

**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 and a change to the narrative reason for separation.

The applicant seeks relief contending, in effect, their medical condition was noted before the discharge for misconduct. The applicant's issues occurred after the diagnosis and as a member of the medical hold unit, awaiting separation. The superiors severely harassed the Soldiers because of the way the leadership was directed to act at Fort Polk. The applicant believes the discharge should have been for medical reasons, with an honorable characterization of service because of the applicant's mental breakdown in Afghanistan and the continued harassment by the leadership at Fort Polk. The applicant believes the discharge was biased because they were considered damaged goods and inferior material for the military mission. The applicant requests this to be considered as an Integrated Disability Evaluation System (IDES) rating case. The Department of Veterans Affairs (VA) diagnosed the applicant with anxiety disorder, major depressive disorder, and a learning disorder. The applicant is submitting the proper forms to the VA support post-traumatic stress disorder (PTSD) because of in-service stressors while in the Middle East.

**b. Board Type and Decision:** In a records review conducted on 27 February 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Adjustment Disorder, Major Depressive Disorder, and Post Traumatic Stress Disorder outweighing the applicant's FTR, Disrespect Toward an NCO, and Disobeying a Lawful Order offenses. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to 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, Paragraph 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

**b. Date of Discharge:** 19 August 2011**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 28 July 2011

**(2) Basis for Separation:** The applicant was informed of the following reasons: On 2 September 2009, the applicant received a Field Grade Article 15 for disrespectful language towards a noncommissioned officer (NCO), who was in the execution of their office. On 15 July 2011, the applicant received a Company Grade Article 15 for failing to go at the time prescribed to their appointed place of duty and between 26 April and 9 July 2011, the applicant was disrespectful or disobeyed three different NCOs.

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

**(4) Legal Consultation Date:** 28 July 2011

**(5) Administrative Separation Board:** NA

**(6) Separation Decision Date / Characterization:** 15 August 2011 / General (Under Honorable Conditions)

#### 4. SERVICE DETAILS:

**a. Date / Period of Enlistment:** 5 March 2008 / 4 years, 16 weeks

**b. Age at Enlistment / Education / GT Score:** 19 / AED / 95

**c. Highest Grade Achieved / MOS / Total Service:** E-2 / 11C10, Indirect Fire Infantry / 3 years, 5 months, 15 days

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

**e. Overseas Service / Combat Service:** SWA / Afghanistan (NIF); Iraq (13 September 2008 – 5 January 2009)

**f. Awards and Decorations:** AAM, NATOMDL, AGCM, NDSM, ACM-2CS, GWOTSM, ICM-CS, OSR

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** Field Grade Article 15, 24 August 2009, for being disrespectful in language to an NCO (12 August 2009). The punishment consisted of a reduction to E-1 (suspended); forfeiture of \$699 pay; and extra duty and restriction for 45 days.

Orders PK-279-0008, 6 October 2010, reflects the applicant was to deploy on 11 October 2010, to Afghanistan in support of Operation Enduring Freedom, not to exceed 365 days.

Company Grade Article 15, 15 July 2011, for failing to go at the time prescribed (29 April 2011); being disrespectful in deportment to a superior NCO (26 April 2011); and on three occasions, disobeying a lawful order from NCOs (9 July 2011). The punishment consisted of a reduction to E-1; forfeiture of \$342 pay per month for two months (suspended); and extra duty and restriction for 14 days.

Orders A-02-103942, 24 February 2011, from Landstuhl Regional Medical Center, Germany, reflect the applicant was to be reassigned on 24 February 2011 to the U. S. Army Medical Activity (MEDDAC), Fort Polk because of medical evaluation (military commercial airlift) for continued medical care.

Seven Developmental Counseling Forms, for being recommended for Chapter 5-17, under AR 635-200; missing a physical therapy appointment; being disrespectful to NCOs; failing to obey an order or regulation; communicating threats; making provoking speeches and gestures; and failing to maintain military bearing.

**i. Lost Time / Mode of Return:** None

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

**(1) Applicant provided:** None

**(2) AMHRR Listed:** Report of Medical History, 30 March 2011, the examining medical physician noted in the comments section: Has major depression with schizoid personality disorder. Also has non-combat related PTSD and was being treated by Behavioral Health. The applicant was recommended for separation under AR 635-200, Chapter 5-17.

Report of Medical Examination, 30 March 2011, the examining medical physician noted in the summary of defects and diagnoses section: Depression; personality disorder by history.

Mental Status Evaluation, 31 March 2011, reflects the applicant was diagnosed with depression, not otherwise specified (NOS), occupational problem; schizoid personality disorder; poor social support secondary to personality characteristics. The provider indicated the applicant should receive a Chapter 5-17 discharge from the Army under honorable conditions.

