

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 narrative reason change.

The applicant seeks relief contending, in effect, was a model Soldier throughout their career. Before 2011, the applicant had never even had a negative counseling statement. While being deployed, the spouse told the applicant they were taking the five-year-old child and leaving the applicant. The spouse filed for separation, and they have not spoken since. After returning from a deployment, the applicant turned to alcohol as the depression set in. The applicant tried to hide it by focusing on training the new Soldiers' who fell under their guidance. Most days it was extremely difficult to self-motivate to even get out of bed. The applicant realized they needed mental help; however, seeking help was denied by the 1SG. The applicant tried repeatedly to seek mental health help, and the one time they finally were able to go, the Fort Bragg Mental Health office was overwhelmed and had a six-month wait period just to be seen for an evaluation. The applicant received a new commander and started several monthly FTXs. The same 1SG denied the applicant's ability to go to a simple traffic court appearance because they were scheduled to go to the field. The applicant missed the court date while in the field, and the PMO picked them up on a warrant when they returned. The applicant spent two weeks in a civilian jail waiting to see a judge or for the 1SG to submit the documents to get them out. The judge dismissed the court case during their first appearance; however, the applicant was angry by then. The applicant was severely depressed, not getting any sleep, suffering from paranoia, anxiety, PTSD, and rage, and could not get any help to literally save their life. The applicant started becoming suicidal; however, they had to maintain their appearance of strength and morale for their Soldiers. Eventually, it came to the point where they believed they had to leave and try and seek help on their own. The applicant went AWOL, a decision they regret, and at the same time probably saved their life. In a matter of six months after returning from Afghanistan, the applicant went from a model NCO and career Soldier to a depressed and hollow shell of a person. The new 1SG and Battery Commander, tried to appeal to 82nd Division Command on the applicant's behalf to attempt to keep them in the military. The applicant was still a valuable asset and demonstrated competence in performing their duties. The appeals were denied unfortunately. The applicant understands why going AWOL was wrong but needed help for serious issues, which the unit and the Army failed to provide. The applicant never failed their Soldiers in their times of need and believed the command betrayed them. At the time, the choices seemed very clear. Suicide or go AWOL and attempt to get their mind right and try and find peace with their demons. The applicant believes their career demonstrated they were far from a problem Soldier, and they served their country with honor, dedication, and integrity despite one isolated incident of incredibly bad judgment.

b. Board Type and Decision: In a records review conducted on 21 November 2024, and by a 5-0 vote, the Board, based on the applicant's Post Traumatic Stress Disorder and applicant-asserted Depression and Anxiety outweighing the applicant's AWOL and failure to obey a lawful order offenses, determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000635

Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the characterization of service and reentry code were proper and equitable and voted not to change them.

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 (Serious Offense) / AR 635-200, Chapter 14-12c / JKQ / RE-3 / Honorable

b. Date of Discharge: 30 April 2013

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 27 March 2013

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant failed to obey a lawful order on 26 March 2011 and was AWOL between on or about 19 October 2011 and on or about 6 February 2013.

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

(4) Legal Consultation Date: On 2 April 2013, the applicant waived legal counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 12 April 2013 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 22 July 2008 / 6 years

b. Age at Enlistment / Education / GT Score: 21 / GED / 109

c. Highest Grade Achieved / MOS / Total Service: E-5 / 13D20, Field Artillery Automation / 5 years, 7 months, 1 day / The applicant's DD Form 214, Date Entered Active Duty, is inconsistent with the applicant's enlistment contract which provides an additional 3 months, 17 days of total service of 5 years, 10 months, 18 days.

d. Prior Service / Characterizations: RA, 13 June 2006 – 21 July 2008 / HD / There appears to be an error in the applicant's DD Form 214, block 12a, Date Entered AD this Period, the DD Form 4 reflects 13 June 2006.

e. Overseas Service / Combat Service: Korea / SWA / Afghanistan (2 January 2010 – 1 January 2011)

f. Awards and Decorations: ACM-CS, ARCOM, AAM-2, AGCM, NDSM, GWOTSM, KDSM, NCOPDR, ASR, OSR-2, NATOMDL, CAB

g. Performance Ratings: 1 September 2010 – 31 August 2011 / Fully Capable

1 September 2011 – 27 March 2013 / Marginal

h. Disciplinary Action(s) / Evidentiary Record: CG Article 15, 12 May 2011, for on or about 26 March 2011, fail to obey a lawful order issued by LTC G. B. C. by wrongfully consuming alcohol. The punishment consisted of forfeiture of \$571 pay; extra duty and restriction for 14 days; written reprimand.

