicant was in rear detachment, things fell apart, the chain of command was nothing like the leadership the applicant had before. The acting 1SG told the applicant "Coming home, because your [spouse] has cancer is a pussy excuse to get out of Iraq." The 1SG told the applicant they would do everything in their power to take the applicant's rank and kick them out of the Army, which the 1SG did. After being late to work twice because of the weather and calling to inform the NCO, the 1SG started UCMJ actions leading to the applicant's first Article 15. After attempting suicide twice, the applicant did not want to live the lifestyle anymore. The applicant was hospitalized twice for attempting suicide and put on anti-depressants. The applicant was diagnosed with depression, PTSD, personal adjustment disorder, borderline personality disorder. The applicant started seeing mental health to become stable.

b. Board Type and Decision: In a records review conducted on 24 April 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Adjustment Disorder, Post Traumatic Stress Disorder, Major Depressive Disorder, and Anxiety Disorder outweighing the applicant's FTRs, disrespect, disobeying lawful orders and commands, breaking restriction, and being derelict in performing duties. 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 **Board Discussion and Determination** section for more detail regarding the Board's decision.*

(Board member names available upon request)

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Pattern of Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 1 September 2011

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 11 August 2011

(2) Basis for Separation: The applicant was informed of the following reasons:

Failed to go at the time prescribed to the appointed place of duty on diverse occasion between 6 December 2010 and 6 June 2011;

Was disrespectful to CPT P. N., the superior commissioned officer, by saying "I don't fucking care," or words to the effect on 17 May 2011;

Wrongfully disobeyed a lawful command from CPT P. N., the superior commissioned officer by leaving the company area on 17 May 2011;

Wrongfully disobeyed a lawful order on diverse occasions between 2 March 2011 and 1 June 2011;

Disrespectful to SGT K. C., the superior noncommissioned officer, by saying "Do you want to hold my dick while you're at it? I gotta Pee. Or maybe you want to wipe my ass instead?" or words to the effect on 24 May 2011;

Derelict in their duties on diverse occasions between 24 May 2011 and 30 May 2011; and,

Broke restriction on 16 and 17 May 2011.

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

(4) Legal Consultation Date: 18 August 2011

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 24 August 2011 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 6 December 2010 / NIF

b. Age at Enlistment / Education / GT Score: 20 / High School Graduate / 109

c. Highest Grade Achieved / MOS / Total Service: E-4 / 88M1O, Motor Transport Operator / 2 years, 10 months, 17 days

d. Prior Service / Characterizations: RA, 15 October 2008 – 5 December 2010 / HD

e. Overseas Service / Combat Service: SWA / Iraq (23 March 2010 – 23 August 2010)

f. Awards and Decorations: AAM, NDSM, GWOTSM, ICM-CS, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 20 April 2011, on or about 6 and 9 December 2010, fail to go at the time prescribed to the appointed place of duty; and on or about 2 March 2011, willfully disobeyed a lawful order from SGT B. The punishment consisted of a reduction to E-1,

reduction in excess of reduction to E-2 (suspended), forfeiture of \$822 pay per month for two months, forfeiture in excess of \$822 pay per month for one month (suspended), extra duty for 45 days; restriction to the limits of Fort Carson, Colorado and restriction from operating a personal motorcycle for 45 days.

Record Of Supplementary Action Under Article 15, UCMJ, 2 June 2011, reflects the suspended portion of the punishment imposed on 20 April 2011, was vacated for Article 90, willfully disobeyed a lawful command from CPT P. N.; Article 91, willfully disobeyed a lawful order from SSG B. C.; and Article 134, broke restriction x2.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 29 June 2011, on or about 26 May and 1 June 2011, without authority, fail to go at the time prescribed to the appointed place of duty; on or about 17 May 2011, behave oneself with disrespect toward CPT P. N.; on or about 17 May 2011, willfully disobey a lawful command from CPT P. N.; on or about 17 May 2011, willfully disobey a lawful order from SSG B. C.; on or about 24 May 2011, was disrespectful in language toward SGT K. C.; on or about 1 June 2011, willfully disobeyed a lawful order from SGT S. G.; from about 14 May 2011 to about 30 May 2011, was derelict in the performance of their duties; on or about 16 and 17 May 2011, broke restriction. The punishment consisted of a reduction to E-1, forfeiture of \$733 pay per month for two months (suspended), and restriction for 60 days.

Several Developmental Counseling Forms for various acts of misconduct.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: Report of Medical History, 26 May 2011, the examining medical physician noted: Seeing BH for PTSD/ADHD/Adjustment disorder. Inpatient twice in 2011 in the comments section.

Report of Mental Status Evaluation (MSE), 15 August 2011, reflects the applicant was cleared for any administrative actions deemed appropriate by the command and met medical retention requirements. The applicant had been screened for PTSD and mTBI. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The applicant was diagnosed with Axis I: Anxiety Disorder NOS; Adjustment Disorder and Axis II: Antisocial Traits.

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 Correction of Military Record; self-authored statement; three third-party statements; 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 3-7a 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 14-3, 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.

(6) Paragraph 14-12b, addresses a pattern of misconduct consisting of either discreditable involvement with civilian or military authorities or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the Uniform Code of Military Justice, Army Regulations, the civilian law and time-honored customs and traditions of the Army.

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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12b, pattern of misconduct.

