

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 Purple Heart, awarded on or about 2 January 2011 for injuries sustained in an improvised explosive device (IED) blast, including traumatic brain injury (TBI), should be appropriately reflected on the DD Form 214. The omission of this award from the applicant's official discharge documentation is an administrative error and fails to acknowledge recognition of combat wounds received in service. The applicant contends the current discharge should be upgraded to honorable to allow access to education benefits. The applicant sustained multiple combat-related injuries including, TBI, post-traumatic stress disorder (PTSD), hearing loss, and orthopedic injuries prevent performance of manual labor. With no transferable job skills acquired during military service, access to education benefits is critical for long-term self-sufficiency and reintegration into civilian life.

b. Board Type and Decision: In a records review conducted on 27 May 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, and partial medical mitigation of the applicant's misconduct combining to outweigh the discharge. 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 details 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: 11 January 2012**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 6 October 2011

(2) Basis for Separation: The applicant was informed of the following reasons: On 17 March 2011 the applicant engaged in reckless conduct with a firearm which placed several people in danger of serious bodily harm; they failed to go to their appointed place of duty on 27 April, 6 May and 21 July 2011; they wrongfully used D-Amphetamine/D-Methamphetamine between on or about 7 May 2011 and 17 May 2011; absent without leave from on or about 11 June 2011 to on or about

15 June 2011, from on or about 23 August 2011 to on or about 24 August 2011, and from on or about 23 September 2011 to on or about 26 September 2011.

(3) Recommended Characterization: Under Other Than Honorable Conditions

(4) Legal Consultation Date: 12 October 2011

(5) Administrative Separation Board: On 17 October 2011, the applicant was notified to appear before an administrative separation board and advised of rights. The applicant was renotified 30 November 2011.

On 22 November 2011, the administrative separation board convened, and the applicant appeared with counsel. The board recommended the applicant's discharge with a characterization of service of under other than honorable conditions.

(6) Separation Decision Date / Characterization: 19 December 2011 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 5 November 2008 / 3 years, 17 weeks

b. Age at Enlistment / Education / GT Score: 19 / High School Graduate / 115

c. Highest Grade Achieved / MOS / Total Service: E-4 / 11B1O, Infantryman / 2 years, 9 months, 25 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan (16 October 2008 – 4 November 2008)

f. Awards and Decorations: ACM-CS, ARCOM, NDSM, GWOTSM, ASR, OSR, NATOMDL, CIB, PH

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Felony Complaint, 24 March 2011, reflects the applicant was charged with the offense of reckless conduct; place another in danger (felony) for recklessly engaging in conduct which placed five people in danger of serious bodily injury by discharging a firearm within close proximity to them.

Notice of Hearing, 24 March 2011, reflects the applicant was scheduled for a probable cause hearing on 12 April 2011.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 2 June 2011, for failing to go at the time prescribed to their appointed place of duty 0600 accountability formation on 27 April and 6 May 2011. The punishment consisted of a reduction to E-2, forfeiture of \$411 pay per month for two months (suspended), and extra duty and restriction for 45 days.

Medical Record, Consultation Sheet, Medical Review Officer, 6 June 2011, reflects the applicant tested positive for DAMP/DMETH on a urinalysis conducted on 17 May 2011. In a view of the fact that the positive result may be caused by the legitimate and legal use of a prescribed

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medication. The records were reviewed and the positive remained positive and use was unauthorized. No prescription was in AHLTA or CHCS1.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 26 September 2011, absenting themselves on or about 23 August 2011 without authority and remained absent until on or about 24 August 2011. Also, on or about 7 and 17 May 2011 wrongfully used D-Amphetamine / D-Methamphetamine. The punishment consisted of a reduction to E-1, forfeiture of \$733 pay per month for two months (suspended), and extra duty and restriction for 45 days and oral reprimand.

Hospital Discharge and Aftercare Plan, 13 October 2011, reflects the applicant was discharged to their home with prescriptions for Zoloft and Luspar. They were also given a follow up appointment with ASAP. The applicant was diagnosed with Adjustment Disorder depressed mood.

Request to Delay, 25 November 2011, reflects the applicant requested a delay so the applicant had adequate time to meet with their counsel.

Verbatim Findings and Recommendations Worksheet, 5 December 2011, reflects the board found the following. A preponderance of the evidence did not support the allegation on 17 August 2011, the applicant engaged in reckless conduct with a firearm which placed several people in danger of serious bodily harm. They did find preponderance of the evidence supporting the allegation the applicant failed to go to their appointed place of duty on 27 April, 6 May and 21 July 2011, the applicant went absent without leave from on or about 13 May 2011 to on or about 18 May 2011, on or about 11 June 2011 to on or about 15 June 2011, from on or about 23 August 2011 to on or about 24 August and from on or about 23 September 2011 to on or about 26 September 2011 and between on or about 7 and 17 May 2011, the applicant wrongfully used D-Amphetamine/D-Methamphetamine.

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

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 23 September 2011;

From AWOL to Present for Duty (PDY), effective 26 September 2011;

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective date is illegible;

From AWOL to Present for Duty (PDY), effective 24 August 2011;

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 11 June 2011;

From AWOL to Present for Duty (PDY), effective 15 June 2011.

