

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 under other than honorable conditions. The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, they could not perform their duties because they are Bipolar, which the medical records show. While the applicant was at Fort Knox, they were too scared to ask any questions about how to get a medical discharge. The applicant joined the Army Reserve in the summer of 2000 and attended basic training the same summer. The applicant did their job training the next summer, 2003 to be a 92A and attended monthly drills regularly until 2003. The applicant was scheduled to deploy with the unit in 2003, instead ended up in the psychiatric ward of a VA hospital. While there, the unit left. When the applicant was released, they did not know what to do. Soon after they started therapy once a week and saw a doctor once a month. The therapist made some calls and told the applicant they were working on getting the applicant discharged, then the therapist unexpectedly left. The applicant started working with someone who worked for their congressman, but nothing ever happened. In 2007, the applicant found out Fort Knox had a warrant out for their arrest. The applicant called and was told to turn their self in to the nearest military branch. The applicant reported to Fort Meade; however, it was late and the MP's said the person the applicant needed to talk to was not there. The applicant was told to come back in the morning; when the applicant returned home, the regular police were there. The applicant was taken to the local station and spent the night. The next morning the applicant was picked up by the MP's and sent to Fort Knox. While there, the applicant learned they were attached to a unit in Kuwait, but the applicant never received the orders. The applicant received an under other than honorable conditions discharge and was sent home. The applicant did not know how to get a medical discharge. The applicant loves the country and instead of joining the military would like to find a different way to serve.

b. Board Type and Decision: In a records review conducted on 11 July 2024, and by a 3-2 vote, the Board determined the discharge is inequitable based on the Bipolar 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 and 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: In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / Under Other Than Honorable Conditions

b. Date of Discharge: 14 March 2007

c. Separation Facts:

(1) Date and Charges Preferred (DD Form 458, Charge Sheet): On 8 February 2007, the applicant was charged with: The Charge: Violating Article 86, UCMJ. The Specification: On or about 8 December 2003, without authority, absent oneself from the organization and did remain so absent until on or about 1 February 2007.

(2) Legal Consultation Date: 8 February 2007

(3) Basis for Separation: Pursuant to the applicant's request for discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial.

(4) Recommended Characterization: Under Other Than Honorable Conditions

(5) Separation Decision Date / Characterization: 20 February 2007 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 30 May 2000 / 8 years

b. Age at Enlistment / Education / GT Score: 18 / High School Letter / NIF

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92A10, Automated Logistical Specialist / 3 years, 7 months, 22 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Three Personnel Action Forms, reflect the applicant's duty status changed as follows:

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 8 December 2003;
From AWOL to Dropped From Rolls (DFR), effective 15 December 2003; and,
From DFR to PDY, effective 1 February 2007.

Report of Return of Absentee, 1 February 2007, reflects the applicant was apprehended by civil authorities and returned to military control.

Charge Sheet as described in previous paragraph 3c(1).

i. Lost Time / Mode of Return: 3 years, 1 month, 23 days (AWOL, 8 December 2003 – 31 January 2007) / Apprehended by Civil Authorities

j. Behavioral Health Condition(s):

(1) Applicant provided: Key Point Community Mental Health Center Admission Note, 14 August 2003, which contains a diagnosis.

Franklin Square Hospital Center, Outpatient Psychiatry Services Medical Records, 11 October 2011, contains a diagnosis.

MedStar Franklin Square Medical Center letter, 13 May 2014, reflects the applicant was a patient since 4 December 2009. The applicant was also being seen at Key Point Mental Health Center since 2005. The letter contains a diagnosis.

(2) AMHRR Listed: None

The ARBA's medical advisor reviewed DoD and VA medical records and not solely those documents listed in 4j(1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293; DD Form 214; MedStar Franklin Square Medical Center letter; Medstar Franklin Square Medical Center General Medical Records Release and Authorization for Use or Disclosure of Protected Health Information; Franklin Square Hospital Center Outpatient Psychiatry Services Medical Records; Key Point Community Mental Health Center Admission Note; Key Point Community Mental Health Center Psychiatry Consultation Sheet; Health Record; Congressional Request for Service Privacy Act Release Form.

