

1. Applicant's Name: [REDACTED]**a. Application Date:** 26 April 2021**b. Date Received:** 26 April 2021**c. Counsel:** [REDACTED]**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, unfairly discharged because of a medical condition they incurred after serving in Iraq. The applicant provided supporting documents from their doctor.

b. Board Type and Decision: In a records review conducted on 5 August 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Primary Insomnia outweighing the FTR, Disobeying a Commissioned Officer, and Failure to Obey 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 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: 14 July 2006**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 15 June 2006

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant disobeyed a commissioned officer on 26 April 2006; failed to report to their appointed place of duty on 18 July 2005, 3 and 4 March 2006, 24 and 25 April 2006, 1, 10, 19, 22 through 24 May 2006; and 8 June 2006; and failed to obey a lawful order or regulation on 5 June 2005.

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

(4) Legal Consultation Date: 20 June 2006

(5) Administrative Separation Board: The applicant was notified under the notification procedure; however, language from the administrative board procedure was incorporated, indicating the least favorable characterization the applicant could receive was a under other than honorable conditions, which may have triggered the applicant's right to an administrative separation board. The separation packet is void of any evidence of an administrative separation board or a waiver of the board.

(6) Separation Decision Date / Characterization: 10 July 2006 / General (Under Honorable Conditions) / The separation was approved by the special court-martial convening authority (SPCMCA).

4. SERVICE DETAILS:

- a. **Date / Period of Enlistment:** 30 August 2004 / 4 years
- b. **Age at Enlistment / Education / GT Score:** 22 / HS Graduate / 88
- c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 25B10, Information System Operator Analyst / 4 years, 10 months, 22 days
- d. **Prior Service / Characterizations:** RA, 23 August 2001 – 29 August 2004 / HD
- e. **Overseas Service / Combat Service:** Germany, SWA / Iraq (13 March 2003 – 8 July 2003)
- f. **Awards and Decorations:** ARCOM, AGCM, NDSM, GWOTEM, GWOTSM, NCOPDR, ASR, OSR
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:** Company Grade Article 15, 29 June 2005, for on six occasions failing to be at the appointed place of duty (26 January, 7 February, and 14 and 16 June 2005). The punishment consisted of a reduction to E-3 (suspended).

Record Of Supplementary Action Under Article 15, UCMJ, 3 August 2005, reflects the suspended portion of the punishment imposed on 30 June 2005, was vacated for Article 92, Dereliction in the performance of their duty by willfully failing to sign out on leave at the staff duty desk.

Exchange Credit Program letter, 30 January 2006, reflects the applicant's account was past due in the amount of \$117, and their check cashing privileges had been suspended.

Sworn Statement, 9 March 2006, reflects Staff Sergeant (SSG) R. S. stated the applicant submitted a doctor's note explaining the applicant's sleep disorder and documentation of medications prescribed, but the cabinet which secured the documents was misplaced.

Field Grade Article 15, 14 March 2006, for failing to go at the time prescribed to their appointed place of duty (3 March 2006). The punishment consisted of a reduction to E-2 (suspended); forfeiture of \$713 pay per month (suspended); and extra duty for 45 days (suspended).

Record Of Supplementary Action Under Article 15, UCMJ, 3 May 2006, reflects the suspended portion of the punishment imposed on 16 March 2006, was vacated for Article 86, failure to go at the time prescribed to their appointed place of duty.

Numerous Developmental Counseling Forms, for failing to report on multiple occasions; missing a medical appointment; failing to properly sign out on leave; failing to follow orders; and pending separation.

The applicant's separation rebuttal statement, undated, reflects the applicant requested not to be separated from the service. The applicant indicated their missing and reporting late to work was contributed to their sleeping disorder and the prescribed medication, in which the command was informed by medical personal the medication could contribute to the applicant's lateness.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: Chronological Record of Medical Care, from 15 August 2005 to 12 April 2006, reflects the applicant's problems as migraine headaches and insomnia. The applicant was assessed with having primary insomnia (rule out narcolepsy) and attention deficit hyperactivity disorder (ADHD), a provisional diagnosis, insomnia. Differential diagnosis: primary sleep disorder versus ADHD with secondary sleep disorder.

Report of Medical Examination, 6 June 2006, the examining medical physician noted mental health conditions in the medical condition / diagnosis section: ADHD and insomnia.

