

**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, going AWOL due to psychiatric conditions after a deployment to Afghanistan, which led to the discharge. The applicant believes some of the extenuating circumstances were overlooked in the discharge decision. Upon returning from Afghanistan, the applicant started experiencing severe mental health symptoms. The applicant was distressed about the things they saw from war, friends and comrades killed, and other friends and comrades transferred to other units. The applicant believed they were alone. The applicant was bitten by a Central Asian Sand Fly, which caused the disease Cutaneous Leishmaniasis (CL). The applicant was also abusing substances during this period and believed no one in the Army was sympathetic to their issues and would or could not help. This state of mind caused the applicant to leave the duty station without authorization. The applicant went to the family, which resided a few hours away, and sought help from civilian doctors. The psychiatrist sent a letter to the commander explaining the applicant's condition. The applicant realized this attitude was wrong and returned to the duty station to face punishment. Before the deployment, the applicant had exemplary service with several decorations. The problems started upon return from war. Since being discharged, the applicant's mental health status has improved considerably. The applicant has gone through extensive in and outpatient treatment for substance abuse at the VA Medical Center. One of the applicant's primary reasons for joining the Army was to obtain financial assistance for college. The applicant already had two years toward a bachelor's degree before enlisting. Taking advantage of the GI Bill would make tackling the challenge of finishing college easier.

**b. Board Type and Decision:** In a records review conducted on 25 July 2024, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's PTSD, Major Depressive Disorder (MDD), and Panic Disorder mitigating the applicant's AWOL basis for separation. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable, changed to the separation authority to AR 635-200, paragraph 14-12a. Accordingly, the narrative reason for separation was changed to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's BH diagnosis warranting consideration prior to reentry of military service.

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

**b. Date of Discharge:** 21 September 2012

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 27 August 2012

**(2) Basis for Separation:** The notification memorandum appears to have an error. The period of AWOL should read from 10 November 2011 until on or about 15 November 2011 and from 10 October 2011 until on or about 20 October 2011. The applicant was informed of the following reasons:

Absent without leave from on or about 3 March 2012 until on or about 6 June 2012;

Absent without leave from on or about 19 January 2012 until on or about 20 January 2012;

Absent without leave from on or about 10 November 2012 [sic] until on or about 15 November 2012 [sic]; and,

Absent without leave from on or about 10 October 2012 until on or about 20 October 2012.

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

**(4) Legal Consultation Date:** 29 August 2012

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

**(6) Separation Decision Date / Characterization:** 6 September 2012 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 28 May 2009 / 3 years, 17 weeks

**b. Age at Enlistment / Education / GT Score:** 22 / some college / 134

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 88M10, Motor Transport Operator / 3 years, 4 months, 10 days

**d. Prior Service / Characterizations:** ARNG, 28 January 2009 – 27 May 2009 / HD

**e. Overseas Service / Combat Service:** SWA / Afghanistan (14 June 2010 – 17 June 2011)

**f. Awards and Decorations:** ACM-CS, ARCOM, AAM, MUC, NDSM, GWOTSM, ASR, OSR, NATOMDL

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** Eight 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 PDY, effective 20 October 2011;

From PDY to AWOL, effective 10 November 2011;  
 From AWOL to PDY, effective 15 November 2011;  
 From PDY to AWOL, effective 19 January 2012;  
 From AWOL to PDY, effective 20 January 2012;  
 From PDY to AWOL, effective 3 March 2012; and,  
 From AWOL to Dropped From Rolls (DFR), effective 2 April 2012.

FG Article 15, 23 February 2012, on or about 9 November 2011, without authority, absent oneself from the unit and did remain so absent until on or about 15 November 2011; on or about 19 October 2011, without authority, absent oneself from the unit and did remain so absent until on or about 20 October 2011; on or about 19 January 2012, without authority, absent oneself from the unit and did remain so absent until on or about 20 January 2012; on or about 18 January 2012, without authority, fail to go at the time prescribed to the appointed place of duty; and, on or about 23 January 2012, without authority, fail to go at the time prescribed to the appointed place of duty. The punishment consisted of a reduction to E-3; and extra duty for 45 days.

Numerous Developmental Counseling Forms, for various acts of misconduct.

**i. Lost Time / Mode of Return: 102 days:**

AWOL, 19 October 2011 – 20 October 2011 / NIF  
 AWOL, 10 November 2011 – 15 November 2011 / NIF  
 AWOL, 19 January 2012 – 20 January 2012 / NIF  
 AWOL, 3 March 2012 – 6 January 2012 / Returned to Military Control / There appears to be an error on the DD Form 214. The DD Form 616 reflects the applicant returned on 7 July 2012.

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

**(1) Applicant provided:** VA Health Care letter, 13 August 2014, reflects the applicant was being treated at the clinic. The applicant was attending weekly education groups, meeting regularly with the case manager and physician. The letter contains a diagnosis.

**(2) AMHRR Listed:** Psychological Evaluation, 12 April 2012, reflects the applicant was evaluated and includes a diagnosis.

