

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, suffering from post-traumatic stress disorder (PTSD) and adjustment disorder. The applicant contends their discharge was both inequitable and improper. The applicant contends approaching their leaders several times for help and counseling but being told to be a Soldier and a combat medic seeking help is a sign of weakness. The applicant used their personal time to seek the counseling they needed. The applicant believes they should have been medically discharged. The applicant received the Army Good Conduct Medal, Army Commendation Medal, and a master's degree.

- b. Board Type and Decision:** In a records review conducted on 15 May 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Depression, and Anxiety outweighing the applicant's offenses FTR and absenting from duty. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

Please see Section 9 of this document for more detail regarding the Board's decision.

(Board member names available upon request)

3. DISCHARGE DETAILS:

- a. Reason / Authority / Codes / Characterization:** Pattern of Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)
- b. Date of Discharge:** 1 October 2010
- c. Separation Facts:**

(1) Date of Notification of Intent to Separate: NIF

(2) Basis for Separation: The applicant was informed of the following reasons: On 16 June 2010, the applicant received a Field Grade Article 15, for disrespecting a senior noncommissioned officer on two occasions.

On 6 June 2010, the applicant received a Supplementary Action for a Company Grade Article 15, for disrespecting a senior noncommissioned officer.

On 4 June 2010, the applicant received a Company Grade Article 15, for being derelict in the performance of their duties, disobeying a lawful order given by a senior noncommissioned officer on three occasions, failing to report to their appointed place of duty, absenting oneself from their duty, and wrongfully communicating a threat to a senior noncommissioned officer.

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

(4) Legal Consultation Date: On 10 September 2010, the applicant waived legal counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 10 September 2010 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 16 October 2009 / 4 years

b. Age at Enlistment / Education / GT Score: 31 / bachelor's degree / 129

c. Highest Grade Achieved / MOS / Total Service: E-4 / 68W1P, Health Care Specialist / 4 years, 3 months, 25 days

d. Prior Service / Characterizations: 7 June 2006 – 15 October 2009 / HD

e. Overseas Service / Combat Service: SWA / Iraq (8 June 2007 – 19 July 2008; 20 August 2009 – 4 August 2010)

f. Awards and Decorations: ICM-2CS, ARCOM, AGCM, NDSM, GWOTSM, ASR, OSR-2

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 1 June 2010, for on or about 3 March 2010, were derelict in the performance of those duties the applicant willfully gave single CHUs to Soldiers in the ranks of E-4 through E-7. Disobeyed a lawful order on three occasions between 20 May and 26 May 2010. On 27 May 2010, fail to go at the time prescribed to their place of duty on two occasions. On or about 27 May 2010, without authority, absent oneself from their place of duty. On 28 May 2010, wrongfully communicate a threat. The punishment consisted of a reduction to E-3, forfeiture of \$448 (suspended), and extra duty and restriction for 14 days.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 15 June 2010, for being disrespectful on two occasions on 1 June 2010. The punishment consisted of a reduction to E-1, and extra duty and restriction for 45 days.

Numerous Developmental Counseling Forms for various acts of misconduct.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: Chronological Record of Medical Care, 16 April 2009, reflects a diagnosis of PTSD and Major Depression Recurrent.

Chronological Record of Medical Care, 16 June 2010; reflects a diagnosis Adjustment Disorder with Anxiety and Depressed mood.

Memorandum for Unit commander, 27 May 2010, the applicant was evaluated by this clinician at CSC FOB Sykes on 27 May 2010, as an emergency after hour assessment. The applicant is now in weekly counseling with this clinician addressing anxiety related issues.

(2) AMHRR Listed: Report of Medical Examination, 5 July 2010, the examining medical physician noted in the comments section: Anxiety and depression.

Report of Behavioral Health Evaluation (BHE), 23 August 2010, reflects the applicant was mentally responsible with a clear-thinking process and had the mental capacity to understand and participate in the proceedings. The applicant was cleared for any administrative actions deemed appropriate by the command. The applicant was diagnosed with: AXIS I: Adjustment Disorder with Mixed Anxiety and Depressed mood (by Hx); Occupational problems.

Report of Medical History, 27 August 2010, the examining medical physician noted in the comments section: Anxiety and depression.

The ARBA's medical advisor reviewed DoD and VA medical records, including documents listed in 4j(1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; self-authored letter; Applicant Data Report; High School Diploma; Bachelor of Science Diploma; medical records; ARCOM Certificate, Order of the Spur; Certificate of Affiliation; Airborne Course Certificate; Enlisted Record Brief.

6. POST SERVICE ACCOMPLISHMENTS: The applicant works for the Virginia State Department of Health and sought treatment from the VA for their mental health.

