

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 honorable. The applicant requests a separation code change and a reentry eligibility (RE) code change.

The applicant seeks relief contending, in effect, the discharge was made for an invalid reason. The applicant contends there are no mental or physiological conditions which would require further care.

b. Board Type and Decision: In a records review conducted on 30 January 2025, and by a 5-0 vote, the Board determined the narrative reason for the applicant's separation is inequitable based on the applicant's PTSD, MST and Depression outweighing the applicant's FTR basis for separation. Therefore, the Board directed the issue of a new DD Form 214 changing 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 voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's BH diagnoses warranting consideration prior to reentry of military service. *Please see Section 9 of this document for more detail regarding the Board's decision.*

(Board member names available upon request)

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Condition, Not a Disability / AR 635-200, Chapter 5-17 / JFV / RE-3 / Honorable

b. Date of Discharge: 10 May 2007

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 12 April 2007

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant demonstrated emotional and psychological difficulties which affected their ability to perform military duties. On or about 1 March 2007, without authority, the applicant failed to go to their prescribed place of duty.

(3) Recommended Characterization: Honorable

(4) Legal Consultation Date: 13 April 2007

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 19 April 2007 / Honorable

4. SERVICE DETAILS:

- a. **Date / Period of Enlistment:** 30 June 2005 / 3 years, 17 weeks
- b. **Age at Enlistment / Education / GT Score:** 24 / Associate Degree / 89
- c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 88M10, Motor Transport Operator / 1 year, 10 months, 11 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** Italy, SWA / Iraq (27 August 2006 – 3 February 2007)
- f. **Awards and Decorations:** NDSM, GWOTSM, ICM, ASR
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:** The applicant's Enlisted Record Brief (ERB), 23 April 2007, reflects the applicant was flagged for Adverse Action (AA) effective 22 January 2007.

The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty), reflects the applicant had not completed the first full term of service. The applicant was discharged under the authority of AR 635-200, paragraph 5-17, with a narrative reason of Condition, Not a Disability. The DD Form 214 was authenticated with the applicant's signature.

Numerous Developmental Counseling Forms, for various acts of misconduct.

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

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

(1) **Applicant provided:** Department of Veterans Affairs letter, 13 November 2012, reflects the applicant has been diagnosed with post-traumatic stress disorder (PTSD). The applicant's PTSD symptoms are in remission and the applicant no longer requires psychiatric treatment. The applicant is psychologically stable to serve in the military, and their skills, experience, intelligence, and work ethic would predict success in whatever field they choose.

(2) **AMHRR Listed:** Memorandum for Commander, Mental Health Evaluation, 10 January 2007, the applicant was diagnosed with Axis I: Adjustment Disorder with anxiety and depressed mood, severe occupational problem. The applicant met the retention standards as prescribed in Chapter 3, AR 40-501, and there was no psychiatric disease or defect which warrants disposition through medical channels. The applicant was and was mentally responsible, able to distinguish right from wrong and to adhere to the right and had the mental capacity to understand and to participate in board proceedings. If the applicant was retained on active duty, it was considered highly likely their emotional state and coping abilities would continue to deteriorate, and they may develop a more serious psychological disturbance or increased risk of self-harm. If their medical work-up did not yield a recommendation for a medical board, it was strongly recommended they be considered for administrative separation under AR 635-200, Chapter 5-17.

Report of Medical History, 30 March 2007, the examining medical physician noted in the comments section being seen by behavioral health.

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; three letters of support.

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) Chapter 5 provides for the basic separation of enlisted personnel for the convenience of the government.

(4) Paragraph 5-1, states a Soldier being separated under this paragraph will be awarded a characterization of service of honorable, general (under honorable conditions), or an uncharacterized description of service if in entry-level status. A general (under honorable conditions) discharge is normally inappropriate for individuals separated under the provisions of paragraph 5-14 (previously paragraph 5-17) unless properly notified of the specific factors in the service that warrant such characterization.

(5) Paragraph 5-14 (previously paragraph 5-17) specifically provides that a Soldier may be separated for other physical or mental conditions not amounting to a disability, which interferes with assignment to or performance of duty and requires that the diagnosis be so severe that the Soldier's ability to function in the military environment is significantly impaired.

(6) Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

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 "JFV" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 5-14 (previously Chapter 5-17), Condition, Not a Disability.