Report of Mental Status Evaluation (MSE), 18 July 2012, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant had been screened for PTSD and mTBI with negative results. The evaluation contains a diagnosis.

Report of Medical History, 23 July 2012, the examining medical physician noted the applicant's medical conditions in the comments section.

*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:** DD Form 293; VA Form 21-4138; CDC General Information; VA letter; Memorandum for Commander; DD Form 214.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant's mental health status has improved considerably. The applicant has gone through in and outpatient treatment for substance abuse at the VA Medical Center.

**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 14-12c 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 an upgrade to honorable.

The applicant contends good service, including a combat tour and receiving several decorations.

The applicant contends being discharged for going AWOL; however, the applicant was suffering from psychiatric conditions after a deployment to Afghanistan. The applicant believes there were extenuating circumstances which were overlooked in the discharge process. The applicant started experiencing severe mental health symptoms after returning from Afghanistan and started abusing substances. The applicant provided VA Health Care letter, 13 August 2014, which reflects the applicant was being treated at the clinic. The applicant was attending weekly education groups, meeting regularly with the case manager and physician. The letter contains a diagnosis. The AMHRR shows the applicant underwent a Psychological Evaluation, 12 April 2012, which reflects the applicant was evaluated and reflects a diagnosis. A Report of Mental Status Evaluation (MSE), 18 July 2012, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant had been screened for PTSD and mTBI with negative results and contains a diagnosis. A Report of Medical History, 23 July 2012, the examining medical physician noted the applicant's medical conditions in the comments section. All the medical documents contained in the AMHRR were considered by the separation authority. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends an upgrade would allow educational benefits through the GI Bill. Eligibility for veteran's benefits to include educational benefits under the Post-9/11 or Montgomery GI Bill does not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

The applicant contends going through in and outpatient treatment for substance abuse at the VA Medical Center and their mental health status has improved considerably. 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: Dysthymic Disorder, Major Depressive Disorder, Generalized Anxiety Disorder, Panic 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 Dysthymic Disorder, Major Depressive Disorder, Generalized Anxiety Disorder, Panic Disorder, and PTSD. The VA has also service connected the applicant's Major Depressive Disorder.

(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 was diagnosed in service with Dysthymic Disorder, Major Depressive Disorder, Generalized Anxiety Disorder, Panic Disorder, and PTSD. The VA has also service connected the applicant's Major Depressive Disorder. Given the nexus between PTSD, Major Depressive Disorder, Panic Disorder, and avoidance, the AWOLs that led to the applicant's separation are mitigated by these BH conditions.

(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 PTSD, MDD, and Panic Disorder outweighed the AWOL basis for separation.

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

(1) The applicant contends good service, including a combat tour and receiving several decorations. The Board recognizes and appreciates the applicant's willingness to serve and considered this contention during board proceedings along with the totality of the applicant's service record.

(2) The applicant contends being discharged for going AWOL; however, the applicant was suffering from psychiatric conditions after a deployment to Afghanistan. The applicant believes there were extenuating circumstances which were overlooked in the discharge process. The applicant started experiencing severe mental health symptoms after returning from Afghanistan and started abusing substances. 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 PTSD, MDD, and Panic Disorder fully outweighing the applicant's AWOL basis for separation.

(3) The applicant contends an upgrade would allow educational benefits through the GI Bill. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

(4) The applicant contends going through in and outpatient treatment for substance abuse at the VA Medical Center and their mental health status has improved considerably. 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 PTSD, MDD, and Panic Disorder fully outweighing the applicant's AWOL basis for separation.

c. The Board determined the discharge is inequitable based on the applicant's PTSD, MDD, and Panic Disorder mitigating the applicant's AWOL basis for separation. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable, changed to the separation authority to AR 635-200, paragraph 14-12a. Accordingly, the narrative reason for separation was changed to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's BH diagnosis warranting consideration prior to reentry of military service. However, the applicant may request a personal appearance hearing to address further 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 to change the applicant's characterization of service to Honorable because the applicant's PTSD, MDD, and Panic Disorder mitigated the applicant's misconduct of AWOL. 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.

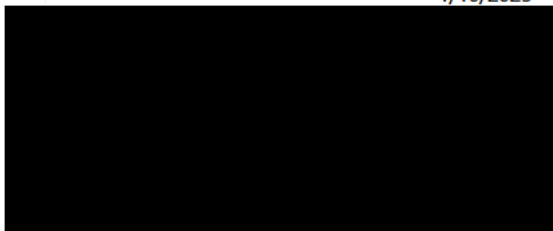
(3) The RE code will not change due to applicant's BH diagnoses warranting consideration prior to reentry of military service.

**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
- e. **Change Authority to:** AR 635-200, paragraph 14-12a

**Authenticating Official:**

1/10/2025



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

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

OAD – Ordered to Active Duty  
OBH (I) – Other Behavioral  
Health (Issues)  
OMPF – Official Military  
Personnel File  
PTSD – Post-Traumatic Stress  
Disorder  
RE – Re-entry  
SCM – Summary Court Martial  
SPCM – Special Court Martial

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



