

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, the discharge does not reflect the applicant's many years of honorable service. The applicant contends post-traumatic stress disorder (PTSD), developed during wartime service and following significant trauma and loss, directly impacted performance and behavior and their military career declined only after experiencing the psychological toll of combat.

b. Board Type and Decision: In a records review conducted on 20 May 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's PTSD outweighing the basis of separation misconduct. 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. Accordingly, the narrative reason for separation changed 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 details regarding the Board's decision.

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: 27 February 2008**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 23 January 2008

(2) Basis for Separation. Under the provisions of AR 635-200, Chapter 14-12c(2), the applicant was informed of the following reasons: Commission of a Serious Offense on 18 December 2007, the applicant was found guilty at a Summary Court- Martial for one violation of Article 86, UCMJ (Failure to Report and Absent without Leave) and one violation of Article 112a., UCMJ (Wrongful Use of a Controlled Substance). Their actions were not becoming of a Soldier and do not live up to the Army Values.

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

(4) Legal Consultation Date: On 23 January 2008, the applicant waived legal counsel per pretrial agreement.

(5) Administrative Separation Board: On 15 November 2007, the applicant conditionally waived consideration of the case before an administrative separation board, contingent upon receiving a characterization of service no less favorable than general (under honorable conditions) discharge.

On 15 November 2007, the applicant's conditional waiver was approved.

(6) Separation Decision Date / Characterization: On 12 February 2008, the separation authority approved the applicant's separation under the provisions of AR 635-200, Chapter 14-12c, Misconduct (Serious Offense). / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 7 March 2005 / 6 years

b. Age at Enlistment / Education / GT Score: 29 / High School Graduate / 109

c. Highest Grade Achieved / MOS / Total Service: E-6 / 63B3O, Wheeled Vehicle Mechanic / 12 years, 2 months, 27 days

d. Prior Service / Characterizations: RA, 27 December 1995 – 13 January 1999 / HD
RA, 14 January 1999 – 8 May 2002 / HD
RA, 9 May 2002 – 7 January 2004 / HD
RA, 8 January 2004 – 6 March 2005 / HD

e. Overseas Service / Combat Service: Korea / Iraq (18 January 2005 – 31 December 2005)

f. Awards and Decorations: ARCOM, AGCM-3, NDSM, GWOTEM, GWOTSM, KDSM, ICM, ASR, OSR-2 / The applicant's AMHRR reflects one OSR award, however, the award is not reflected on the DD Form 214.

g. Performance Ratings: 1 December 2005 – 31 July 2006 / Fully Capable

h. Disciplinary Action(s) / Evidentiary Record: FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 6 December 2006, for failing to go at the prescribed time to their place of duty at wit 1300 hours the HRC at Atlanta Airport and for disobeying a lawful order to contact their unit or rear detachment to inform them or give a reason for missing flight on or about 19 November 2006. The punishment consisted of a reduction to E-5, forfeiture of \$1248 pay per month for two months, and extra duty and restriction for 45 days (both suspended).

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 6 August 2007, for on 29 July 2007 failed to go to at the time prescribed to their appointed place of duty to wit 0630 hours accountability formation and on 2 July 2007 failed to go to prescribed appointed place of duty to wit 0900 hours HHC orderly room. The punishment consisted of a reduction to E-4, and extra duty and restriction for 45 days.

Electronic Copy of Specimen Custody Document – Drug Testing, 28 August 2007, reflects the applicant tested positive for COC 3076 (cocaine) during an Inspection Random (IR) urinalysis testing conducted on 10 August 2007.

Positive Test and Required Actions Memorandum, 29 August 2007, reflects the applicant tested positive for COC (cocaine). The command was required to enroll the applicant in the Army Substance Abuse Program (ASAP) and referral them to Criminal Investigation Division (CID) within 48 hours.

Offer to Plead Guilty, 15 November 2007, reflects the applicant unconditionally waived their right to an administrative separation board for an administrative separation action recommending a discharge with a characterization of service as general (under honorable conditions) or higher that may be initiated as a result of underlying the charges of AWOL and wrongful use of cocaine. In exchange for the plea the convening authority agreed to refer the case to a Summary Court-Martial and approve any administrative separation of service as general (under honorable conditions) or higher. The plea was accepted by the brigade commander.

Results of Trial by Court Martial, 18 December 2007, reflects on 6 December 2006 the applicant plead not guilty to two of four charges. The applicant was found guilty of AWOL and wrongful use of cocaine. The applicant was sentenced to reduction to E-3 and restriction for 45 days.

