

**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, the issues which led to their discharge began when the applicant received a head injury resulting in memory loss and a traumatic brain injury. While dismounting a 2 1/2-ton truck, the applicant accidentally hit some metal pickets in the back of the truck causing a severe injury which affected the applicant's mental health, attitude, and demeanor. The applicant was a model Soldier whose only desire was to serve their country. The applicant was diagnosed by VA as schizophrenic and awarded disability benefits. The applicant requests a name change according to the attached court documents.

b. **Board Type and Decision:** In a records review conducted on 1 August 2024, and by a 5-0 vote, the Board, based on the applicant's length and quality of service, the circumstances surrounding the discharge (Schizophrenia), and post service accomplishments determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and 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 RE Code was proper and equitable and voted not to change it.

*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:** Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 6 September 2001

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 23 July 2001

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant received a Summarized Article 15, 30 April 2001, for not being at their appointed place of duty on two separate occasions; a Field Grade Article 15, 21 February 2001, for assaulting and disobeying a noncommissioned officer; a Company Grade Article 15, 28 September 2000, for disrespecting an NCO and disobeying an order.

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

(4) **Legal Consultation Date:** 25 July 2001

(5) **Administrative Separation Board:** NA

(6) **Separation Decision Date / Characterization:** 8 August 2001 / General (Under Honorable Conditions)

#### 4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 30 June 1999 / 3 years

b. **Age at Enlistment / Education / GT Score:** 20 / GED / NIF

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 71L10, Administrative Specialist / 4 years, 3 months, 10 days

d. **Prior Service / Characterizations:** RA, 27 May 1997 – 29 June 1999 / HD

e. **Overseas Service / Combat Service:** Korea

f. **Awards and Decorations:** ASR

g. **Performance Ratings:** NA

h. **Disciplinary Action(s) / Evidentiary Record:** FG Article 15, 8 February 2001, for disobeying a lawful order not to hit SPC C., and assaulting SGT V., on 15 December 2000. The punishment consisted of a reduction to E-1; (suspended) forfeiture of \$521 and extra duty and restriction for 45 days.

CG Article 15, 30 April 2001, for failing to go at the time prescribe to their appointed place of duty on two occasions on 25 March 2001. The punishment consisted of extra duty and restriction for 14 days.

Record Of Supplementary Action Under Article 15, UCMJ, 23 April 2001, reflects the suspended portion of the punishment imposed on 8 February 2001, was vacated for on or about 25 March 2001, without authority, fail to go at time prescribed to their appointed place of duty on two occasions.

Record Of Supplementary Action Under Article 15, UCMJ, 5 January 2001, reflects the suspended portion of the punishment imposed on 28 September 2000, was vacated for, Article 128, on or about 14 December 2000, unlawfully strike PV2 H., in the face several times with a closed fist.

CG Article 15, 28 September 2000, on or about 7 September was disrespectful to SGT G. On or about 7 September 2000, fail to obey a lawful order and wrongfully used provoking words. punishment consisted of a reduction to E-3 (suspended); forfeiture of \$337 extra duty and restriction for 14 days.

Numerous Developmental Counseling Forms, for various acts of misconduct.

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

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

(1) **Applicant provided:** None

(2) **AMHRR Listed:** Chronological Record of Medical Care Mental Status Evaluation, 26 April 2001, reflects the applicant is psychiatrically cleared for any administrative action deemed appropriate by the command.

*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 Correction of Military Record; Certificate of Release or Discharge from Active Duty; Army Review Board letter; VA Form 21-22; Notice of signing of judgement packet; St. Joseph Shelter for Men letter.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant sought help from the VA for their mental health.

**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) 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 14-12b, 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.

Based on the AMHRR, someone in the discharge process erroneously entered on the applicant's DD Form 214, block 28, Narrative Reason for Separation as "Misconduct." The discharge packet confirms the separation authority approved the discharge under the provisions of AR 635-200, paragraph 14-12b. Soldiers processed for misconduct under these provisions will be assigned a Narrative Reason for Separation as Pattern of Misconduct.

