

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 general (under honorable conditions). The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, on 2 March 2006, the applicant received Orders 06-061-00012, in the mail stating the applicant had been discharged from the Army Reserve, under authority, Army Regulation 135-178, effective 24 March 2006. The applicant was unable to attend their Reserve duty obligations because of family obligations. At the time, the applicant was trying to maintain their civilian job at Travis Air Force Base and care for their spouse and their in-law, both were having medical issues; caring for their five children, ages 6 months old, 1, 3, 4, 14, and 16 years old; and the applicant's own medical issues. In March 2000, the applicant's spouse relocated from a federal job in Guam to Washington State because of the base realignment. Before this relocation, the applicant was employed with the Federal Government in Guam. The applicant had to resign from their position to accompany their spouse and children. The applicant was assigned to the 368th Military Police Company Reserve unit in Guam and transferred to a Reserve Officer Training Corps (ROTC) unit at Fort Lewis. The Reserve unit was the only source of income for six months before the applicant began their new job at a parts store. In March 2002, the applicant and their spouse were both offered a federal government position at Travis Air Force Base. It was a promotion for their spouse and reinstatement / promotion for the applicant, and they both accepted. The applicant fulfilled their weekend Reserve obligations at Travis Air Force Base where the applicant worked and took a flight up to Washington State for their annual training. The applicant and their spouse worked two different shifts to manage and make their schedules work, especially for the children. The applicant's spouse began having health issues and was unable to work for a period of time. The applicant's parent-in-law became very ill, needed dialysis, and was hospitalized. The applicant had chronic medical issues because of asthma, which prevented the applicant from performing physical training, and the applicant was experiencing unknown medical conditions. The applicant has been diagnosed with sleep apnea, post-traumatic stress disorder (PTSD), asthma, and chronic obstructive pulmonary disease (COPD), and is being treated by the Department of Veterans Affairs (VA). The applicant's family obligations and health-related issues made it difficult for the applicant to fulfill their Reserve obligations. There were several things going on in the applicant's life at the time. The applicant's children were very young and needed the applicant's care, and the applicant was just overwhelmed. The applicant apologizes for not handling the situation regarding their Reserve duties in a manner, which would have prevented this conduct. The applicant served for more than 20 years, and if they could turn back time, the applicant would. The applicant would have continued their years in service for retirement, but circumstances did not permit. The applicant was not aware of a request for a status update ever existed until recently and requests consideration for an upgrade.

b. Board Type and Decision: In a records review conducted on 19 November 2024, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighing

the applicant's unsatisfactory participation. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable.

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: NIF / AR 135-178, NIF / NIF / NIF / General (Under Honorable Conditions)

b. Date of Discharge: 24 March 2006

c. Separation Facts:

(1) Date of Notification of Intent to Separate: NIF

(2) Basis for Separation: NIF

(3) Recommended Characterization: NIF

(4) Legal Consultation Date: NIF

(5) Administrative Separation Board: NIF

(6) Separation Decision Date / Characterization: NIF

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 8 October 1998 / Reserve Service Obligation / The applicant's AMHRR is void of any enlistment contract retaining the applicant in the Army Reserve after the most recent enlistment period.

b. Age at Enlistment / Education / GT Score: 36 / HS Graduate / 96

c. Highest Grade Achieved / MOS / Total Service: E-6 / 95B30, Military Police / 26 years, 3 months, 23 days

d. Prior Service / Characterizations: RA, 6 August 1980 – 10 August 1983 / HD
 USARCG, 11 August 1983 – 30 November 1983 / NA
 USAR, 1 December 1983 – 4 December 1985 / NA
 USAR, 5 December 1985 – 18 October 1991 / NIF
 AD, 14 January 1991 – 28 May 1991 / HD
 (Concurrent Service)
 USAR 19 October 1991 – 23 September 1996 / NIF
 USARCG, 24 September 1996 – 3 October 1997 / NA
 USAR, 4 October 1997 – 7 October 1998 / NIF

e. Overseas Service / Combat Service: Germany, Hawaii, SWA / Kuwait (14 January 1991 – 17 May 1991)

f. Awards and Decorations: AAM-4, ARCAM, NDSM-2, SWASM (w/2BSS), NCOPDR, ASR, OSR, KLM

g. Performance Ratings: March 1997 – October 1997 / Fully Capable
November 1997 – May 1998 / Marginal
September 2000– August 2001 / Fully Capable
September 2001 – August 2004 / Among the Best

h. Disciplinary Action(s) / Evidentiary Record: Orders 06-061-00004, 2 March 2006, reflect the applicant was reduced to E-1, effective 2 March 2006.

Orders 06-061-00012, 2 March 2006, as amended by Orders 15-168 00007, 17 June 2015, reflect the applicant was discharged from the U. S. Army Reserve under the authority of Army Regulation 135-178, with a characterization of service of general (under honorable conditions), effective 24 March 2006.