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the application.

7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health

conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. Army Regulation 15-180 (Army Discharge Review Board), sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(2) Paragraph 3-7a 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) Paragraph 3-7c states Under Other Than Honorable Conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based

on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(5) Chapter 10 provides, in pertinent part, that a member who has committed an offense or offenses for which the authorized punishment includes a punitive discharge may submit a request for a discharge for the good of the Service in lieu of trial by court-martial. The request may be submitted at any time after charges have been preferred and must include the individual's admission of guilt.

(6) Paragraph 10-8a stipulates a discharge under other than honorable conditions normally is appropriate for a Soldier who is discharged in lieu of trial by court-martial. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record during the current enlistment. (See chap 3, sec II.)

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 "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

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-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

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.

The applicant contends being unable to perform their duties due to being Bipolar. The applicant was too scared to ask any questions about how to get a medical discharge. The applicant was scheduled to deploy with the unit in February 2003, however, they ended up in the psychiatric ward of a VA hospital. While in the VA hospital, the applicant's unit deployed and when released from the hospital, the applicant did not know what to do. The applicant found out in 2007, Fort Knox had a warrant out for their arrest and returned to Fort Knox, where they learned, they were attached to a unit in Kuwait. The applicant never received the orders. The applicant provided Key Point Community Mental Health Center Admission Note, 14 August 2003, which contains a diagnosis. A Franklin Square Hospital Center, Outpatient Psychiatry Services Medical Records, 11 October 2011, contains a diagnosis. A MedStar Franklin Square Medical Center letter, 13 May 2014, reflects the applicant was a patient and had been since 4 December 2009. The applicant was also being seen at Key Point Mental Health Center since 2005. The letter contains a diagnosis. The AMHRR does not contain a mental status evaluation. There is no

evidence in the AMHRR the applicant ever sought assistance before committing the misconduct, which led to the separation action under review.

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: Depression NOS, Mood Disorder NOS, Anxiety Disorder NOS. Additionally, the applicant asserts Bipolar Disorder, which may be sufficient evidence to establish the existence of a condition that could mitigate or excuse the discharge.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with Depression NOS, Mood Disorder NOS, and Anxiety Disorder NOS. The applicant also asserts Bipolar Disorder during 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 was diagnosed in service with Depression NOS, Mood Disorder NOS, and Anxiety Disorder NOS. The applicant asserts Bipolar Disorder during military service, which is supported by medical documentation. Bipolar Disorder is a mood disorder that is characterized by depressive and manic episodes. Depressive episodes have a nexus with avoidance, low motivation, and decreased energy. Manic episodes have a nexus with impulsive behavior, poor judgement, difficulty with daily functioning and in some instances, being out of touch with reality. As such, the applicant's Bipolar Disorder likely contributed to the AWOL that led to the separation, so the AWOL 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 Bipolar disorder outweighed the AWOL basis for separation.

b. Response to Contention(s): The applicant contends being unable to perform their duties due to being Bipolar. The Board determined that this contention was valid and voted to upgrade the characterization of service due to Bipolar Disorder mitigating the applicant's AWOL basis for separation.

c. The Board determined the discharge is inequitable based on the Bipolar 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 and 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. The applicant has exhausted their appeal options available with ADRB. However, the applicant may still apply to the Army Board for Correction of Military Records. 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.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210001015****d. Rationale for Decision:**

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Bipolar 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.

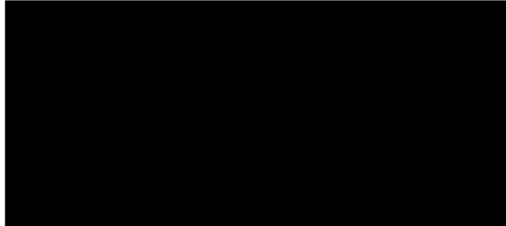
(3) The RE code will not change due to applicant's BH diagnosis warranting consideration prior to reentry of military service.

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:

1/21/2025



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