Air Force, 10th Medical Group letter, 30 June 2006, reflects the applicant was evaluated by the Neurology clinic at the USAF Academy Hospital in May 2005. The Chief of Neurology indicated the applicant had unrelenting migraine headaches and was prescribed three different medications, one causing severe hypersomnolence, and the applicant discontinued the medication. In the neurologist's opinion, the applicant should not have received any adverse or punitive action because of the side effects of the medication.

Department of Veterans Affairs (VA) Disability Rating Decision, 30 July 2007, reflects the applicant was rated 30 percent disabled for post-traumatic stress disorder (PTSD) with depressive disorder (claimed as insomnia), 0 percent for migraines, and various percentages for other medical conditions.

(2) AMHRR Listed: The documents as described in previous paragraph 4j(1).

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; Reserve Officers' Training Corps Military Training Certificate; Armed Forces Classification Test results; self-authored statement (made at the time of separation); incomplete Noncommissioned Officer Evaluation Report; Army Good Conduct Medal Orders; awards and training certificates; letters of accolades; separation documents; medical documents; Service School Academic Evaluation Report; Oath of Reenlistment; Enlisted Record Brief; Honorable Discharge Certificate; VA Rating Decision.

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) Paragraph 1-20 (previously 1-19), provides commanders who are special court-martial convening authorities are authorized to approve or disapprove Chapter 14 when discharge under other than honorable conditions is not warranted under paragraph 3-7c and the notification procedure is used.

(2) Paragraph 2-4, entitled notice of administrative board procedure, provides when the reason for separation requires the administrative board procedure, the commander will notify the Soldier in writing that his or her separation has been recommended in accordance with this regulation (see fig 2-3 and app B). The applicant is entitled to various rights, including the right to a hearing before an administrative separation board. The Glossary defines the administrative board procedure as the process of an administrative separation action where the respondent will have a right to a hearing before a board of officers. It is initiated in the same manner as the notification procedure.

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

(4) 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.

(5) 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.

(6) Chapter 14-12a 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.

(7) Paragraph 14-2c, prescribes Commanders will not take action prescribed in this chapter instead of disciplinary action solely to spare an individual who may have committed serious misconduct from the harsher penalties that may be imposed under the UCMJ.

(8) 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.

(9) 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 insomnia affected their behavior, which led to their discharge, and the VA granted the applicant service-connected disability for PTSD. The applicant submitted several medical documents reflecting the applicant was diagnosed with in-service migraine headaches, insomnia, and ADHD. The VA rated the applicant 30 percent disabled for post-traumatic stress disorder (PTSD) with depressive disorder (claimed as insomnia), 0 percent for migraines, and various percentages for several other medical conditions. The applicant's AMHRR contains documentation supporting in-service diagnoses: migraine headaches, insomnia, and ADHD. The separation authority considered the documents in the AMHRR.

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

The third-party statement provided with the application speaks highly of the applicant and recognizes the applicant as a Soldier of good 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: PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found the applicant is 70 percent SC for PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board determined, based on the Board Medical Advisor's opine, that the applicant's behavioral health conditions mitigate the discharge. Records indicate the applicant's FTR was primarily the result of the Primary Insomnia condition and being prescribed medications that resulted in hypersomnolence. The offenses of disobeying a commissioned officer and failure to obey a lawful order are mitigated given the nexus between PTSD and problems with authority figures, as both instances appeared minor in nature (i.e., providing documentation an hour late, failing to sign out on leave).

(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 Primary Insomnia outweighed the FTR, Disobeying a Commissioned Officer, and Failure to Obey a Lawful Order offenses.

b. Response to Contention(s):

(1) The applicant contends insomnia affected their behavior, which led to their discharge, and the VA granted the applicant service-connected disability for PTSD. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder and Primary Insomnia outweighed the FTR, Disobeying a Commissioned Officer, and Failure to Obey a Lawful Order offenses.

(2) The applicant contends good service, including a combat tour. 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 Primary Insomnia outweighing the FTR, Disobeying a Commissioned Officer, and Failure to Obey a Lawful Order offenses.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Primary Insomnia outweighing the FTR, Disobeying a Commissioned Officer, and Failure to Obey 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 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 Primary Insomnia outweighed the FTR, Disobeying a Commissioned Officer, and Failure to Obey 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.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000406

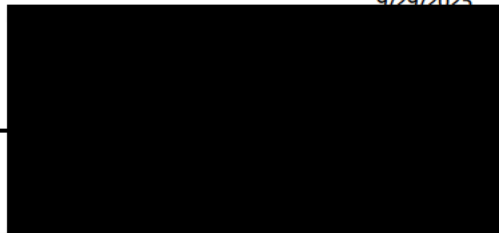
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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:

9/29/2025



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