

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, serving in Afghanistan for one year and suffering from post-traumatic stress disorder (PTSD). The applicant states a noncommissioned officer (NCO) sexually harassed their spouse; the applicant had financial hardship, and their request for transfer was rejected.

b. Board Type and Decision: In a records review conducted on 3 April 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Depression outweighing the applicant's offenses of AWOL, FTR, and Missing Movement. 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 **Board Discussion and Determination** section 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: 21 February 2012

c. Separation Facts: The applicant's Army Military Human Resource Record (AMHRR) is void of the case separation file. However, the applicant provided documents which are described below in 3c (1) through (6).

(1) Date of Notification of Intent to Separate: 27 January 2012

(2) Basis for Separation: The applicant was informed of the following reasons: On 25 July 2011, at Fort Hood, Texas, without authority, absent oneself from their unit, and did remain so absent until on or about 19 August 2011. This is in violation of Article 86, UCMJ.

On 14 June 2011, at Fort Hood, Texas, without authority, fail to go at the time prescribed to their appointed place of duty, to wit: 0620 hours, accountability formation, located at the 13th Sustainment Command (Expeditionary) Parade Field. This is in violation of Article 86, UCMJ.

On 5 May 2011, at Fort Hood, Texas, without authority, fail to go at the time prescribed to their appointed place of duty, to wit: 0630 hours, accountability formation, located at the 13th Sustainment Command (Expeditionary) Physical Training Field. This is in violation of Article 86, UCMJ.

On 4 May 2011, at Fort Hood, Texas, without authority, fail to go at the time prescribed to their appointed place of duty, to wit: 0630 hours, accountability formation, located at the 13th Sustainment Command (Expeditionary) Physical Training Field. This is in violation of Article 86, UCMJ.

On 25 July 2011, at Brady, Texas, through neglect, miss the movement of the 21st Calvary Operational Force Mission, with which the applicant was required in the course of duty to move. This is in violation of Article 87, UCMJ.

On 31 July 2011, at Fort Hood, Texas with intent to deceive, make to Sergeant R. M., an official statement, to wit: "I am in Brady, Texas, participating in the mission," or words to that effect, which statement was totally false, and was then known by the applicant to be so false. This is in violation of Article 107, UCMJ.

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

(4) Legal Consultation Date: 31 January 2012

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 3 February 2012 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 13 February 2008 / 5 years, 21 weeks / It appears the applicant's DD Form 214, Block 12a, date entered active duty this period, is incorrect. The DD Form 4 reflects 2 February 2008.

b. Age at Enlistment / Education / GT Score: 22 / Bachelor's degree / 98

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92F10, Petroleum Supply Specialist / 3 years, 10 months, 28 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan (28 December 2008 – 19 November 2009)

f. Awards and Decorations: ACM-CS, AGCM, NDSM, GWOTSM, ASR, OSR, NATOMDL

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: FG Article 15, 4 October 2010, for on or about 31 January 2010, assault J. M. by pushing them down and holding their hand over their nose and mouth while pouring water on their face. On or about 10 October 2008, assault J. M. by grabbing them by their arms and pushing them away. The punishment consisted of a

reduction to E-2, forfeiture of \$822 pay per month for two months (suspended), and extra duty for 45 days.

FG Article 15, 13 October 2011, for on or about 25 July 2011, without authority, absent oneself from their unit, and did remain so absent until on or about 19 August 2011. On three occasions between 4 May and 14 June 2011, without authority, fail to go at the time prescribed to their appointed place of duty. On or about 25 July 2011, through neglect miss the movement of the 21st Calvary Operational Force Mission. On or about 31 July 2011, with intent to deceive, make to Sergeant R. M. an official statement, to wit: "I am in Brady, TX, participating in the mission," or words to that effect, which statement was totally false, and was then known by the applicant to be so false. The punishment imposed is NIF.

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

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 21 July 2011;
From AWOL to Present for Duty (PDY) effective 19 August 2011;
From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 30 November 2011; and
From AWOL to Present for Duty (PDY) effective 13 December 2011.

Numerous Developmental Counseling Forms, for various acts of misconduct.

i. Lost Time / Mode of Return: 40 days:

AWOL, 21 July 2011 – 18 August 2011 / NIF
AWOL, 30 November 2011 – 12 December 2011 / NIF

j. Behavioral Health Condition(s):

(1) Applicant provided: Report of Medical History, 13 September 2011, the examining medical physician noted in the comments section: depression, and insomnia.

Chronological Record of Medical Care, 22 September 2011, reflects a diagnosis of post-traumatic stress disorder (PTSD); depression, and insomnia.