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

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 3 July 2007;
 From AWOL to Present for Duty (PDY), effective 6 July 2007;
 From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 17 July 2007;
 From AWOL to Confined by Civil Authorities (CCA), effective 18 July 2007;
 From Confined by Civil Authorities (CCA) to Present for Duty (PDY), effective 25 July 2007;
 From Present for Duty (PDY) to AWOL, effective 14 August 2007;
 From AWOL to Dropped From Roll (DFR), effective 12 September 2007;
 From Dropped From Roll to Present For Duty, effective 13 September 2007.

i. Lost Time / Mode of Return: None listed on the applicant's DD Form 214.

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: Examiner's Summary, 4 October 2007, reflects the applicant reported two motor vehicle accidents one in Iraq in 2006. The applicant was a passenger in a five ton was hit by an HUMMV. From these incidents the applicant had chronic neck back and shoulder pain. The applicant also reported headaches and getting nervous around "a lot of uniforms." The applicant reported having to kill people in Iraq for no reason and it was coming back to haunt them. The applicant states taking drugs because it was the only thing making their problems go away. Without them they did not sleep or eat. They reported seeing dead people and hearing them talk. The applicant had at least two admissions to the psychiatric ward and was evacuated from Iraq because their head was not working right.

Report of Mental Status Evaluation, 4 December 2007, reflects the applicant had the mental capacity to understand and participate in the separation proceedings, was mentally responsible, and met the retention requirements of chapter 3, AR 40-501. The remarks state the applicant was evaluated using a clinical interview on 4 December 2007. The applicant reported present symptoms consistent with some depression. They reported having deployed three times and being MEDEVACED back from Iraq for psychiatric reasons in December 2006 which included passive suicidal ideation. The applicant was diagnosed with an Anxiety Disorder at Landstuhl, Germany on the way back from Iraq, and reported still having sleep disturbance, nightmares and thoughts of hurting Iraqis, symptoms which reflected the possibility of anxiety associated

with combat stress. There was no history of actual suicide attempts, and there were no current suicidal or homicidal ideations. There were indications of behavior and interpersonal problems characteristic of individuals with a Personality Disorder. The applicant was diagnosed with polysubstance abuse, adjustment disorder with mixed anxiety and depressed mood, and personality disorder. The applicant was psychiatrically cleared for any administrative actions deemed necessary by the command.

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 3-7a 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 14-12c 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.

(7) Chapter 15 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 memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

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 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 was discharged on 12 February 2008, for the applicant being found guilty at a Summary Court-Martial for one violation of Article 86, UCMJ (Failure to Report and Absent without Leave) and one violation of Article 112a, UCMJ (Wrongful Use of a Controlled Substance). Their actions were not becoming of a Soldier and did not live up to the Army Values. The applicant signed an offer to plead guilty waiving their right to an administrative separation board in exchange for receiving a general (under honorable conditions) characterization. The separation authority approved the applicant's separation under the provisions of AR 635-200, Chapter 14-12c, Commission of a Serious Offense with a general (under honorable conditions) characterization.

The applicant contends post-traumatic stress disorder (PTSD) developed during wartime service and following significant trauma and loss directly impacting performance and behavior. The applicant contends their military career declined only after experiencing the psychological toll of combat. The applicant did not submit evidence other than their statement to support the contention the discharge resulted from any medical condition. The applicant's AMHRR contains documentation supporting an in-service diagnosis of PTSD, polysubstance abuse, adjustment disorder with anxiety and depression, and personality disorder. The record shows the applicant underwent a mental status evaluation (MSE) on 4 December 2007, which indicates the applicant was mentally responsible and was able to recognize right from wrong. The separation

authority considered the MSE. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends, the discharge does not reflect the applicant's many years of honorable service. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

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's Medical Advisor, a voting member, 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, Adjustment Disorder with Anxiety and Depression, and Anxiety Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is 100 percent service connected for PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that a review of the available information reflects the applicant has a BH condition that mitigates his misconduct as outlined in the BoS. The applicant is 100 percent service connected for PTSD and given the nexus between PTSD and avoidant behavior and PTSD and the use of substances to self-medicate, the applicant's misconduct characterized by FTR, AWOL, and the wrongful use of cocaine is mitigated by his SC BH condition.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the Board determined that the PTSD outweighed the basis of separation.

b. Prior Decisions Cited: None

c. Response to Contentions:

(1) The applicant contends post-traumatic stress disorder (PTSD), developed during wartime service and following significant trauma and loss directly impacting performance and behavior. The applicant contends their military career declined only after experiencing the psychological toll of combat. The Board determined that this contention was valid and voted to upgrade the characterization of service due to PTSD mitigating the basis of separation misconduct.

(2) The applicant contends the discharge does not reflect the applicant's many years of honorable service. The Board considered this contention and noted the totality of the applicant's service during proceedings.

d. The Board determined the discharge is inequitable based on the applicant's PTSD mitigating the basis of separation misconduct. 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. Accordingly, the narrative reason for separation

changed 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.

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service based on full medical mitigation (PTSD) for the BoS.

(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 given the BH diagnoses and service connection. 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:

5/23/2025

