

**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 under other than honorable conditions. The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, was diagnosed with PTSD and was seeking help; however, was not getting any. The applicant's actions and mind became worse and still no help. The applicant would like an upgrade to attend college.

**b. Board Type and Decision:** In a records review conducted on 12 December 2024, and by a 5-0 vote, the Board determined the applicant's discharge is inequitable based on the applicant's Adjustment Disorder, Major Depression, Anxiety Disorder NOS, PTSD, and Panic Disorder partially mitigating the applicant's wrongful use of spice, FTRs, disrespect, and failing to obey lawful orders basis for separation. The Board determined that the unmitigated misconduct of breaking and entering was more appropriately characterized with a General, Under Honorable Conditions. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General, Under Honorable Conditions. The Board determined the narrative reason/SPD code were proper and equitable and voted not to change them given the applicant is still accountable for the pattern of misconduct. 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 details 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, Chapter 14-12b / JKA / RE-3 / Under Other Than Honorable Conditions

**b. Date of Discharge:** 16 October 2013

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 7 May 2013

**(2) Basis for Separation:** The applicant was informed of the following reasons:

The applicant wrongfully used spice on or about 12 January 2012;

On divers occasions between on or about 14 April and 12 September 2011, failed to be at the appointed place of duty;

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**

**AR20210000588**

On or about 17 August 2011, was disrespectful in deportment toward SFC C. B;

On or about 5 October 2011, failed to obey a lawful order from SSG T. S.;

On or about 5 October 2011, failed to obey a lawful order issued by LTC M. L. S.; and,

On or about 9 December 2012, was arrested for breaking into the Smoke Shack located in Killeen, Texas.

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

**(4) Legal Consultation Date:** On 8 May 2013, the applicant waived legal counsel.

**(5) Administrative Separation Board:** On 22 July 2013, the applicant was notified to appear before an administrative separation board and advised of rights.

On 23 July 2013, the administrative separation board convened. The applicant waived their right to be present during the entire proceedings and waived the right to be represented by counsel. The Board determined the applicant committed a Pattern of Misconduct per AR 635-200, Chapter 14-12b. The Board recommended the applicant's discharge with characterization of service of under other than honorable conditions.

On 16 September 2013, the separation authority approved the findings and recommendations of the administrative separation board.

**(6) Separation Decision Date / Characterization:** 16 September 2013 / Under Other Than Honorable Conditions

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 8 September 2010 / 3 years, 21 weeks

**b. Age at Enlistment / Education / GT Score:** 19 / some college / 96

**c. Highest Grade Achieved / MOS / Total Service:** E-3 / 88M10, Motor Transport Operator / 3 years, 1 month, 9 days

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

**e. Overseas Service / Combat Service:** SWA / Iraq (26 May 2011 – 7 August 2011)

**f. Awards and Decorations:** NDSM, GWOTSM, ICM-CS, ASR

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** CID Report of Investigation – Initial Final (c) - 0890-2012-CID034-9334 – 5Y2B0 / 9G2, 24 July 2012, investigation established probable cause existed to believe the applicant committed the offense of Failure to Obey a General Order (Spice – Fort Hood Command Policy SJA-03), when Spice was found in the personal belongings.

Affidavit for Arrest, 10 December 2012, reflects the applicant was the subject of an investigation for burglary of a building.

Report of Proceedings by Board of Officers, 23 July 2013, reflects the Board found: The applicant committed a Pattern of Misconduct per AR 635-200, Chapter 14-12b. The Board recommended the applicant's discharge with characterization of service of under other than honorable conditions.

Several Developmental Counseling Forms, for various acts of misconduct.

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

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

**(1) Applicant provided:** Aeromedical Evaluation Patient Record, 2 July 2011, reflects the applicant was being treated at Teal TMC on FOB Warhorse for depressive symptoms. Emergency MEDEVAC from theater was recommended followed by psychiatric hospitalization.