*The ARBA's medical advisor reviewed DoD and VA medical records and not solely those 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:** 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 635-200 (Active Duty Enlisted Administrative Separations), provides the basic authority for the separation of enlisted personnel.

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

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

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

(4) Paragraph 5-17, in effect at the time, entitled other designated physical or mental conditions, provides in pertinent part, commanders may approve separation under this paragraph on the basis of other physical or mental conditions not amounting to disability (AR 635-200) and excluding conditions appropriate for separation processing under paragraph 5-11 or 5-13 that potentially interfere with assignment to or performance of duty. Such conditions may include, but are not limited to the conditions as listed in the paragraph. Soldiers with 24 months or more of active duty may be separated under this paragraph based on a diagnosis of personality disorder. Nothing in this paragraph precludes separation of a Soldier having a condition as described in above, under any other provision of this regulation.

(5) 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.

(6) 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.

(7) 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 mental health issues, including PTSD, affected behavior, which led to the discharge. The applicant's AMHRR reflects the applicant underwent a mental status evaluation (MSE) on 31 March 2011. The applicant was diagnosed with depression, NOS, occupational problem; schizoid personality disorder; poor social support secondary to personality characteristics. The provider recommended separation under Chapter 5-17 under honorable conditions. The MSE was considered by the separation authority.

The applicant contends harassment and discrimination by members of the chain of command. The applicant did not submit any evidence, other than the applicant's 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 the discharge should have been for medical reasons. The applicant underwent a mental status evaluation and the provider recommended separation under Chapter 5-17, AR 635-200. Army Regulation 635-200, paragraph 5-17, provides nothing in this paragraph precludes separation of a Soldier having a condition as described in paragraph 5-17, under any other provision of this regulation.

The applicant contends the narrative reason for the discharge needs to be changed. The applicant was separated under the provisions of Chapter 14, paragraph 14-12b, AR 635-200 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 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 any other reason to be entered under this regulation.

The applicant contends the case should be considered an IDES rating case. The applicant's request does not fall within this board's purview. The applicant may apply to the Army Board for Correction of Military Records (ABCMR), using the enclosed DD Form 149 regarding this matter. A DD Form 149 may also be obtained from a Veterans' Service Organization.

## **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, Major Depressive Disorder, Social Phobia, 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, Major Depressive Disorder, and Social Phobia 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? **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, Major Depressive Disorder, and Social Phobia and is service connected by the VA for PTSD. Given the nexus between PTSD, avoidance, and difficulty with authority, the FTRs and disrespecting/disobeying NCOs 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 Adjustment Disorder, Major Depressive Disorder, and Post Traumatic Stress Disorder outweighed the applicant's FTR, Disrespect Toward an NCO, and Disobeying a Lawful Order offenses.

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

(1) The applicant contends mental health issues, including PTSD, affected behavior, which led to the discharge. The Board liberally considered this contention and determined that the applicant's Adjustment Disorder, Major Depressive Disorder, and Post Traumatic Stress Disorder outweighed the applicant's FTR, Disrespect Toward an NCO, and Disobeying a Lawful Order offenses.

(2) The applicant contends harassment and discrimination by members of the chain of command. 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 Adjustment Disorder, Major Depressive Disorder, and Post Traumatic Stress Disorder outweighing the applicant's FTR, Disrespect Toward an NCO, and Disobeying a Lawful Order offenses.

(3) The applicant contends the discharge should have been for medical reasons. The Board determined that the applicant's request for a medical discharge does not fall within the purview of the ADRB. The applicant may apply to the Army Board for Correction of Military Records (ABCMR), using a DD Form 293 regarding this matter. A DD Form 293 may be obtained online at <https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0293.pdf> or from a Veterans' Service Organization.

(4) 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 Adjustment Disorder, Major Depressive Disorder, and Post Traumatic Stress Disorder outweighing the applicant's FTR, Disrespect Toward an NCO, and Disobeying a Lawful Order offenses.

(5) The applicant contends the case should be considered an IDES rating case. The Board determined that the applicant's request for a medical discharge does not fall within the purview of the ADRB. The applicant may apply to the Army Board for Correction of Military Records (ABCMR), using a DD Form 293 regarding this matter. A DD Form 293 may be obtained online at <https://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0293.pdf> or from a Veterans' Service Organization.

**c.** The Board determined the discharge is inequitable based on the applicant's Adjustment Disorder, Major Depressive Disorder, and Post Traumatic Stress Disorder outweighing the applicant's FTR, Disrespect Toward an NCO, and Disobeying a Lawful Order offenses. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to 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****AR20210000403****d. Rationale for Decision:**

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Adjustment Disorder, Major Depressive Disorder, and Post Traumatic Stress Disorder outweighed the applicant's FTR, Disrespect Toward an NCO, and Disobeying a Lawful Order offenses. 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:**

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