

**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, while in service, the applicant began having symptoms and was diagnosed directly after discharge with a severe case of schizophrenia and post-traumatic stress disorder (PTSD). The applicant receives treatment from the Department of Veterans Affairs (VA) Hospital for the same issues. The applicant strongly believes schizophrenia and PTSD caused their discharge. One year before their discharge, the applicant was treated for their symptoms but went undiagnosed until their discharge. On the day their discharge, the applicant was hospitalized and diagnosed with schizophrenia. Later, the applicant was diagnosed with PTSD as well. Now the applicant is correctly diagnosed and prescribed medicine, they are a model citizen. The applicant has a full-time job and takes care of a family now. The applicant wanted to make the military a career and believes they would have if not for their illness.

**b. Board Type and Decision:** In a records review conducted on 6 May 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Schizophrenia outweighing the separating offenses (leaving the place of duty, FTR, disrespect in language and deportment, and disobeying direct and lawful orders). 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 the **Board Discussion and Determination** section for more details regarding the Board's decision. Board member names are available upon request.*

**3. DISCHARGE DETAILS:**

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

**b. Date of Discharge:** 23 July 2007**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** Acknowledgement undated.

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

The applicant left their appointed place of duty to wit: Extra Duty, on 13 January 2007.

The applicant failed to report to their appointed place of duty to wit: Extra Duty, on 14 January 2007.

The applicant was disrespectful in language towards Sergeant (SGT) J. D. on 29 January 2007 by telling SGT J. D. to “shut up,” or words to the effect.

The applicant was disrespectful in deportment and language towards Sergeant First Class (SFC) D. M. on 30 January 2007, by interrupting SFC D. M., throwing their hands up in the air, and saying “Fuck this, I’m ou[t] of here,” or words to that effect.

The applicant disobeyed a direct order from SFC D. M. on 24 May 2007, by refusing to return to Camp Dragoon when ordered to do so.

The applicant disobeyed a direct order from Captain R. C. on 24 May 2007 by refusing to return to Camp Dragoon when ordered to do so.

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

**(4) Legal Consultation Date:** Election of Rights undated.

**(5) Administrative Separation Board:** NA / The immediate commander notified the applicant if they are recommended for an under other than honorable conditions by the current separation authority, the applicant would be notified of their specific rights under the Administrative Board Procedure.

**(6) Separation Decision Date / Characterization:** 3 June 2007 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 23 April 2003 / 4 years

**b. Age at Enlistment / Education / GT Score:** 19 / 2 Years College / 104

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 42L10, Administrative Specialist / 4 years, 3 months, 1 day

**d. Prior Service / Characterizations:** None

**e. Overseas Service / Combat Service:** Germany, SWA / Afghanistan (15 November 2006 – 15 June 2007); Iraq (2 December 2003 – 1 June 2005)

**f. Awards and Decorations:** ARCOM, AAM, MUC, AGCM, NDSM, ACM, GWOTEM, GWOTSM, ICM, ASR, OSR, NATOMDL

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** Receipt For Inmate or Detained Person, 5 May 2005, reflects the Office of the Provost Marshal detained the applicant for failing to obey an order or regulation under Article 92, Uniform Code of Military Justice (UCMJ).

Company Grade Record of Proceedings under Article 15, UCMJ, 12 January 2007, for:

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The applicant willfully disobeyed a lawful command from First Lieutenant M. M., their superior commissioned officer to remain in the area of Fort Stewart (12 November 2006);

The applicant willfully disobeyed a lawful order from SGT M. M, a noncommissioned officer (NCO) to be at the end of day formation (8 November 2006);

The applicant willfully disobeyed a lawful order from SFC F. S., an NCO, to remain with their battle buddy or supervisor (15 November 2006); and

The applicant failed to obey a lawful general order by wrongfully traveling outside of the 250 mile radius without a mileage pass (11 November 2006).

The punishment consisted of a reduction to E-3 (suspended), forfeiture of \$429 pay (suspended), extra duty for 14 days, and restriction.

Record Of Supplementary Action Under Article 15, UCMJ, 14 January 2007, reflects the suspended portion of the punishment imposed on 12 January 2007, was vacated for Article 91, UCMJ, willfully disobeying a lawful order from SFC D. M. to go to their place of duty and clean it out (14 January 2007).

Field Grade Record of Proceedings under Article 15, UCMJ, 15 January 2007, for behaving with disrespect toward First Lieutenant M. M., their superior commissioned officer (13 January 2007); and on two occasions, willfully disobeying a lawful order from SFC D. M. an NCO (13 and 14 January 2007). The punishment consisted of a reduction to E-1, forfeiture of \$701 pay per month for two months), and extra duty and restriction for 45 days.

Record of Trial by Summary Court-Martial, 12 February 2007, reflects the applicant was charged with:

Three specifications of violation of Article 91:

Specification 1: On 29 January 2007, did willfully disobey a lawful order from SGT J. D. Plea: Not Guilty. Finding: Not Guilty.