VA Rating Decision, undated, reflects the applicant was granted 50 percent service-connected disability for PTSD also claimed sleep disturbance.

**(2) AMHRR Listed:** Report of Medical Assessment, 30 September 2011, reflects the health care provider noted adjustment disorder disturbed emotion. One suicidal attempt currently under psychiatric care.

Progress Notes, 16 April 2012, reflects the applicant was diagnosed with Axis I: Major Depression, recurrent and Axis IV: Occupational problems.

Medical Evaluation Board Proceedings, 24 May 2012, reflect the applicant received an unfitting diagnosis: PTSD, Chronic; Major Depression, recurrent.

Informal Physical Evaluation Board (PEB) Proceedings, 31 October 2012, reflects the Board found the applicant was physically unfit and recommended a rating of 50 percent and the applicant's disposition be placed on TDRL and with a reexamination during July 2013. The applicant was diagnosed with PTSD.

Report of Mental Status Evaluation (MSE), 16 May 2013, 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 was in the MEB process. The applicant was diagnosed with Axis I: PTSD.

*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 Rating Decision letter; Aeromedical Evaluation Patient Record; 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 14-12b, 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 being diagnosed with PTSD and was seeking help; however, did not receive any so their actions and mind set kept getting worse. The applicant provided an Aeromedical Evaluation Patient Record, 2 July 2011, which reflects the applicant was being treated at Teal TMC on FOB Warhorse for depressive symptoms. Emergency MEDEVAC from theater was recommended followed by psychiatric hospitalization. A VA Rating Decision, undated, reflects the applicant was granted 50 percent service-connected disability for PTSD also claimed sleep disturbance. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 16 May 2013, 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 was in the MEB process. The applicant was diagnosed with Axis I: PTSD. A Report of Medical Assessment, 30 September 2011, reflects the health care provider noted adjustment disorder disturbed emotion. One suicidal attempt currently under psychiatric care. Progress Notes, 16 April 2012, reflect the applicant was diagnosed with Axis I: Major Depression, recurrent and Axis IV: Occupational problems. Medical Evaluation Board Proceedings, 24 May 2012, reflect the applicant received an unfitting diagnosis: PTSD, Chronic; Major Depression, recurrent. Informal Physical Evaluation Board (PEB) Proceedings, 31 October 2012, reflect the Board found the applicant was physically unfit and recommended a rating of 50 percent and the Applicant's disposition be placed on TDRL and with a reexamination during July 2013. The applicant was diagnosed with PTSD. All the medical documents included in the AMHRR were considered by the separation authority.

The applicant contends an upgrade would allow educational benefits through the GI Bill. Eligibility for veteran's benefits to include educational benefits under the Post-9/11 or Montgomery GI Bill 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'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, Major Depression, Anxiety Disorder NOS, PTSD, and Panic Disorder.

(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, Major Depression, Anxiety Disorder NOS, and Panic Disorder. The applicant was also diagnosed with PTSD that existed prior to service (EPTS) but was determined to have been aggravated by military service.

(3) Does the condition or experience excuse or mitigate the discharge? **Partially.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of BH conditions that provide partial mitigation for the basis of separation. The applicant was diagnosed in service with an Adjustment Disorder, Major Depression, Anxiety Disorder NOS, and Panic Disorder. The applicant was also diagnosed with PTSD that EPTS but was determined to have been aggravated by military service. The wrongful use of spice and FTRs are mitigated given the nexus between PTSD, Major Depression, Anxiety Disorder NOS, Panic Disorder, self-medicating with substances, and avoidance. And given the nexus between PTSD and difficulty with authority, the disrespect and failing to obey lawful orders are mitigated. However, breaking into the Smoke Shack is not mitigated by any of the applicant's BH conditions given that neither PTSD, Major Depression, Anxiety Disorder NOS, Panic Disorder, or an Adjustment Disorder interfere with the ability to distinguish between right and wrong and act in accordance with the right.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opine, the Board determined that the applicant's Adjustment Disorder, Major Depression, Anxiety Disorder NOS, PTSD, and Panic Disorder outweighed the wrongful use of spice, FTRs, the disrespect, failing to obey lawful orders, and breaking into the Smoke Shack basis for separation.