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 after attempting suicide twice, the applicant did not want to live the lifestyle anymore. The applicant was hospitalized twice for attempting suicide and put on anti-depressants. The applicant was diagnosed with depression, PTSD, personal adjustment disorder, border line personality disorder. The applicant did not submit evidence other than their statement to support the contention the discharge resulted from any medical condition. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 15 August 2011, which reflects the applicant was cleared for any administrative actions deemed appropriate by the command and met medical retention requirements. The applicant had been screened for PTSD and mTBI. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The applicant was diagnosed with Axis I: Anxiety Disorder NOS; Adjustment Disorder and Axis II: Antisocial Traits. Report of Medical History, 26 May 2011, the examining medical physician noted: Seeing BH for PTSD/ADHD/Adjustment disorder. Inpatient twice in 2011 in the comments section. The separation authority considered the MSE and Report of Medical History.

The applicant contends good service, including a combat tour. The third-party statements provided with the application reflect the applicant's hard work and good character while serving in the Army. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends once they were in rear detachment, things fell apart, the chain of command was nothing like the leadership the applicant had before. The acting 1SG told the applicant "Coming home, because your [spouse] has cancer is a pussy excuse to get out of Iraq." The 1SG told the applicant they would do everything in their power to take the applicant's rank and kick them out of the Army, which the 1SG did. After being late to work twice, because of the weather and calling to inform the NCO, the 1SG started UCMJ actions leading to the applicant's first Article 15. The applicant did not submit evidence other than their statement to support the contention. There is no evidence in the AMHRR the applicant sought assistance or reported the harassment. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

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, Major Depressive Disorder, 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 an Adjustment Disorder, PTSD, Major Depressive Disorder, Anxiety Disorder NOS, and the VA has service connected the PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partially.** The Board determined, based on the BMA's opine, that the applicant's behavioral

health conditions partially mitigate the discharge. The applicant was diagnosed in service with an Adjustment Disorder, PTSD, Major Depressive Disorder, and Anxiety Disorder NOS, and the VA has service connected the PTSD. PTSD, Major Depressive Disorder, and Anxiety Disorder NOS have a nexus with avoidance and PTSD has a nexus with difficulty with authority. As a result of these natural sequela, it is likely that the applicant's PTSD, Major Depressive Disorder, and Anxiety Disorder NOS contributed to the FTRs, disrespect, disobeying lawful orders and commands, breaking restriction, and being derelict in performing duties due to not checking in with staff sergeants, so this misconduct is mitigated. However, disobeying a lawful order not to ride a motorcycle without completing an approved motorcycle safety packet is not mitigated by an Adjustment Disorder, PTSD, Major Depressive Disorder, or Anxiety Disorder NOS since none of these conditions interfere with the ability to distinguish between right and wrong and act in accordance with the right.

(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 Adjustment Disorder, Post Traumatic Stress Disorder, Major Depressive Disorder, and Anxiety Disorder outweighed the applicant's FTRs, disrespect, disobeying lawful orders and commands, breaking restriction, and being derelict in performing duties. The Board determined that the applicant's medically unmitigated offense of disobeying a lawful order not to ride a motorcycle did not rise to a level to negate meritorious service.

b. Response to Contention(s):

(1) The applicant contends after attempting suicide twice, the applicant did not want to live the lifestyle anymore. The applicant was hospitalized twice for attempting suicide and put on anti-depressants. The applicant was diagnosed with depression, PTSD, personal adjustment disorder, border line personality disorder. The Board liberally considered this contention and determined that the applicant's Adjustment Disorder, Post Traumatic Stress Disorder, Major Depressive Disorder, and Anxiety Disorder outweighed the applicant's FTRs, disrespect, disobeying lawful orders and commands, breaking restriction, and being derelict in performing duties. The Board determined that the applicant's medically unmitigated offense of disobeying a lawful order not to ride a motorcycle did not rise to a level to negate meritorious service. Therefore, a discharge upgrade is warranted.

(2) The applicant contends good service, including a combat tour. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Adjustment Disorder, Post Traumatic Stress Disorder, Major Depressive Disorder, and Anxiety Disorder outweighing the applicant's FTRs, disrespect, disobeying lawful orders and commands, breaking restriction, and being derelict in performing duties.

(3) The applicant contends once they were in rear detachment, things fell apart, the chain of command was nothing like the leadership the applicant had before. The acting 1SG told the applicant "Coming home, because your [spouse] has cancer is a pussy excuse to get out of Iraq." The 1SG told the applicant they would do everything in their power to take the applicant's rank and kick them out of the Army, which the 1SG did. After being late to work twice, because of the weather and calling to inform the NCO, the 1SG started UCMJ actions leading to the applicant's first Article 15.

c. The Board determined the discharge is inequitable based on the applicant's Adjustment Disorder, Post Traumatic Stress Disorder, Major Depressive Disorder, and Anxiety Disorder outweighed the applicant's FTRs, disrespect, disobeying lawful orders and commands, breaking restriction, and being derelict in performing duties. Therefore, the Board voted to grant relief in

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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 Adjustment Disorder, Post Traumatic Stress Disorder, Major Depressive Disorder, and Anxiety Disorder outweighed the applicant's FTRs, disrespect, disobeying lawful orders and commands, breaking restriction, and being derelict in performing duties. 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.

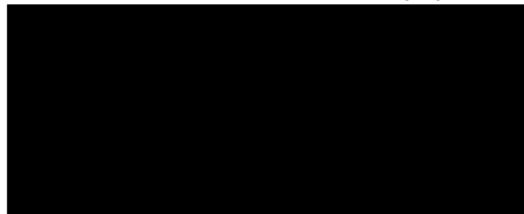
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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:

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