

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, having deployed twice and has been diagnosed with PTSD and hospitalized twice for suicidal/homicidal thoughts. The applicant had been going through a medical board; however, it was dropped, lost, or hidden. The applicant went AWOL for one month, and when they returned, they were jailed, resumed the medical board, and were ultimately discharged with an under other than honorable conditions a month later.

b. Board Type and Decision: In a records review conducted on 10 April 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Cyclothymic Disorder, Depression, Anxiety Disorder outweighing the applicant's FTR, AWOL, and illegal substance abuse. 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, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. 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: In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 2 May 2012**c. Separation Facts:**

(1) Date and Charges Preferred (DD Form 458, Charge Sheet): On 14 March 2012, the applicant was charged with:

Charge I: Violating Article 86, UCMJ:

Specifications 1 through 13: On multiple occasions between or about 20 July and 12 November 2011, without authority, failed to go at the time prescribed to the appointed place of duty.

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Specification 14: On or about 4 February 2012, without authority, absent oneself from the unit, and did remain so absent until on or about 15 February 2012.

Specification 15: On or about 15 February 2012, without authority, absent oneself from the unit, and did remain so absent until on about 14 March 2012.

Charge II: Violating Article 112a, UCMJ.

Specification 1: Between on or about 6 December 2011 and on about 6 January 2012, wrongfully used marijuana.

Specification 2: Between on or about 7 January 2012 and on about 10 January 2012, wrongfully used marijuana.

Specification 3: Between on or about 11 January 2012 and on about 17 January 2012, wrongfully used marijuana.

(2) Legal Consultation Date: 26 March 2012

(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: General (Under Honorable Conditions)

(5) Separation Decision Date / Characterization: 5 April 2012 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 13 July 2006 / 6 years

b. Age at Enlistment / Education / GT Score: 20 / High School Letter / 113

c. Highest Grade Achieved / MOS / Total Service: E-6 / 11B34, Infantryman / 9 years, 1 month, 29 days

d. Prior Service / Characterizations: ARNG, 24 January 2003 – 13 July 2004 / HD
IADT, 3 June 2003 – 15 August 2003 / NA
(Concurrent Service)
RA, 14 July 2006 – 12 July 2006 / HD

e. Overseas Service / Combat Service: SWA / Afghanistan (23 July 2009 – 21 July 2010); Iraq (5 December 2005 – 27 November 2006)

f. Awards and Decorations: ICM-2CS, BSM-M, ARCOM, AAM, AGCM-2, NDSM, ACM-2CS, GWOTSM, NCOPDR, ASR, OSR-2, NATOMDL, CIB

g. Performance Ratings: 1 December 2007 – 30 November 2008 / Among the Best
1 December 2008 – 30 November 2009 / Among the Best
1 December 2009 – 30 November 2010 / Fully Capable
1 December 2010 – 1 May 2011 / Fully Capable

h. Disciplinary Action(s) / Evidentiary Record: FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 13 May 2008, on or about 19 December 2007 violated a lawful general regulation by wrongfully storing a Privately Owned Weapon in their vehicle; on or about 19 December 2007 violated a lawful general regulation by wrongfully storing Privately Owned Weapons in off post quarters without prior authorization; on or about 19 December 2007, violate a lawful general regulation by wrongfully transporting a Privately Owned Weapon in the vehicle to the place of duty; and, on or about 11 January 2008, with intent to deceive, sign an official statement, which statement was false and had knowledge of the policy for registering the privately owned weapon, and was then known to be false. The punishment consisted of a reduction to E-4, forfeiture of \$1,072 pay for one month (suspended), extra duty and restriction for 20 days; Oral admonition.

Electronic Copy of Drug Testing, 20 January 2012, reflects the applicant tested positive for THC > LOL (marijuana), during an Inspection Random (IR) urinalysis testing, conducted on 6 January 2012.

Electronic Copy of Drug Testing, 24 January 2012, reflects the applicant tested positive for THC > LOL (marijuana), during an Inspection Random (IR) urinalysis testing, conducted on 10 January 2012.

Electronic Copy of Drug Testing, 1 February 2012, reflects the applicant tested positive for THC > LOL (marijuana), during an Inspection Unit (IU) urinalysis testing, conducted on 17 January 2012.

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

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 4 February 2012;
From AWOL to Dropped From Rolls (DFR), effective 5 March 2012;
From Dropped From Rolls (DFR), to Confined by Military Authorities (CMA), effective 14 March 2012; and,
From CMA to PDY, effective 5 April 2012.