The applicant contends the issues which led to their discharge began when the applicant received a head injury resulting in memory loss and a traumatic brain injury. While dismounting a 2 1/2-ton truck, the applicant accidentally hit some metal pickets in the back of the truck causing a severe injury which affected the applicant's mental health, attitude, and demeanor. The applicant contends being diagnosed by VA as a schizophrenic and awarded disability benefits. The applicant did not submit any evidence, other than the applicant's statement, to support the contention. The AMHRR includes a Chronological Record of Medical Care Mental Status Evaluation, 26 April 2001, reflects the applicant is psychiatrically cleared for any administrative action deemed appropriate by the command and meets retention requirements. The mental status evaluation was considered by the separation authority.

The applicant requests a name change. The applicant's request does not fall within this board's purview. The applicant may apply to the Army Board for Correction of Military Records (ABCMR), using the enclosed DD Form 149 regarding this matter. A DD Form 149 may also be obtained from a Veterans' Service Organization.

The applicant contends good service. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends seeking help from the VA for their mental health. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. No law or regulation provides for the upgrade of an unfavorable discharge based solely on the passage of time or good conduct in civilian life after leaving the service. The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character.

#### **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: Schizophrenia. Additionally, the applicant asserts Traumatic Brain Injury (TBI), 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 is diagnosed by the VA with Schizophrenia. Given the typical course of Schizophrenia, it is more likely than not that the applicant was experiencing symptoms associated with prodromal Schizophrenia at the time of military service.

**(3)** Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the applicant is diagnosed by the VA with Schizophrenia. Given the typical course of Schizophrenia, it is more likely than not that the applicant was experiencing symptoms associated with prodromal Schizophrenia at the time of military service. Schizophrenia is a severe mental illness that interferes with daily functioning and causes those with the condition to be out of touch with reality. The VA medical record reveals that the applicant experiences paranoia, auditory/visual hallucinations, and delusions associated with the condition and is severely impaired as a result. Given the severity of the applicant's Schizophrenia, it is more likely than not that the condition contributed to all of the misconduct that led to the separation to include Failure to Report (FTR), assaulting and disobeying a noncommissioned officer/order, and disrespect. The applicant also self-asserts a TBI and there is evidence that the applicant experienced a concussive event in March 2001. However, the applicant's asserted TBI is inconsequential to this applicant's case given the full mitigation for Schizophrenia.

**(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 Schizophrenia outweighed the Failure to Report (FTR), assaulting and disobeying a noncommissioned officer/order, and disrespect basis for separation for the aforementioned reason(s).

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

**(1)** The applicant contends the issues which led to their discharge began when the applicant received a head injury resulting in memory loss and a traumatic brain injury. While dismounting a 2 1/2-ton truck, the applicant accidentally hit some metal pickets in the back of the truck causing a severe injury which affected the applicant's mental health, attitude, and

demeanor. The applicant contends being diagnosed by VA as a schizophrenic and awarded disability benefits. The Board liberally considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Schizophrenia (rather than the head injury) fully outweighing the applicant's Failure to Report (FTR), assaulting and disobeying a noncommissioned officer/order, and disrespect basis for separation.

(2) The applicant requests a name change. The Board liberally considered this contention during proceedings, but ultimately did not address the contention because the applicant's Name Change request does not fall within the purview of the ADRB.

(3) The applicant contends good service. The Board recognizes and appreciates the applicant's willingness to serve and liberally considered this contention during board proceedings along with the totality of the applicant's service record.

(4) The applicant contends seeking help from the VA for their mental health. The Board liberally considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Schizophrenia fully outweighing the applicant's Failure to Report (FTR), assaulting and disobeying a noncommissioned officer/order, and disrespect basis for separation.

c. The Board, based on the applicant's length and quality of service, the circumstances surrounding the discharge (Schizophrenia), and post service accomplishments determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and 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 RE Code was proper and equitable and voted not to change it.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Schizophrenia mitigated the applicant's misconduct of Failure to Report (FTR), assaulting and disobeying a noncommissioned officer/order, and disrespect. Thus, the prior characterization is no longer appropriate..

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, 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, as the current code is consistent with the procedural and substantive requirements of the regulation.

**10. BOARD ACTION DIRECTED:**

a. **Issue a New DD-214:** Yes

b. **Change Characterization to:** Honorable

c. **Change Reason / SPD Code to:** Misconduct (Minor Infractions)/JKN

d. **Change RE Code to:** No Change

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

**AR20210000953**

**e. Change Authority to: AR 635-200**

**Authenticating Official:**

8/14/2024



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  
UOTHC – Under Other Than  
Honorable Conditions  
VA – Department of Veterans  
Affairs