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 suffering from PTSD and an adjustment disorder and the discharge should have been for medical reasons. The applicant provided a Chronological Record of Medical Care, 16 April 2009, reflecting a diagnosis of PTSD and Major Depression Recurrent. A Chronological Record of Medical Care, 16 June 2010; reflecting a diagnosis of Adjustment Disorder with Anxiety and Depressed mood. The AMHRR includes a Report of Medical Examination and History, reflecting a diagnosis of anxiety and depression. Also, a Report of Behavioral Health Evaluation (BHE), 23 August 2010, reflecting the applicant was mentally responsible with a clear-thinking process and had the mental capacity to understand and participate in the proceedings. The applicant was cleared for any administrative actions deemed

appropriate by the command. The applicant was diagnosed with: AXIS I: Adjustment Disorder with Mixed Anxiety and Depressed mood (by Hx); Occupational problems.

The applicant contends approaching their leaders several times for help and counseling but was told to be a Soldier and a combat medic seeking help was a sign of weakness. The applicant used their personal time to seek the needed counseling. The applicant provided a Memorandum for unit commander, 27 May 2010, the applicant was evaluated by this clinician at CSC FOB Sykes on 27 May 2010, as an emergency after hour assessment. The applicant was in weekly counseling with the clinician addressing anxiety related issues. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends their discharge was both inequitable and improper. The applicant did not submit any evidence other than their statement to support the contention. The evidence in the AMHRR shows the applicant received two Article 15s and numerous negative counseling. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends good service, including two combat tours. The third-party statement provided with the application reflects the applicant performing two overseas combat tours to Iraq and exceptionally performing their duties. As a combat medic, the applicant placed the welfare of Soldiers first. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends obtaining employment and seeking help from the VA for their mental health. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. No law or regulation provides for the upgrade of an unfavorable discharge based solely on the passage of time or good conduct in civilian life after leaving the service. The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character.

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, Depression, Anxiety Disorder NOS, PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant was diagnosed in service with an Adjustment Disorder, Depression, and Anxiety Disorder NOS and is service connected by the VA for PTSD. Service connection establishes that the applicant's PTSD also existed during military service.

(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, Depression, and Anxiety Disorder NOS and is service connected by the VA for PTSD. PTSD, Depression, and Anxiety have a nexus with avoidance, so the FTR and absenting oneself from duty are mitigated. There is also a nexus between PTSD and

difficulty with authority, so the disrespect and disobeying lawful orders are mitigated. Making a threat and being derelict in performance of duties by giving single CHUs to Soldiers in ranks E4-E7 are not mitigated. Making a threat is uncharacteristic of PTSD, Depression, or Anxiety and none of these conditions interfere with the ability to understand and implement the proper housing regulations.

(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, Depression, and Anxiety outweighed the applicant's offenses FTR and absenting from duty. The Board found that the applicant's medically unmitigated offense of communicating a threat did not rise to a level to negate meritorious service.

b. Response to Contention(s):

(1) The applicant contends suffering from post-traumatic stress disorder (PTSD) and Adjustment Disorder the discharge should have been for medical reasons. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder, Depression, and Anxiety outweighed the applicant's offenses FTR and absenting from duty. The Board found that the applicant's medically unmitigated offense of communicating a threat did not rise to a level to negate meritorious service. Therefore, a discharge upgrade is warranted.

(2) The applicant contends approaching their leaders several times for help and counseling but was told to be a Soldier and a combat medic seeking help is a sign of weakness. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder, Depression, and Anxiety outweighing the applicant's offenses FTR and absenting from duty.

(3) The applicant contends their discharge was both inequitable and improper. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder, Depression, and Anxiety outweighing the applicant's offenses FTR and absenting from duty.

(4) The applicant contends good service, including two combat tours. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder, Depression, and Anxiety outweighing the applicant's offenses FTR and absenting from duty.

(5) The applicant contends obtaining employment and seeking help from the VA for their mental health. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder, Depression, and Anxiety outweighing the applicant's offenses FTR and absenting from duty.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Depression, and Anxiety outweighing the applicant's offenses FTR and absenting from duty. 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.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE
AR20210000255

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, Depression, and Anxiety outweighed the applicant's offenses FTR and absenting from duty. The Board found that the applicant's medically unmitigated offense of communicating a threat did not rise to a level to negate meritorious service. 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.

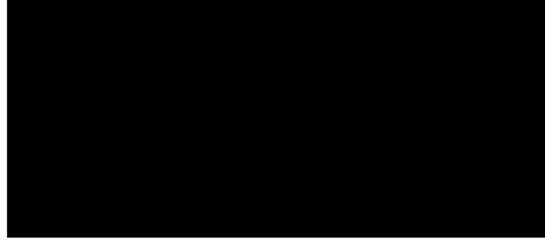
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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:

7/9/2025



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
UOTH – Under Other Than Honorable Conditions
VA – Department of Veterans Affairs