Specifications 2 and 5: On 29 January 2007, did disobey a lawful order from SGT J. D. Plea: Guilty. Finding: Guilty.

Specifications 3, 4, 7, and 8: On 29 and 30 January 2007, was disrespectful in language or deportment towards SGT J. D. Plea: Guilty. Finding: Guilty.

Specification 6: On 29 January 2007, was disrespectful towards SGT J. D. Plea: Not Guilty. Finding: Not Guilty.

Specifications 9 and 10: On 30 January 2007, was disrespectful towards SFC D. M. in language or deportment. Plea: Guilty. Finding: Guilty.

The sentence adjudged: Forfeiture \$500 pay per month for one month and to be confined for 30 days, effective 16 February 2007.

On 13 February 2007, the convening authority approved the sentence and ordered the sentence executed. The confinement was to be effective on 16 February 2007, once the applicant arrived at the detention facility in Kuwait.

Inmate's Release Order, 12 March 2007, reflects the applicant was confined at Camp Arifjan Detention Facility and was released to be returned to duty.

Developmental Counseling Form, 31 May 2007 for failing to obey the lawful orders of a noncommissioned officer and an officer.

**i. Lost Time / Mode of Return:** None / However, the applicant's AMHRR reflects confined by military authorities for 25 days, 16 February 2007 to 12 March 2007. This period is not annotated of the DD Form 214.

**j. Behavioral Health Condition(s):**

**(1) Applicant provided:** None

**(2) AMHRR Listed:** Report of Mental Status Evaluation, 3 June 2007, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings and was mentally responsible. The physician diagnosed the applicant with occupational problem and mixed personality traits. The mental status evaluation is four pages, describing the applicant's mental status.

Report of Medical Examination, 5 June 2007, the examining medical physician noted in the medical condition / diagnosis section, among other conditions: depression and anxiety.

*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.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant is a model citizen, has a full-time job, and is caring for their family.

**7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):**

**a.** Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

**b.** Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under

Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. Army Regulation 15-180 (Army Discharge Review Board) sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(2) Paragraph 3-7a states an Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(3) Paragraph 3-7b states a General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(4) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

(5) Paragraph 14-3 prescribes a discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

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

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12b, pattern of misconduct.

f. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1 defines reentry eligibility (RE) codes. RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

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

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

The applicant contends, after discharge, a medical doctor diagnosed them with PTSD and schizophrenia. The applicant's AMHRR shows the applicant underwent a mental status evaluation (MSE) 3 June 2007, which indicates the applicant could understand and participate in administrative proceedings and was mentally responsible. The applicant underwent a medical examination on 5 June 2007, which indicates the medical physician noted in the medical condition / diagnosis section, among other conditions: depression and anxiety. The separation authority considered the documents in the applicant's AMHRR.

The applicant contends being a model citizen, having a full-time job, and taking care of their family. 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: Schizophrenia, Psychotic Disorder NOS, and Adjustment Disorder with Mixed Emotional Features.

**(2)** Did the condition exist, or experience occur during military service? **Yes.** The Board found the applicant is 100 percent service connected for Schizophrenia.

**(3)** Does the condition or experience excuse or mitigate the discharge? **Yes.** The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions mitigate the discharge. Given the nexus between Schizophrenia and difficulty with rational decision making, delusional thinking, disorganized thinking and obstinate behavior, the applicant's offenses of leaving the place of duty, FTR, disrespect in language and deportment, and disobeying direct and lawful orders 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 Schizophrenia outweighed the leaving the place of duty, FTR, disrespect in language and deportment, and disobeying direct and lawful orders offenses.

**b.** Response to Contention(s):

**(1)** The applicant contends, after discharge, a medical doctor diagnosed them with PTSD and Schizophrenia. The Board liberally considered this contention and determined that the applicant's Schizophrenia outweighed the leaving the place of duty, FTR, disrespect in language and deportment, and disobeying direct and lawful orders. Therefore, a discharge upgrade is warranted.

**(2)** The applicant contends being a model citizen, having a full-time job, and taking care of their family. 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 Schizophrenia outweighing the leaving the place of duty, FTR, disrespect in language and deportment, and disobeying direct and lawful orders

**c.** The Board determined the discharge is inequitable based on the applicant's Schizophrenia outweighing the leaving the place of duty, FTR, disrespect in language and deportment, and disobeying direct and lawful orders. 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

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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.

**d. Rationale for Decision:**

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Schizophrenia outweighed the leaving the place of duty, FTR, disrespect in language and deportment, and disobeying direct and lawful orders. 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.

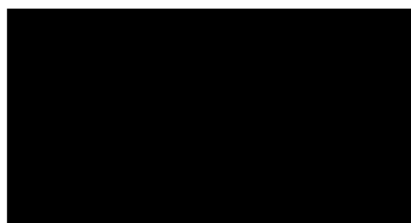
(3) The RE code will not change given the BH diagnoses and service connection. The current code is consistent with the procedural and substantive requirements of the regulation.

**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:**

5/8/2025



**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