Orders 15-305-00001, 1 November 2015, reflects Orders 06-061-00004, 2 March 2006, pertaining to the reduction in grade, were revoked.

i. Lost Time / Mode of Return: NIF

j. Behavioral Health Condition(s):

(1) Applicant provided: Mental Health Professionals, LLC, 24 March 2013, reflecting the applicant's diagnostic profile includes major depressive disorder (severe, with psychotic features); PTSD, (chronic) with anxiety and anger management issues; deferred to medical doctor (chronic fatigue, asthma, etc.); current stressors, mental health symptoms, depression / mood swings, and anger; and global assessment of functioning score of 52 (difficulty in social, occupational function). It was the mental health professional's opinion the applicant's depression and symptoms of PTSD were related to the applicant's military service in Desert Storm / Desert Shield. The applicant had a past medical history of asthma PTSD; coronary artery disease (CAD); atrial fibrillation; sleep apnea obstructive; fatigue; headache, and other medical issues.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: Two Certificates of Release or Discharge from Active Duty Application for the Review of Discharge; Verification of Military Experience and Training; VA medical documents; Service School Academic Evaluation Report; enlistment documents; 15 Noncommissioned Officer / Enlisted Evaluation Reports; and separation orders.

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 135-178 (Enlisted Administrative Separations), sets forth the policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while

providing for the orderly administrative separation of Army National Guard and U.S. Army Reserve (USAR) enlisted Soldiers for a variety of reasons. The separation policies throughout the different Chapters in this regulation promote the readiness of the Army by providing an orderly means to judge the suitability of persons to serve on the basis of their conduct and their ability to meet required standards of duty performance and discipline. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, and convictions by civil authorities.

(1) Paragraph 2-7, prescribes possible characterizations of service include an honorable, general (under honorable conditions), under other than honorable conditions, or uncharacterized if the Soldier is in entry-level status. However, the permissible range of characterization varies based on the reason for separation.

(2) Paragraph 2-8, prescribes the characterization is based upon the quality of the Soldier's service, including the reason for separation, and determined in accordance with standards of acceptable personal conduct and performance of duty as found in the UCMJ, Army regulations, and the time-honored customs and traditions of the Army. The reasons for separation, including the specific circumstances that form the basis for the discharge are considered on the issue of characterization.

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) is void of the specific facts and circumstances concerning the events which led to the discharge from the Army Reserve. The Army Review Boards Agency Case Tracking System includes a properly constituted discharge order: Orders 06-061-00012, 2 March 2006, as amended by Orders 15-168 00007, 17 June 2015. The orders indicate the applicant was discharged under the provisions of AR 135-178, with a characterization of service of general (under honorable conditions).

The applicant contends medical issues, including mental health issues, and family issues affected behavior which led to the separation. The applicant provided medical documents reflecting the applicant's diagnostic profile includes major depressive disorder (severe, with psychotic features); PTSD, (chronic) with anxiety and anger management issues; deferred to medical doctor (chronic fatigue, asthma, etcetera); current stressors, mental health symptoms, depression / mood swings, and anger; and global assessment of functioning score of 52 (difficulty in social, occupational function). The applicant had a past medical history of asthma, PTSD; CAD; atrial fibrillation; sleep apnea obstructive; fatigue; headache, and other medical issues. The applicant's AMHRR is void of any medical records, including a mental status evaluation.

The applicant contends good service, including one combat tour.

9. BOARD DISCUSSION AND DETERMINATION:

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

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board reviewed the applicant's DOD and VA health records, applicant's

statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses/experiences: PTSD, MDD.

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

(3) Does the condition or experience actually excuse or mitigate the discharge? The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions mitigate the discharge. The medical record has documentation showing the applicant was receiving treatment during the time of the unsatisfactory participation, and records do support that applicant met criteria for the condition during the period. It is more likely than not that the applicant was experiencing PTSD related symptoms during the period. The applicant also asserted experiencing additional psychosocial and familial stressors that contributed to the unsatisfactory performance. Given the applicant's PTSD, additional diagnosis of MDD recurrent, and the assertion of additional stressors, and the nexus between those conditions and avoidant behavior, the misconduct is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighed the applicant's unsatisfactory participation.

b. Response to Contention(s):

(1) The applicant contends medical issues, including mental health issues, and family issues affected behavior which led to the separation. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighed the applicant's unsatisfactory participation.

(2) The applicant contends good service, including a combat tour. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighing the applicant's unsatisfactory participation.

c. The Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighing the applicant's unsatisfactory participation. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable.

d. Rationale for Decision: The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder and Major Depressive Disorder outweighed the applicant's unsatisfactory participation. Thus, the prior characterization is no longer appropriate.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000699

10. BOARD ACTION DIRECTED:

- a. Issue a New Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Authority to: AR 135-178

Authenticating Official:

11/25/2024



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