

**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 honorable. The applicant requests a narrative reason change.

The applicant seeks relief contending, in effect, the narrative reason for discharge is inequitable because it was based on one isolated incident in 42 months of service with no other adverse action. The applicant made self-inflicted/motivated corrective actions towards the behavior in question immediately; however, was never able to fully explain it to the chain of command, as they simply attempted to process the applicant quickly. The applicant was led to believe they had no choice but to accept the recommendation for UCMJ action. During the time of the incident, the applicant was coping with severe personal/family issues, and what has since been documented as, untreated PTSD. Based on all other supervisory evaluations/counseling statements, the performance and reputation were consistently excellent across the spectrum, and routinely above the peers. Despite the characterization of service being honorable, the narrative reason suggests the character and integrity should be brought into question. The applicant made a mistake, which they have owned, learned from, and became a better person as a result. The narrative reason paints a very one-sided story which does not encompass most of the time in service and not the applicant's personal character.

b. **Board Type and Decision:** In a records review conducted on 17 October 2024, 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 detail regarding the Board's decision.*

*(Board member names available upon request)*

**3. DISCHARGE DETAILS:**

a. **Reason / Authority / Codes / Characterization:** Unacceptable Conduct / AR 600-8-24, Chapter 4-2B / JNC / Honorable

b. **Date of Discharge:** 20 September 2012

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 4 October 2011

(2) **Basis for Separation:** The applicant was informed to show cause for retention on active duty under the provisions of AR 600-8-24, paragraphs 4-2b(5) and (8) due to misconduct and paragraph 4-2c(5) due to adverse information filed in the Official Military Performance Fische (OMPF) due to the following reasons:

Substantiated derogatory activity resulting in a General Officer Article 15, 1 September 2011, which was place in the OMPF; and,

Conduct unbecoming an officer as indicated by the above referenced Article 15.

**(3) Legal Consultation Date:** NIF

**(4) GOSCA Recommendation Date / Characterization:** On 18 November 2011, the GOSCA recommended the applicant be eliminated from the United States Army and receive an honorable characterization of service.

**(5) DA Board of Review for Eliminations:** On 9 January 2012, the Army Board of Review for Eliminations considered the GOSCA's request to involuntarily separate the applicant for unacceptable conduct in accordance with AR 600-8-24, Chapter 4-2b.

**(6) Separation Decision Date / Characterization:** 4 September 2012 / Honorable / The Deputy Assistant Secretary reviewed the recommendation by the Department of the Army Ad Hoc Review Board and the Physical Evaluation Board Proceedings and determined the applicant would be involuntarily separated from the United States Army based on both misconduct and moral or professional dereliction and derogatory information.

**4. SERVICE DETAILS:**

**a. Date / Period of Appointment:** 4 June 2009 / NIF

**b. Age at Appointment: / Education:** 27 / Master Degree

**c. Highest Grade Achieved / MOS / Total Service:** O-1 / 88A, Transportation General / 3 years, 10 months, 1 day

**d. Prior Service / Characterizations:** RA, 20 November 2008 – 3 June 2009 / HD  
USAR, 4 June 2009 – 3 September 2009 / NA

**e. Overseas Service / Combat Service:** Korea / None

**f. Awards and Decorations:** AAM, NDSM, GWOTSM, KDSM, ASR, OSR

**g. Performance Ratings:** 12 February 2010 – 22 June 2010 / Best Qualified  
23 June 2010 – 30 January 2011 / Best Qualified  
31 January 2011 – 31 July 2011 / Do Not Promote

**h. Disciplinary Action(s) / Evidentiary Record:** Report of Proceedings by Investigating Officer/Board of Officers, 5 August 2011, reflects the investigating officer found: The applicant did attempt to engage in an inappropriate relationship with a Soldier in training resulting in a violation of AR 600-20, paragraph 4-15 and TRADOC Regulation 350-6, paragraph 2-6; attempted to engage in an inappropriate relationship and contacted PVT T. by text messages from the personal cell phone and these acts were in violation of AR 600-20, Para 4-15, and TRADOC Regulation 350-6, paragraph 2-6; and made inappropriate comments to SGT Y., MOS-T Soldier, which violated AR 600-20, paragraph 15, and TRADOC Regulation 350-6, paragraph 2-6. The investigating officer recommended: The applicant receive a General Officer memorandum of Reprimand and be immediately removed from any TRADOC assignment in the vicinity of Soldiers in training.

General Officer Reprimand as Punishment Under Article 15, UCMJ, undated, reflects the applicant was reprimanded for violating lawful general regulation, TRADOC Regulation 350-6 by

engaging in prohibited conduct with trainees and creating an offensive, unprofessional training environment.

GO Article 15, 1 September 2011, on or about 16 and 30 July 2011, violate a lawful general regulation, by wrongfully communicating via text with PV1 K. M. T, an Advance Individual Training Soldier; and on or about 22 July 2011, violate a lawful general regulation, by wrongfully speaking with SGT A. A. Y, an MOS Training Soldier, in a manner not related to the mission. The punishment consisted of forfeiture of \$1,826 pay, and written reprimand.

Developmental Counseling Form, for notification of suspension from duties as the Chief Company Executive Officer pending the outcome of an investigation.