Memorandum of Reprimand, 12 May 2011, reflects the applicant was dropped from Basic Airborne School because of an alcohol related incident.

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

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 19 October 2011;
From AWOL to Dropped From Rolls (DFR), effective 20 November 2011; and,
From DFR to PDY, effective 6 February 2013.

FG Article 15, 27 March 2013, on or about 19 October 2011 without authority, absent oneself from the unit, and did remain so absent until on or about 6 February 2013. The punishment consisted of a reduction to E-4; forfeiture of \$1,201 pay per month for two months (suspended); and extra duty and restriction for 45 days.

Two Developmental Counseling Forms, for disobeying a lawful order and being intoxicated while at airborne school.

i. Lost Time / Mode of Return: 1 year, 3 months, 17 days (AWOL, 19 October 2011 – 5 February 2013) / Surrendered to Military Authorities

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: None

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: Online Application and 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 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(3) 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.

(4) 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.

(5) 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.

(6) Paragraph 14-12c prescribes a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

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

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 a narrative reason change. 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 of Chapter 14, paragraph 14-12c, AR 635-200 with an honorable discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Misconduct (Serious Offense)," and the separation code is "JKQ." Army Regulation 635-8 (Separation Processing and Documents) governs the 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 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 good service, including a combat tour and receiving the Combat Action Badge. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

While being deployed, the spouse told the applicant they were taking the five-year-old child and leaving the applicant. The spouse filed for separation, and they have not spoken since. 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 after returning from a deployment, they turned to alcohol as depression set in. The applicant tried to hide it by focusing on training new Soldiers under their guidance. Most days it was extremely difficult to self-motivate to get out of bed. The applicant realized needing mental help; however, the 1SG denied them from seeking help. The applicant tried repeatedly to seek mental health help, and the one time they finally were able to go, the Fort Bragg Mental Health office was overwhelmed and had a six month wait period just to be seen for an evaluation. The applicant's new commander started a several monthly FTXs. The same 1SG denied the applicant's ability to go to a simple traffic court appearance, because the applicant was scheduled to go to the field. While in the field, the applicant missed the court date and the PMO picked the applicant up on a warrant upon return. The applicant spent two weeks in a civilian jail waiting to see a judge, or for the 1SG to submit the documents to get them out. The applicant was severely depressed; not getting any sleep; suffering from paranoia, anxiety, PTSD, and rage; and could not get any help to literally save their life. The applicant started becoming suicidal; however, maintained their appearance of strength and morale for their Soldiers. Eventually it came to the point where the applicant believed they had to leave and try and seek help on their own. The applicant regrets their decision to go AWOL, and at the same time probably saved their life. The new 1SG and Battery Commander, tried to appeal to 82nd Division Command on the applicant's behalf attempting to keep the applicant in the military. The appeals were denied unfortunately. The applicant did not submit any evidence, other than the applicant's statement, to support the contention the discharge resulted from any medical condition. The applicant's AMHRR contains no documentation of PTSD diagnosis. The evidence of record shows the command attempted to assist the applicant in performing and conducting to Army standards by providing counseling and the imposition of non-judicial punishment. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends the event which led to the discharge from the Army was an isolated incident. Army Regulation 635-200, paragraph 3-5, in pertinent part, stipulates there are circumstances in which the conduct or performance of duty reflected by a single incident provides the basis for a characterization.

9. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially mitigating diagnoses/experiences: Adjustment Disorder, PTSD. Additionally, the applicant asserts Depression and Anxiety, which may be sufficient evidence to establish the existence of a condition that could mitigate or excuse the discharge.

(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 is service connected by the VA for PTSD. The applicant also self-asserts Depression and Anxiety, and the active duty medical record supports that the applicant experienced symptoms of Depression and Anxiety during military service.

(3) Does the condition or experience excuse or mitigate the discharge? **Yes.** The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions mitigate the discharge. The applicant was diagnosed in service with an Adjustment Disorder and is service connected by the VA for PTSD. The applicant also self-asserts Depression and Anxiety, and the active duty medical record supports that the applicant experienced symptoms of Depression and Anxiety during military service. Given the nexus between PTSD, Depression, Anxiety, avoidance, and self-medicating with substances, the applicant's BH conditions mitigate the AWOL and failure to obey a lawful order by consuming alcohol that led to the separation.

(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 Post Traumatic Stress Disorder and applicant-asserted Depression and Anxiety outweighed the applicant's AWOL and failure to obey a lawful order offenses.

b. Response to Contention(s):

(1) The applicant contends depression set in after returning from a deployment and turned to alcohol. The applicant tried to hide it by focusing on training the new Soldiers under their guidance. Most days it was extremely difficult to self-motivate to even get out of bed. The applicant realized they needed mental help; however, the 1SG denied them seeking help. The applicant tried repeatedly to seek mental health help, and the one time they finally were able to go, the Fort Bragg Mental Health office was overwhelmed and had a six-month wait period just to be seen for an evaluation. The applicant's new commander and started several monthly FTXs. The same 1SG also denied the applicant's ability to go to a simple traffic court appearance. The applicant missed the court date while in the field, and the PMO picked them up on a warrant when they returned. The applicant spent two weeks in a civilian jail waiting to see a judge, or for the 1SG to submit the documents to get them out. The applicant was severely depressed; not getting any sleep; suffering from paranoia, anxiety, PTSD, and rage; and could not get any help to literally save their life. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder and applicant-asserted Depression and Anxiety outweighed the applicant's AWOL and failure to obey a lawful order offenses. Therefore, a discharge upgrade is warranted.

(2) The applicant contends the narrative reason for the discharge needs to be changed. The Board considered this contention and determined that it was valid based on the medical mitigation discussed above in 9b(1).

(3) The applicant contends good service, including a combat tour and receiving the Combat Action Badge. The Board considered this contention but ultimately did not address it in detail after finding that an upgrade was warranted based on the medical mitigation discussed above in 9b(1).

(4) While being deployed, the spouse told the applicant they were taking the five-year-old child and leaving the applicant. The spouse filed for separation, and they have not spoken since. The Board considered this contention but ultimately did not address it in detail after finding that an upgrade was warranted based on the medical mitigation discussed above in 9b(1).

(5) The applicant contends the event which led to the discharge from the Army was an isolated incident. The Board considered this contention but ultimately did not address it in detail after finding that an upgrade was warranted based on the medical mitigation discussed above in 9b(1).

c. The Board, based on the applicant's Post Traumatic Stress Disorder and applicant-asserted Depression and Anxiety outweighing the applicant's AWOL and failure to obey a lawful order offenses, determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the characterization of service and reentry coder were proper and equitable and voted not to change them.

d. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service as the applicant already holds an honorable characterization and further relief is not available.

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) based on the applicant's Post Traumatic Stress Disorder and applicant-asserted Depression and Anxiety outweighing the applicant's AWOL and failure to obey a lawful order offenses. Thus, the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

(3) The RE code will not change given the service connected BH conditions. The current code is consistent with the procedural and substantive requirements of the regulation.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

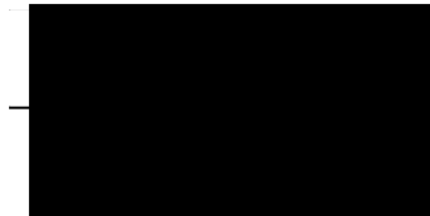
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10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: No Change
- 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:

11/21/2024



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