Numerous Developmental Counseling Forms, for various acts of misconduct.

Charge Sheet as previously described in previous paragraph 3c(1) above.

i. Lost Time / Mode of Return: 59 days:

AWOL, 4 February 2012 – 13 March 2012 / Returned to Military Control
CMA, 14 March 2012 – 4 April 2012 / Released from Confinement

j. Behavioral Health Condition(s):

(1) Applicant provided: Joint DOD/VA Disability Evaluation Pilot Referral, 5 April 2012, reflects the applicant was diagnosed with PTSD.

(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: Application for the Review of Discharge; Certificate of Release or Discharge from Active Duty; Narrative for Bronze Star; letter sent to General M.;

letter sent to command; letter sent to Senator P. M. and Congressman D. R.; VA Form 21-4138; Joint DOD/VA Disability Evaluation Pilot Referral.

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the application.

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

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

b. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

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

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed

combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

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

d. Army Regulation 635-40 (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) 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.

(5) 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.)

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 general (under honorable conditions) discharge received by the applicant was normal and appropriate under the regulatory guidance.

The applicant contends after being deployed twice, being diagnosed with PTSD and hospitalized twice for suicidal/homicidal thoughts. The applicant provided Joint DOD/VA Disability Evaluation Pilot Referral, 5 April 2012, reflecting the applicant was diagnosed with PTSD. The applicant's AMHRR includes no documentation of PTSD diagnosis.

The applicant contends being processed for a medical board; however, it was dropped, lost, or hidden. The applicant went AWOL for a month and when they returned, they were jailed, resumed the medical board and was discharged a month later. 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.

The applicant contends good service, including two combat tours. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

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, Cyclothymic Disorder, Depression, Anxiety Disorder NOS, TBI.

(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, PTSD, Cyclothymic Disorder, Depression, and Anxiety Disorder NOS and is service connected by the VA for PTSD and TBI.

(3) Does the condition or experience actually 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. The applicant was diagnosed in service with an Adjustment Disorder, PTSD, Cyclothymic Disorder, Depression, and Anxiety Disorder NOS and is service connected by the VA for PTSD and TBI. Given the nexus between PTSD, Cyclothymic Disorder, Depression, Anxiety Disorder NOS, self-medicating with substances, and avoidance, the FTRs, AWOLs, and wrongful uses of marijuana 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, Cyclothymic Disorder, Depression, Anxiety Disorder outweighed the applicant's offenses of FTR, AWOL, and illegal substance abuse.

b. Response to Contention(s):

(1) The applicant contends after being deployed twice, being diagnosed with PTSD and hospitalized twice for suicidal/homicidal thoughts. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder, Cyclothymic Disorder, Depression, Anxiety Disorder outweighed the applicant's offenses of FTR, AWOL, and illegal substance abuse.

(2) The applicant contends being processed for a medical board; however, it was dropped, lost, or hidden. The applicant went AWOL for a month and when they returned, they were jailed, resumed the medical board and was discharged a month later. The Board considered this contention but determined that AR 635-200 permits the command to pause a Soldier's medical evaluation board in favor of administrative separation for misconduct.

(3) 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, Cyclothymic Disorder, Depression, Anxiety Disorder outweighing the applicant's FTR, AWOL, and illegal substance abuse.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Cyclothymic Disorder, Depression, Anxiety Disorder outweighing the applicant's FTR, AWOL, and illegal substance abuse. 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, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board determined the reentry code is proper and equitable and voted not to change it.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210000301****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, Cyclothymic Disorder, Depression, Anxiety Disorder outweighed the applicant's offenses of FTR, AWOL, and illegal substance abuse. Thus, the prior characterization is no longer appropriate.

(2) The Board voted to change the reason for discharge to Secretarial Authority under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JFF.

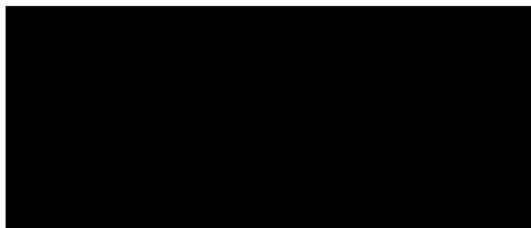
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes**
- b. Change Characterization to: Honorable**
- c. Change Reason / SPD Code to: Secretarial Authority / JFF**
- d. Change RE Code to: No Change**
- e. Change Authority to: AR 635-200**

Authenticating Official:

5/16/2025



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