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

(1) The applicant contends being diagnosed with PTSD and was seeking help; however, they did not receive any, so their actions and mind set kept getting worse. The Board considered this contention and determined the applicant is diagnosed with PTSD. The applicant's Adjustment Disorder, Major Depression, Anxiety Disorder NOS, PTSD, and Panic Disorder outweighs the applicant's wrongful use of spice, FTRs, the disrespect and failing to obey lawful orders, and breaking into the Smoke Shack basis for separation, however the misconduct of breaking into the Smoke Shack is not mitigated or excused by the applicant's PTSD. Ultimately, the Board voted to upgrade the characterization of service to General Under Honorable Conditions.

(2) The applicant contends an upgrade would allow educational benefits through the GI Bill. 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 the applicant's discharge is inequitable based on the applicant's Adjustment Disorder, Major Depression, Anxiety Disorder NOS, PTSD, and Panic Disorder partially mitigating the applicant's wrongful use of spice, FTRs, the disrespect and failing to obey lawful orders basis for separation. The Board determined that the unmitigated misconduct of breaking and entering was more appropriately characterized with a General, Under Honorable Conditions. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General, Under Honorable Conditions. The Board determined the narrative reason/SPD code were proper and equitable and voted not to change them given the applicant is still accountable for the pattern of misconduct. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's BH diagnoses

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE****AR20210000588**

warranting consideration prior to reentry of military service. However, the applicant may request a personal appearance hearing to address further 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 to change the applicant's characterization of service to General, Under Honorable Conditions because the applicant's Adjustment Disorder, Major Depression, Anxiety Disorder NOS, PTSD, and Panic Disorder outweighed the applicant's misconduct of wrongful use of spice, FTRs, the disrespect and failing to obey lawful orders, and breaking into the Smoke Shack. Thus, the prior characterization is no longer appropriate.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code as the reason the applicant was discharged was both proper and equitable. The record reflects a pattern of misconduct.

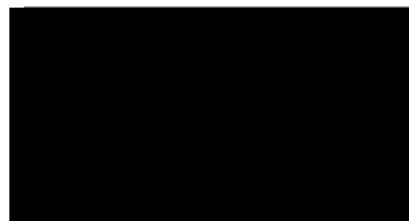
(3) The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's BH diagnosis warranting consideration prior to reentry of military service.

**10. BOARD ACTION DIRECTED:**

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** General, Under Honorable Conditions
- c. **Change Reason / SPD Code to:** No Change
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** No Change

**Authenticating Official:**

2/24/2025



AWOL – Absent Without Leave  
AMHRR – Army Military Human  
Resource Record  
BCD – Bad Conduct Discharge  
BH – Behavioral Health  
CG – Company Grade Article 15  
CID – Criminal Investigation  
Division  
ELS – Entry Level Status  
FG – Field Grade Article 15

GD – General Discharge  
HS – High School  
HD – Honorable Discharge  
IADT – Initial Active-Duty  
Training  
MP – Military Police  
MST – Military Sexual Trauma  
N/A – Not applicable  
NCO – Noncommissioned Officer  
NIF – Not in File

NOS – Not Otherwise Specified  
OAD – Ordered to Active Duty  
OBH (I) – Other Behavioral  
Health (Issues)  
OMPF – Official Military  
Personnel File  
PTSD – Post-Traumatic Stress  
Disorder  
RE – Re-entry  
SCM – Summary Court Martial

SPCM – Special Court Martial  
SPD – Separation Program  
Designator  
TBI – Traumatic Brain Injury  
UNC – Uncharacterized  
Discharge  
UOTHHC – Under Other Than  
Honorable Conditions  
VA – Department of Veterans  
Affairs