

**1. Applicant's Name:**

- 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 period under review is under other than honorable conditions. The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, serving the country honorably in Afghanistan and when the applicant returned home, they were suffering in silence with PTSD issues. The spouse left the applicant while they were deployed, and the grandparent had become sick and died. The applicant tried to see the grandparent; however, was denied leave. The applicant tried to plead to them how close and important it was for them to see the grandparent before their death. The applicant realizes they should have done more to go through the chain of command; however, ever since Afghanistan, they have not been able to think straight due to their experiences. The applicant battled some issues since Afghanistan and needs help. The applicant regrets the decisions made and wishes they could have been more flexible; and the 1SG would have shown a little more compassion and let the applicant see the grandparent before they passed. The applicant is trying to better oneself and would like to do the right things; however, this discharge is haunting them and keeps them from getting help and getting better. An upgrade would allow the applicant to get the help and treatment needed to overcome the issues they face because of the combat time in Afghanistan.

b. **Board Type and Decision:** In a records review conducted on 21 January 2025, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

*Please see Section 9 of this document for more details regarding the Board's decision.  
Board member names available upon request.*

**3. DISCHARGE DETAILS:**

a. **Reason / Authority / Codes / Characterization:** Misconduct (AWOL) / AR 635-200, Chapter 14-12c (1) / JKD / RE-3 / Under Other Than Honorable Conditions

b. **Date of Discharge:** 5 March 2012

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 22 December 2011

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant was wrongfully Absent Without Leave from on or about 28 June until 25 July 2011 and from on or about 20 April until 26 May 2011; failed to report to the appointed place of duty on or about 6, 7, 11, and 12 April 2011; and, the applicant used and possessed a synthetic substance in violation of a lawful general regulation on or about 16 August 2011.

**(3) Recommended Characterization:** Under Other Than Honorable Conditions

**(4) Legal Consultation Date:** 3 October 2011

**(5) Administrative Separation Board:** On 3 October 2011, the applicant unconditionally waived consideration of the case before an administrative separation board.

**(6) Separation Decision Date / Characterization:** 24 January 2012 / Under Other Than Honorable Conditions

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 4 December 2010 / 2 years

**b. Age at Enlistment / Education / GT Score:** 20 / High School Letter / 104

**c. Highest Grade Achieved / MOS / Total Service:** E-3 / 11B10, Infantryman / 3 years, 1 month, 14 days

**d. Prior Service / Characterizations:** ARNG, 28 June 2008 – 22 July 2008 / UNC  
(Break in Service)  
RA, 12 January 2009 – 3 December 2010 / HD

**e. Overseas Service / Combat Service:** SWA / Afghanistan (4 February 2010 – 5 February 2011)

**f. Awards and Decorations:** ACM-CS, NATOMDL, NDSM, GWOTSM, ASR, OSR, ARCOM-V, VUA, CIB

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** Letter of Reprimand, 25 February 2010, reflects the applicant was reprimanded for negligent discharge on 141730 February 2010. On the date and time, the applicant negligently discharged three rounds from the M249 while on duty at the FOB Salerno Entry Control Point. The failure to operate the weapon in a safe manner put the applicant and fellow Soldiers at serious of injury or death.

CG Article 15, 18 June 2010, on or about 4 March 2010, was derelict in the performance of duties by negligently failing to maintain awareness of the status of the M249 resulting in three rounds being discharged into the ground of the VCP, as it was the applicant's duty to do. The punishment consisted of a reduction to E-1, suspended; and extra duty for 14 days.

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

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 20 April 2011;  
From Dropped From Rolls (DFR), to Present for Duty (PDY), effective 26 May 2011;  
From PDY to AWOL, effective 28 June 2011;  
From AWOL to DFR, effective 27 July 2011;  
From DFR to PDY, effective 1 August 2011;  
From PDY to AWOL, effective 14 October 2011;  
From AWOL to DFR, effective 13 November 2011;  
From DFR to PDY, effective 28 November 2011;  
From Present for Duty (PDY) to Confinement, effective 29 November 2011;

From Confinement to PDY, effective 22 December 2011;  
 From PDY to AWOL, effective 28 December 2011;  
 From DFR to PDY, effective 28 February 2012;  
 From PDY to AWOL, effective 27 January 2012; and,  
 From AWOL to PDY, effective 5 March 2012.