Informal Physical Evaluation Board (PEB) Proceedings, 16 July 2012, reflect the Board diagnosed the applicant with degenerative joint disease of the lumbar spine (PEB referred as chronic low back pain). The Board further found the applicant physically unfit and recommended a rating of 20 percent and the applicant's disposition be separated with severance pay.

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

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

**(1) Applicant provided:** Department of Veterans Affairs Decision letter, 16 January 2014, reflects the applicant was granted a combined rating of 90 percent service-connected disability. The letter reflects the applicant's conditions.

**(2) AMHRR Listed:** None

**5. APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge; Certificate of Release or Discharge from Active Duty; VA decision letter.

**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 600-8-24 (Officer Transfers and Discharges), sets forth the basic authority for the separation of commissioned and warrant officers.

(1) Paragraph 1-23, provides the authorized types of characterization of service or description of separation.

(2) Paragraph 1-23a, states an officer will normally receive an honorable characterization of service when the quality of the officer's service has met the standards of acceptable conduct and performance of duty, or the final revocation of a security clearance under DODI 5200.02 and AR 380-67 for reasons that do not involve acts of misconduct for an officer.

(3) Chapter 4 outlines the policy and procedure for the elimination of officers from the active Army for substandard performance of duty.

(4) Paragraph 4-2b, prescribes for the elimination of an officer for misconduct, moral or professional dereliction, or in the interests of national security.

(5) Paragraph 4-20a (previously 4-24a), states an officer identified for elimination may, at any time during or prior to the final action in the elimination case elect one of the following options: (1) Submit a resignation in lieu of elimination; (2) request a discharge in lieu of elimination; and (3) Apply for retirement in lieu of elimination if otherwise eligible.

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 "JNC" as the appropriate code to assign commissioned officers who are discharged under the provisions of Army Regulation 600-8-24, Chapter 4-2b, unacceptable conduct.

**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 4, paragraph 4-2b, AR 600-8-24 with a honorable discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Unacceptable Conduct," and the separation code is "JNC." Army Regulation 635-8, Separation Processing and Documents, governs preparation of the DD Form 214 and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be exactly as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation further stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

The applicant contends good service with an unblemished career. The evaluations, counseling statements, performance and reputation were excellent. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends the event which led to the elimination from the Army was an isolated incident. Army Regulation 600-8-24, paragraph 1-23, 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.

The applicant contends family issues affected behavior and ultimately caused the discharge. 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 suffering from untreated PTSD. The applicant provided Department of Veterans Affairs Decision letter, 16 January 2014, which reflects the applicant was granted a combined rating of 90 percent service-connected disability. The letter reflects the applicant's conditions. The AMHRR does not contain a Mental Status Evaluation (MSE).

**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, PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with an Adjustment Disorder and is service connected by the VA for PTSD.

(3) Does the condition or experience actually 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. There is no natural sequela between an Adjustment Disorder or PTSD and wrongfully communicating via text with an AIT Soldier or wrongfully speaking with an MOS Training Soldier in a manner not related to the mission since neither condition interferes with the ability to distinguish between right and wrong and act in accordance with the right. Accordingly, there is no mitigation for the misconduct that led to the applicant's separation.

(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 Adjustment Disorder and Post Traumatic Stress Disorder outweighed the applicant's medically unmitigated offense of wrongfully communicating via text with an AIT Soldier and wrongfully speaking with an MOS Training Soldier in a manner not related to the mission.

b. Response to Contention(s):

(1) The applicant contends suffering from untreated PTSD. The Board liberally considered this contention and determined that the available evidence did not support a conclusion that the applicant's Adjustment Disorder and Post Traumatic Stress Disorder outweighed the applicant's medically unmitigated offense of wrongfully communicating via text with an AIT Soldier and wrongfully speaking with an MOS Training Soldier in a manner not related to the mission.

(2) The applicant contends good service with an unblemished career. The evaluations, counseling statements, performance and reputation were excellent. The Board considered the applicant's service record but determined that it did not outweigh the applicant's offense of wrongfully communicating via text with an AIT Soldier and wrongfully speaking with an MOS Training Soldier in a manner not related to the mission.

(3) The applicant contends the narrative reason for the discharge needs changed. The Board considered this contention but found that the applicant's Unacceptable Conduct narrative reason for separation was proper and equitable given the applicant's offense of wrongfully communicating via text with an AIT Soldier and wrongfully speaking with an MOS Training Soldier in a manner not related to the mission.

(4) The applicant contends the event which led to the elimination from the Army was an isolated incident. The Board considered this contention applicant's offenses of wrongfully

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE****AR20210000736**

communicating via text with an AIT Soldier and wrongfully speaking with an MOS Training Soldier in a manner not related to the mission was of a severity to warrant elimination.

(5) The applicant contends family issues affected behavior and ultimately caused the discharge. The Board considered this contention and determined that the applicant's family and personal issues do not mitigate the applicant's offenses of wrongfully communicating via text with an AIT Soldier and wrongfully speaking with an MOS Training Soldier in a manner not related to the mission as the Army affords many avenues to Soldiers including seeking separation for hardship.

c. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the issues before the 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 as the applicant already holds an honorable characterization and further relief is not available .

(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 given the lack of mitigating factors.

**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 Authority to:** No Change

**Authenticating Official:**

10/24/2024

**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