

1. Applicant's Name: [REDACTED]**a. Application Date:** 26 April 2021**b. Date Received:** 26 April 2021**c. Counsel:** [REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant's Requests and Issues: The current characterization of service for the period under review is under other than honorable conditions. The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, discharge was improper due to the failure to consider their diagnosed mental health conditions during the separation process. They assert that panic disorder, adjustment disorder, depression, and chronic PTSD impaired their ability to continue serving effectively. They contend their psychiatric symptoms, exacerbated by traumatic experiences as seeing IED injuries in Afghanistan, severely impacted their ability to comply with military policies despite their previous good service record. The applicant asserts they sought medical treatment, and was on multiple psychiatric medications, and feared returning to combat without proper mental health care. They acknowledge going AWOL but contend this action was a direct result of their mental health struggles. They argue the characterization of "Other Than Honorable" discharge was unjust, as their actions stemmed from a psychiatric condition beyond their control, as supported by their medical records.

b. Board Type and Decision: In a records review conducted on 15 April 2025, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the offenses of AWOL and communicating a threat. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

*Please see the **Board Discussion and Determination** section for more details regarding the Board's decision. Board member names available upon request.*

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / Under Other Than Honorable Conditions

b. Date of Discharge: 2 March 2011**c. Separation Facts:**

(1) Date and Charges Preferred (DD Form 458, Charge Sheet): On 6 January 2011, the applicant was charged with:

Charge I: Violating Article 86, UCMJ: The applicant did on or about 19 November 2010, without authority absent themselves from their place of duty and did remain absent until on or about 3 January 2011.

Charge II: Violating Article 87, UCMJ, the applicant on or about 3 November 2010 through design miss the movement of their flight which was a duty move.

Additional Charge: Violating Article 134, UCMJ, the applicant on or about 3 January 2011 wrongfully communicated a threat to injure a superior.

(2) Legal Consultation Date: 22 February 2011

(3) Basis for Separation: Pursuant to the applicant's request for discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial.

(4) Recommended Characterization: Under Other Than Honorable Conditions

(5) Separation Decision Date / Characterization: 25 February 2011 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 6 May 2008 / 5 years, 17 weeks

b. Age at Enlistment / Education / GT Score: 21 / High School Graduate / 103

c. Highest Grade Achieved / MOS / Total Service: E-4 / 13B1O U6, Cannon Crewmember / 2 years, 6 months, 18 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan (9 June 2010 – 21 October 2010)

f. Awards and Decorations: ACM-CS, NDSM, GWOTSM, ASR, NATO

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Email thread, 28 October 2010, reflects a conversation from the 1SG notifying the applicant leader of the applicant's behavioral health appointments and that it needs to be communicated that the applicant is to be sent back to theater ASAP.

Serious Incident Repot (SIR), 28 October 2010, reflects the applicant informed their leader that they were on Rest and Recovery Leave (R&R) and due to mental health, they could not return down range. The applicant informs the leader that no one was helping the downrange. The leader informed the applicant that they needed to return down range and could seek help there. The leader was called by a mental health professional and informed them that the applicant had checked themselves into a mental health facility.

Profile Guidelines, 1 November 2010, reflect the applicant needed a CIP which included constant monitoring from first formation until lights out, health and welfare of the applicant's room and removal of hazardous material, no alcohol, and no access to self-injurious objects.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

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Administrative Orders Based on Misconduct, 11 November 2010, reflect the applicant failed to redeploy and made statements that they refuse to return to assigned place of duty in Afghanistan. This order was in place until the applicant returned to Afghanistan.

SIR, 18 November 2010, reflects the applicant left the supervision of the staff duty on 18 November 2010.

Physical Profile, 27 November 2011, reflects the applicant limitations were no access to weapons, no deployments, no remote assignments, no simulated combat.

Military Police Report, 2 December 2010, reflects the applicant surrendered to military authorities. The report notes the applicant had been diagnosed with severe post-traumatic stress disorder (PTSD) and had not had medication in two weeks and had not slept in days. The applicant stated that if they were returned to their command the commander would probably hurt them. The applicant was transported to the emergency room for a mental evaluation and the command was notified.

Dropped From Roll letter to family, 15 December 2010, reflects the family of the applicant was sent a letter notifying them that the applicant would be dropped from roll on 22 December 2010 and be admiratively classified as a deserter. The family was asked to urge the applicant to return to military control. The family was assured the applicant would be given a fair hearing and an opportunity to present any information on their behalf.

Pretrial Confinement Checklist, 3 January 2011, reflects the applicant had been identified as AWOL from 19 November 2010 until 4 January 2011 and the applicant told detectives that if they were returned to their unit, they would hurt people, specifically their officer in charge. The applicant also stated that they would go AWOL again if returned to their unit.

Confinement Order, 3 January 2011, reflects the applicant was to be confined for violating Articles 86 and 134.

Memorandum for Record, 5 January 2011, reflects confinement was required based on the comments the applicant made in regard to hurting people in their unit and going AWOL.

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

- From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 19 November 2010;
- From AWOL to Dropped From Rolls (DFR), effective 20 December 2010;
- From Dropped From Rolls(DFR) to Present for Duty (PDY), effective 3 January 2011
- From Present for Duty (PDY),) to Pre-Trial Confinement by Military Authorities, effective 3 January 2011;
- From Pre-Trial Confinement to Present for Duty (PDY), effective 28 February 2011

i. Lost Time / Mode of Return: 3 months, 14 days: AWOL, 19 November 2010 – 27 February 2011 / Returned to Military Control

j. Behavioral Health Condition(s):

(1) Applicant provided: 16 pictures of prescribed mental health medicine.