Six Developmental Counseling Forms for: reason for chapter, reason for restriction, failed urinalysis (the applicant responded they were taking workout supplements), 3 FTR to formation, violation of article 117 (provoking speeches or gestures) the applicant communicated a threat to multiple people by discharging a firearm in a public place.

i. Lost Time / Mode of Return: About 7 days:

AWOL, 23 September 2011 – 26 September 2011 / NIF

AWOL, illegible date – 24 August 2011 / NIF

AWOL, 11 June 2011 – 15 June 2011 / NIF

j. Behavioral Health Condition(s):

(1) Applicant provided: Report of Mental Status Evaluation, 20 July 2011, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; 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 command was advised to consider the influence of these conditions.

(2) AMHRR Listed: Examiner Summary Form, 15 July 2010, reflects the applicant reported chronic headaches and chest pain since being knocked unconscious during an IED. The applicant also mentions having sleep problems and depression.

MSE as described in 4i(1).

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; Purple Heart Orders; Purple Heart DA Form 4187; Purple Heart Award Certificate; Separation Approval Authority Memorandum; Intermediate Authority Memorandum; Separation Recommender Memorandum; Commander Report; Separation Notification Memorandum; Election of Rights; Acknowledgement of Notification Memorandum; Report of Mental Status Evaluation; Two Certificates 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 14-2c, 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.

(6) 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.

(7) 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 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 from active duty based on: 17 March 2011, for engaging in reckless conduct with a firearm which placed several people in danger of serious bodily harm; they failed to go to their appointed place of duty on 27 April, 6 May and 21 July 2011; wrongfully used D-Amphetamine/D-Methamphetamine between on or about 7 and 17 May 2011; absent without leave from on or about 11 June 2011 to on or about 15 June 2011, from on or about 23 August 2011 to on or about 24 August 2011, and from on or about 23 September 2011 to on or about 26 September 2011.

The applicant contends the current discharge should be upgraded to honorable to allow access to education benefits. 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.

The applicant contends sustaining multiple combat-related injuries including TBI, post-traumatic stress disorder (PTSD), hearing loss, and orthopedic injuries that prevent performance of manual labor. With no transferable job skills acquired during military service, access to education benefits is critical for long-term self-sufficiency and reintegration into civilian life. The applicant's AMHRR includes no documentation of a PTSD diagnosis. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 20 July 2011, 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 the Purple Heart, awarded on or about 2 January 2011 for injuries sustained in an improvised explosive device (IED) blast, including traumatic brain injury (TBI), should be properly reflected on the DD Form 214. The omission of this award from the applicant's official discharge documentation is an administrative error and fails to acknowledge recognition of combat wounds received in service. The applicant's requested change to the DD Form 214 does not fall within this board's purview. The applicant's AMHRR reflects the Purple Heart has been added in the record reflect in a DD Form 215 on 3 October 2012.

9. BOARD DISCUSSION AND DETERMINATION:

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

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

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board found the applicant is 50 percent service connected for PTSD and 10 percent service connected for mTBI with residual headaches.

(3) Does the condition or experience 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 is 50 percent SC for PTSD and 10 percent SC for Residuals of TBI and has additional diagnoses of Adjustment Disorder with Depressed Mood, Depressive Disorder w/Anxiety both subsumed by PTSD. Given the nexus between PTSD and use of substances to self-medicate, and PTSD and avoidant behavior, the applicant's wrongful use of methamphetamine/d-methamphetamine, FTR, and AWOLs are mitigated. However, discharging a firearm in a public place, endangering the lives of others, is not mitigated as the misconduct is not natural sequela of PTSD. The applicant's mTBI was not of a severity to impact judgement, cognition, or behavior at the time of the misconduct.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the available evidence did not support a conclusion that the applicant's Post Traumatic Stress Disorder, Adjustment Disorder, Depressive Disorder, and/or Traumatic Brain Injury outweighed the applicant's medically unmitigated offense of discharging a firearm in a public place.

b. Response to Contention(s):

(1) The applicant contends sustaining multiple combat-related injuries including TBI, post-traumatic stress disorder (PTSD), hearing loss, and orthopedic injuries that prevent performance of manual labor. The Board liberally considered this contention and determined that the available evidence did not support a conclusion that the applicant's Post Traumatic Stress Disorder, Adjustment Disorder, Depressive Disorder, and Traumatic Brain Injury outweighed the applicant's medically unmitigated offense of discharging a firearm in a public place. However, the Board found that the applicant's record of service outweighed the medically unmitigated offense. Therefore, a discharge upgrade is warranted.

(2) The applicant contends the Purple Heart, awarded on or about 2 January 2011 for injuries sustained in an improvised explosive device (IED) blast, including traumatic brain injury (TBI), should be properly reflected in the DD Form 214. The Board determined that the applicant's request to add an award to a DD Form 214 does not fall within the purview of the ADRB. The applicant may apply to the Army Board for Correction of Military Records (ABCMR), using a DD Form 293 regarding this matter. A DD Form 293 may be obtained online at <https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0293.pdf> or from a Veterans' Service Organization.

c. The Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, and partial medical mitigation of the applicant's misconduct combining to outweigh the discharge. 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 AWOL, FTR, and illegal substance abuse offenses. The Board found that the applicant's record of service outweighed the alleged offense of discharging a firearm in a public place. 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 given the BH conditions and service connection. The current code is consistent with the procedural and substantive requirements of the regulation.

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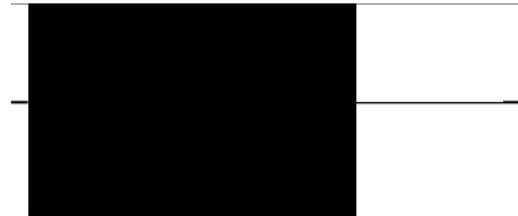
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10. BOARD ACTION DIRECTED:

- 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:

5/30/2025



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