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 the narrative reason for the discharge needs changed. The applicant was separated under the provisions, at the time, of Chapter 5, paragraph 5-17, AR 635-200 with an honorable discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Condition, Not a Disability," and the separation code is "JFV." Army Regulation 635-8 (Separation Processing and Documents), governs preparation of the DD Form 214, and dictates the 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 SPD code should be changed. The SPD codes are three-character alphabetic combinations that identify reasons for, and types of, separation from active duty. The primary purpose of SPD codes is to provide statistical accounting of reasons for separation. They are intended exclusively for the internal use of DoD and the Military Services to assist in the collection and analysis of separation data. The SPD Codes are controlled by OSD and then implemented in Army policy AR 635-5-1 (Separation Program Designator (SPD) Codes) to track types of separations. The SPD code specified by Army Regulations at the time, for a discharge under Chapter 5, paragraph 5-17, is "JFV."

The applicant contends the discharge was made for an invalid reason. The applicant contends there are no mental or physiological conditions which would require further care. The applicant provided a Department of Veterans Affairs letter, 13 November 2012, reflecting the applicant has been diagnosed with post-traumatic stress disorder (PTSD). The applicant's PTSD symptoms are in remission and the applicant no longer requires psychiatric treatment. The applicant was psychologically stable to serve in the military, and their skills, experience, intelligence, and work ethic would predict success in whatever field they choose. The AMHRR includes a Memorandum for Commander, Mental Health Evaluation, 10 January 2007, reflecting the applicant was diagnosed with Axis I: Adjustment Disorder with anxiety and depressed mood, severe occupational problem. The applicant met the retention standards as prescribed in

Chapter 3, AR 40-501, and there was no psychiatric disease or defect which warrants disposition through medical channels. The applicant was mentally responsible, able to distinguish right from wrong and to adhere to the right and had the mental capacity to understand and to participate in board proceedings. If the applicant would be retained on active duty, it was considered highly likely their emotional state and coping abilities would continue to deteriorate, and they may develop a more serious psychological disturbance or increased risk of self-harm. If their medical work-up did not yield a recommendation for a medical board, it was strongly recommended they be considered for administrative separation under AR 635-200, Chapter 5-17. A Report of Medical History, 30 March 2007, the examining medical physician noted in the comments section the applicant was being seen by behavioral health. All medical documents were considered by the separation authority.

The third-party statements provided with the application reflect the applicant is thoughtful and intelligent with a great sense of compassion and should be considered for Officer Candidate School.

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's Medical Advisor, a voting member, 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, Depression, MST, and PTSD.

(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 and Depression and there is evidence of MST. In addition, the VA has service connected the applicant 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's Medical Advisor applied liberal consideration and opined that there is evidence of BH conditions. The applicant was diagnosed in service with an Adjustment Disorder and Depression and there is evidence of MST. In addition, the VA has service connected the applicant for PTSD. While the applicant has an HD and was separated in accordance with the regulations at the time, the applicant's experience of MST likely contributed to the emotional and psychological difficulties that led to the separation. The FTR is mitigated due the nexus between PTSD, MST, Depression, and avoidance.

(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 PTSD, MST, and Depression outweighed the FTR basis for separation.

b. Response to Contention(s):

(1) The applicant contends the discharge was made for an invalid reason. The applicant contends there are no mental or physiological conditions which would require further care. 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 PTSD, MST, and Depression fully outweighing the applicant's FTR basis for separation.

(2) The applicant contends the narrative reason for the discharge and SPD code needs changed. The Board determined that this contention was valid and voted to change the narrative reason for separation due to PTSD, MST, and Depression outweighing the applicant's FTR basis for separation.

c. The Board determined the narrative reason for the applicant's separation is inequitable based on the applicant's PTSD, MST and Depression outweighing the applicant's FTR basis for separation. Therefore, the Board directed the issue of a new DD Form 214 changing 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 voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's BH diagnoses warranting consideration prior to reentry of military service. The applicant has exhausted their appeal options available with ADRB. However, the applicant may still apply to the Army Board for Correction of Military Records. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

d. Rationale for Decision:

(1) The Board determined the discharge is proper and equitable as the applicant has a Characterization of Honorable; therefore, no further relief is available.

(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.

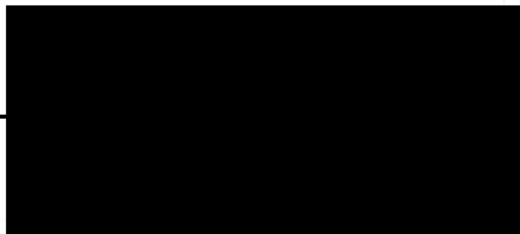
(3) The RE code will not change due to applicant's BH diagnosis warranting consideration prior to reentry of military service.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** No Change
- c. **Change Reason / SPD Code to:** Secretarial Authority / JFF
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** AR 635-200, Chapter 15

Authenticating Official:

2/25/2025



ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000500

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