Record of Trial by Summary Court-Martial, 29 November 2011, reflects the applicant was found guilty by a summary court-martial for:

**Charge I, Violation of Article 86, UCMJ:**

- Specification 1: From on or about 28 June to 25 July 2011 absent oneself from the unit.
- Specification 2: From on or about 20 April to 26 May 2011, absent oneself from the unit.
- Specification 3: On or about 12 April 2011, fail to go to the appointed place of duty.
- Specification 4: On or about 11 April 2011, fail to go to the appointed place of duty.
- Specification 5: On or about 7 April 2011, fail to go to the appointed place of duty.
- Specification 6: On or about 6 April 2011, fail to go to the appointed place of duty.

**Charge II, Violation of Article 92, UCMJ:**

- Specification 1: On or about 16 August 2011, disobey a lawful written order.
- Specification 2: On or about 16 August 2011, disobey a lawful written order.

Sentence: To be reduced to the grade of E-1; confinement for 30 days; and forfeit \$978 pay per month for one month.

Several Developmental Counseling Forms, for various acts of misconduct.

**i. Lost Time / Mode of Return:** 6 months, 22 days:

AWOL, 20 April 2011 – 25 May 2011 / NIF  
 AWOL, 28 June 2011 – 31 July 2011 / NIF  
 AWOL, 14 October 2011 – 27 November 2011 / NIF  
 Confinement, 29 November 2011 – 21 December 2011 / Released from Confinement  
 AWOL, 28 December 2011 – 5 March 2012 / NIF

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

**(1) Applicant provided:** Department of Veterans Affairs, Statement in Support of Claim for Service Connection for PTSD, 27 August 2013, reflects the applicant was wounded in action during a complex attack on FOB Salerno, RPG hit max pro at point blank range and the applicant pulled these Soldiers and applied first aid and transport while the attack was still going on and the applicant had no vest.

**(2) AMHRR Listed:** Report of Medical History, 13 December 2011, the examining medical physician noted sleep issues, intermittent insomnia in the comments section:

Report of Mental Status Evaluation, 14 December 2011, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant had been screened for PTSD and mTBI. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The applicant was diagnosed with Axis I: ADHD.

Report of Medical Examination, 19 December 2011, the examining medical physician noted adjustment disorder anxiety stable. Continue BH and substance abuse counseling after discharge the in the comments section:

*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:** Application for the Review of Discharge; VA Form 21-0781; obituary; Certificate of Release or Discharge from Active Duty.

**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 3-7c states Under Other Than Honorable Conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(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 14-12c(1) allows for an absentee returned to military control from a status of absent without leave or desertion to be separated for commission of a serious offense.

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 "JKD" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c(1), misconduct (awol).

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 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 applicant contends suffering in silence from PTSD issues after returning from a deployment. The applicant provided a Department of Veterans Affairs, Statement in Support of Claim for Service Connection for PTSD, 27 August 2013, which reflects the applicant was wounded in action during a complex attack on FOB Salerno. A RPG hit max pro at point blank range and the applicant pulled these Soldiers and applied first aid and transport while the attack was still going on while the applicant had no vest. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 14 December 2011, which reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant had been screened for PTSD and mTBI. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The applicant was diagnosed with Axis I: ADHD. The MSE was considered by the separation authority.

The applicant contends the spouse left them while they were deployed, and the grandparent became sick and died. The applicant was denied leave before the grandparent's death. There is

no evidence in the AMHRR the applicant ever sought assistance before committing the misconduct, which led to the separation action under review.