Texas Lonestar Family Medicine attending physician statement for Behavioral Health, 20 December 2018, reflects the applicant had increased stress anxiety, depression, increased

anxiety attacked, inability to focus, inability to be in crowds, around loud noise, chest pain and PTSD. The applicant was diagnosed with major depression and generalized anxiety disorder.

(2) AMHRR Listed: Behavioral Health letter downrange, 3 August 2010, reflects the applicant was seen on two separate occasions after patrols. Each time the applicant appeared anxious. The applicant reported since deployment their symptoms grew worse. The chain of command reported that the applicant anxiety state was noticeable and “out of proportion of the reality of the situation.” The Chain of Command, the Battalion PA the FST PA and the Behavioral Health Officer recommended rehab transfer to a less active area to support position in the Battalion. The applicant agreed with the plan and report they was motivated to stay as close to the fight as possible, but not on foot patrol. The applicant reported safety to themselves or others.

Mental Health Evaluation, 12 August 2010, reflects the applicant presented with anxiety and emotional dysregulation and was recommended to refrain from combat operations while in treatment.

Memorandum for Trial Counsel, 16 February 2011, reflects a board was conducted to inquiry the mental status of the applicant. The board concluded the applicant had a severe mental disease or defect that was diagnosed as PTSD.

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; Attorney letter; Memorandum for Trail Counsel 706 Board; two VA Statement of Claim; Certificate of Release or Discharge from Active Duty; two news photos of applicant deployed; five third party letters; Texas Lonestar Family Medicine Attending Physician Statement for Behavioral Health.

6. POST SERVICE ACCOMPLISHMENTS: None were submitted in support of 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 635-40 (Disability Evaluation for Retention, Retirement, or Separation), paragraph 4-3f(1), states enlisted Soldiers who are approved for discharge in lieu of trial by court-martial are ineligible for referral to the MEB and PEB phases of the DES (see AR 635-200). If the Soldier is in the DES process, the applicant's DES case will be terminated, and the Soldier is discharged in lieu of trial by court-martial.

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

(5) Chapter 10 provides, in pertinent part, that a member who has committed an offense or offenses for which the authorized punishment includes a punitive discharge may submit a request for a discharge for the good of the Service in lieu of trial by court-martial. The request may be submitted at any time after charges have been preferred and must include the individual's admission of guilt.

(6) Paragraph 10-6 stipulates medical and mental examinations are not required but may be requested by the Soldier under AR 40-501, chapter 8.

(7) Paragraph 10-8a stipulates a discharge under other than honorable conditions normally is appropriate for a Soldier who is discharged in lieu of trial by court-martial. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record during the current enlistment. (See chap 3, sec II.)

(8) Paragraph 10-8b stipulates Soldiers who have completed entry-level status, characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be improper.

f. 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 "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

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

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

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

The evidence in the applicant's Army Military Human Resource Record (AMHRR) confirms the applicant was charged with the commission of an offense punishable under the UCMJ with a punitive discharge. In consultation with legal counsel, the applicant voluntarily requested, in writing, a discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial. In this request, the applicant admitted guilt to the offense, or a lesser included offense, and indicated an understanding an under other than honorable conditions discharge could be received, and the discharge would have a significant effect on eligibility for veterans' benefits. The under other than honorable conditions discharge received by the applicant was normal and appropriate under the regulatory guidance.

The applicant contends their discharge was improper due to the failure to consider their diagnosed mental health conditions during the separation process. The applicant provided third-party letters which described the applicant's change in behavior after returning from combat and supported the applicant's contention. The applicant's AMHRR contains documentation supporting an in-service diagnosis. The applicant's AMHRR reflects several occasions where the applicant's mental health status shows. The record also shows where the behavioral health professional recommended the applicant not be deployed.

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 (with subsumed Anxiety Disorder NOS and Adjustment Disorder).

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board found the applicant is service connected for treatment only for PTSD and was diagnosed with PTSD during military service.

(3) Does the condition or experience excuse or mitigate the discharge? **Yes.** The Board determined, based on the Board Medical Advisor opine, that the applicant's behavioral health conditions mitigate the discharge. Given the nexus between PTSD and avoidant behavior and PTSD and verbal outbursts, the applicant's offenses of AWOL, missing movement, and communicating a threat are mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's medically mitigated offenses of AWOL, missing movement, and communicating a threat.

b. Response to Contention(s): The applicant contends their discharge was improper due to the failure to consider their diagnosed mental health conditions during the separation process. The Board liberally considered this contention but was unable to determine what the separating authority did/did not consider based on the current evidentiary record. However, the Board did

determine that the applicant's Post Traumatic Stress Disorder outweighed the separating offenses.

c. The Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's medically mitigated separating offenses. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

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 medically mitigated separating offenses. Thus, the prior characterization is no longer appropriate.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code as the applicant requested a Chapter 10 separation.

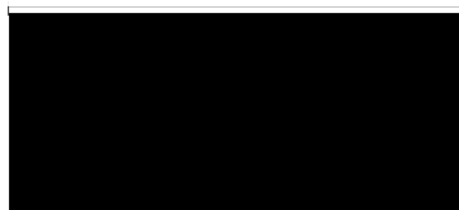
(3) The RE code will not change given the BH diagnoses. The current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD Code to:** No Change
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** No Change

Authenticating Official:

5/22/2025



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