Report of Mental Status Evaluation, 9 January 2012, reflects no diagnosis; however, section eight additional comments reflect post-traumatic stress disorder (PTSD) and mild traumatic brain injury screening as positive.

Department of Veterans Affairs, Summary of Benefits, 31 January 2020, reflects a combined rating of 100 percent and a diagnosis of post-traumatic stress disorder, 13 May 2020.

(2) AMHRR Listed: None

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; Department of Veterans Affairs, Summary of Benefits and Rating; medical records; Orders 037-0140; separation file; two Article 15s; ten Developmental Counseling Forms; four Certificates of Completion; Quartermaster School Diploma; Drivers Training Certificate of Training; Combat Life Saver Course Certificate of Training

6. POST SERVICE ACCOMPLISHMENTS: The applicant 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 waivable and nonwaivable 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 waivable. 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's Army Military Human Resources Record (AMHRR) is void of the specific facts and circumstances. However, the applicant provided documents which are described in 3c (1) through (6), concerning the events leading to their discharge from the Army. The applicant's AMHRR includes a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was not authenticated by the applicant's signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 14, paragraph 14-12b, by reason of Pattern of Misconduct, with a characterization of service of general (under honorable conditions).

The applicant contends the narrative reason for the discharge needs to be changed. The applicant was separated under Chapter 14, paragraph 14-12b, AR 635-200 provisions with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Pattern of Misconduct," and the separation code is "JKA." Army Regulation 635-8 (Separation Processing and Documents) governs the preparation of the DD Form 214 and dictates entry of the narrative reason for separation, entered in block 28, and separation code, entered in block 26 of the form, will be exactly as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation stipulates no deviation is authorized. There is no provision for entry of any other reason under this regulation.

The applicant contends suffering from PTSD. The applicant provided a Report of Medical History, 13 September 2011, the examining medical physician noted in the comments section: depression and insomnia. A Chronological Record of Medical Care, 22 September 2011, reflects a diagnosis of PTSD, depression, and insomnia. A Report of Mental Status Evaluation, 9 January 2012, reflects no diagnosis; however, in section eight, additional comments reflect PTSD and mild traumatic brain injury screening as positive. Also, a Department of Veterans Affairs summary of benefits, 31 January 2020, reflecting a combined rating of 100 percent and a diagnosis of post-traumatic stress disorder 13 May 2020.

The applicant contends an NCO sexually harassed their spouse, and the applicant's request for transfer was rejected. The applicant did not submit evidence other than their statement to support the contention. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends seeking treatment for their mental health from the VA. 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, PTSD, Depression.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with an Adjustment Disorder, PTSD, and Depression and the VA has service connected the PTSD.

(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. Given the nexus between PTSD, Depression, and avoidance, the AWOL, FTRs, and missing movement are mitigated. However, making a false official statement is not mitigated by an Adjustment Disorder, PTSD, or Depression since none of these conditions interfere with an individual's ability to know right from wrong, understand consequences, and make purposeful, conscious decisions like the decision associated with making a false official statement.

(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 and Depression outweighed the applicant's offenses of AWOL, FTR, and Missing Movement. The Board found that the applicant's offense of making a false official statement did not, in this instance, rise to a level to negate meritorious service.

b. Response to Contention(s):

(1) The applicant contends suffering from PTSD. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder and Depression outweighed the applicant's offenses of AWOL, FTR, and Missing Movement. The Board found that the applicant's offense of making a false official statement did not, in this instance, rise to a level to negate meritorious service.

(2) The applicant contends the narrative reason for the discharge needs to be changed. 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 and Depression outweighing the applicant's offenses of AWOL, FTR, and Missing Movement.

(3) The applicant contends an NCO sexually harassed their spouse and the applicant's request for transfer was rejected. 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 and Depression outweighing the applicant's offenses of AWOL, FTR, and Missing Movement.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210000290**

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Depression outweighing the applicant's offenses of AWOL, FTR, and Missing Movement. 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 and Depression outweighed the applicant's offenses of AWOL, FTR, and Missing Movement. The Board found that the applicant's offense of making a false official statement did not, in this instance, 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.

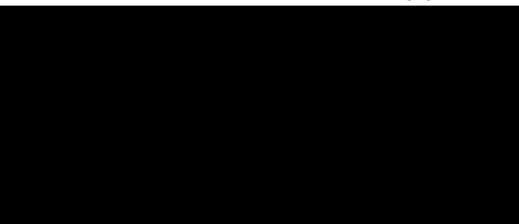
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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:

5/5/2025



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