The applicant contends an upgrade would allow veterans benefits. The applicant is trying to better oneself and needs help and treatment. Eligibility for veteran's benefits does not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

#### **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: Mood Disorder, Adjustment Disorder w/Anxiety, and self-asserted PTSD.

**(2)** Did the condition exist, or experience occur during military service? **Yes.** The Board found the applicant has in-service BH conditions of Other Mood Disorder and Adjustment Disorder w/Anxiety.

**(3)** Does the condition or experience excuse or mitigate the discharge? **No.** The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions do not mitigate the discharge. The applicant's offenses of AWOLs, FTRs, and wrongful use and possession of spice are not mitigated none of the applicant's conditions were of a severity to effect cognition, judgement or behavior, at the time of the misconduct. None of the conditions impaired the applicant's ability to differentiate between right and wrong and adhere to the right. Additionally, there is evidence that the applicant's Other Mood Disorder Diagnosis was secondary to spice use. Further, the applicant has been diagnosed by the VA with Other Specified Personality Disorder and was noted for a rule-out of Personality Disorder while on active duty. The misconduct is consistent with a Personality Disorder and relief for Personality Disorders is not offered, even under liberal consideration. Finally, although the applicant self-asserts a diagnosis of PTSD, the available records document that although the applicant reported exposure to criterion A traumas, the applicant failed to meet criteria for PTSD or any other trauma-related disorders.

**(4)** Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the available evidence did not support a conclusion that the applicant's Mood Disorder, Adjustment Disorder w/ Anxiety, and self-asserted PTSD outweighed the medically unmitigated separating offenses of AWOL, FTR, and illegal substance abuse.

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

**(1)** The applicant contends suffering in silence from PTSD issues after returning from a deployment. The Board liberally considered this contention but determined that the available evidence did not support a conclusion that the applicant's Mood Disorder, Adjustment Disorder w/Anxiety, and self-asserted PTSD outweighed the applicant's medically unmitigated offenses of AWOL, FTR, and illegal substance abuse.

(2) The applicant contends good service, including a combat tour. The Board considered the applicant's three years of service, including a combat tour in Iraq, and determined that the totality of the record does not outweigh the AWOL, FTR, and illegal substance abuse separating offenses.

(3) The applicant contends the spouse left them while they were deployed, and the grandparent became sick and died. The applicant was denied leave before the grandparent's death. The Board considered the applicant's difficult family circumstances and found that they do not mitigate the applicant's AWOL, FTR, and illegal substance abuse offenses as the Army affords many avenues to Soldiers including seeking separation for hardship.

(4) The applicant contends an upgrade would allow veterans benefits. The applicant is trying to better oneself and needs help and treatment. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

c. The Board determined that the discharge is, at this time, proper and equitable, considering the current evidence of record. However, the applicant may request a personal appearance hearing to address the issues before a Board. 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 voted not to change the applicant's characterization of service because, despite applying liberal consideration to all evidence before the Board, the applicant's Mood Disorder, Adjustment Disorder w/Anxiety, and self-asserted PTSD did not outweigh the medically unmitigated offenses of AWOL, FTR, and illegal substance abuse. The Board also considered the applicant's contentions regarding good service and family issues but found that the totality of the evidentiary record does not warrant a discharge upgrade. The applicant did not present any issues of impropriety for the Board's consideration. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process. Therefore, the applicant's General discharge was proper and equitable as the applicant's misconduct fell below that level of meritorious service warranted for an Honorable characterization.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts. The reason the applicant was discharged was both proper and equitable.

(3) The RE code will not change due to the in-service behavioral health conditions. The current code is consistent with the procedural and substantive requirements of the regulation.



# ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000555

## 10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: No
- b. Change Characterization to: No Change
- c. Change Reason / SPD Code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

## Authenticating Official:

2/10/2025

X

Presiding Officer, COL, U.S. ARMY

Army Discharge Review Board

### 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  
UOTHHC – Under Other Than  
Honorable Conditions  
VA – Department of Veterans  
Affairs