

**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 honorable. The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, suffering from PTSD and needs VA assistance. Requesting an upgrade to receive VA benefits.

**b. Board Type and Decision:** In a records review conducted on 30 January 2025, and by a 5-0 vote, the Board, based on the applicant's PTSD, Unspecified Schizophrenia Spectrum and Other Psychotic Disorder mitigating the applicant's FTRs, disobeying orders, and striking an NCO by pushing basis for separation, determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board 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 characterization of service 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:** Pattern of Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / Honorable

**b. Date of Discharge:** 4 April 2014**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 11 February 2014

**(2) Basis for Separation:** The applicant was informed of the following reasons:

On 17 January 2014, the applicant received a Field Grade Article 15 for violating Article 86, failing to go at the time prescribed to the appointed place of duty on multiple occasions;

Violating Article 91, striking a noncommissioned officer and disobeying a lawful order from a noncommissioned officer on multiple occasions;

On 19 December 2013, the applicant received a Company Grade Article 15 for violating Article 86 on multiple occasions; and,

On 16 August 2013, the applicant received a Company Grade Article 15 for violating Article 86 on multiple occasions.

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

**(4) Legal Consultation Date:** 19 February 2014

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

**(6) Separation Decision Date / Characterization:** 27 March 2014 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 23 February 2011 / 3 years, 18 weeks / Enlistment/Reenlistment Document reflects the date of enlistment as 22 February 2011.

**b. Age at Enlistment / Education / GT Score:** 21 / some college / 91

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 13F10, Fire Support Specialist / 3 years, 1 month, 13 days

**d. Prior Service / Characterizations:** None

**e. Overseas Service / Combat Service:** SWA / Afghanistan (3 October 2011 – 23 July 2012); Jordan (5 October 2013 – 10 March 2014)

**f. Awards and Decorations:** ACM-CS, ARCOM, NATOMDL, NDSM, GWOTEM, GWOTSM, ASR, OSR / The applicant's AMHRR reflects award of the CAB, however, the award is not reflected on the DD Form 214.

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** CG Article 15, 6 June 2013, on or about 31 May 2013, without authority fail to go at the time prescribed to the appointed place of duty. The punishment consisted extra duty and restriction for 14 days.

CG Article 15, 14 August 2013, for on or about 1 and 2 July 2013, without authority go from the appointed place of duty; and without authority, fail to go at the time prescribed to the appointed place of duty x6 on or about 3, 4, 5, 6, 7 and 8 July 2013. The punishment consisted of a reduction to E-3; forfeiture of \$443 pay (suspended); and extra duty and restriction for 14 days.

CG Article 15, 19 December 2013, for without authority, fail to go at the time prescribed to the appointed place of duty on or about 27 November and 2 December 2013. The punishment consisted of a reduction to E-2; forfeiture of \$383.24 pay per month for one month; and extra duty and restriction for 14 days.

FG Article 15, 17 January 2014, for without authority, fail to go at the time prescribed to the appointed place of duty on or about 24 and 25 December 2013; on or about 30 December 2013, strike SSG O. P. by wrongfully pushing them with the arms; on or about 30 December 2013, willfully disobey a lawful order from SSG O. P. to get back to work, and, on or about 30 December 2013, willfully disobey a lawful order from SSG J. R. by wrongfully running away. The punishment consisted of a reduction to E-1; forfeiture of \$765 pay per month for two months; extra duty for 30 days; restriction for 45 days and a written reprimand.

SIR#14-094, 6 March 2014, reflects the applicant was arrested for shoplifting at the Fort Bliss PX.

Several Developmental Counseling Forms, for various acts of misconduct.

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

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

**(1) Applicant provided:** Department of Veterans Affairs, Review Post Traumatic Stress Disorder (PTSD) Disability Benefits Questionnaire, 27 December 2019, reflects the applicant was diagnosed with Axis I: F43.12 PTSD and F45.0 Somatic Disorder, Primarily Pain, with Depressive/Anxiety Symptoms.

Department of Veterans Affairs letter, undated, reflects the applicant had been under the care and closely engaged in treatment for mental health conditions since 20 January 2020. The symptoms met diagnostic criteria for PTSD, Nightmare Disorder (related to trauma events during OEF deployment) and Unspecified Schizophrenia Spectrum and Other Psychotic Disorder. The applicant was being treated with mental health medication to help reduce their symptoms.

**(2) AMHRR Listed:** Report of Mental Status Evaluation (MSE), 25 March 2014, 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 does not include a diagnosis.

*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 the Review of Discharge; self-authored statement; four third-party letters; Certificate of Release or Discharge from Active Duty; VA Form 21-0960P-3.

**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) 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.

(4) 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.

(5) 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.

The applicant contends suffering from PTSD and needing VA assistance. The applicant provided Department of Veterans Affairs, Review Post Traumatic Stress Disorder (PTSD) Disability Benefits Questionnaire, 27 December 2019, reflecting the applicant was diagnosed with Axis I: F43.12 PTSD and F45.0 Somatic Disorder, Primarily Pain, with Depressive/Anxiety Symptoms. A Department of Veterans Affairs letter, undated, reflects the applicant had been under the care and closely engaged in treatment for mental health conditions since 20 January 2020. The symptoms met diagnostic criteria for PTSD, Nightmare Disorder (related to trauma events during OEF deployment) and Unspecified Schizophrenia Spectrum and Other Psychotic Disorder. The applicant was being treated with mental health medication to help reduce their symptoms. The AMHRR shows the applicant underwent a Mental Status Evaluation (MSE) on

25 March 2014, which 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 does not include a diagnosis. The separation authority considered all the medical documents included in the AMHRR.

The applicant contends an upgrade of the discharge would allow veterans benefits. Eligibility for veteran's benefits 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 third-party statements provided with the application are from three family members and reflect the applicant's good character prior to joining the Army and described how the applicant changed after serving a deployment.

#### **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: PTSD, Unspecified Schizophrenia Spectrum and Other Psychotic Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant is service connected by the VA for PTSD which establishes that the PTSD existed during military service. Post service, the VA has diagnosed the applicant with Unspecified Schizophrenia Spectrum and Other Psychotic Disorder and there is evidence in the active-duty electronic medical record that the applicant was experiencing prodromal symptoms of Unspecified Schizophrenia during 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 there is evidence of mitigating BH conditions. The applicant is service connected by the VA for PTSD, and the VA has diagnosed the applicant with Unspecified Schizophrenia. While the Unspecified Schizophrenia was diagnosed post service, there is evidence in the active-duty electronic medical record that the applicant was experiencing prodromal symptoms of Unspecified Schizophrenia during service. Given that PTSD has a nexus with avoidance and difficulty with authority and that Unspecified Schizophrenia is a serious mental illness that significantly impairs daily functioning and has a nexus with paranoia and being out of touch with reality, the applicant's BH conditions mitigate all of the misconduct in the basis of separation to include FTRs, disobeying orders, and striking an NCO by pushing.

(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, Unspecified Schizophrenia Spectrum and Other Psychotic Disorder outweighed the FTRs, disobeying orders, and striking an NCO by pushing basis for separation.

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

(1) The applicant contends suffering from PTSD and needing VA assistance. 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, Unspecified Schizophrenia Spectrum and Other Psychotic Disorder outweighing the applicant's FTRs, disobeying orders, and striking an NCO by pushing basis for separation.

(2) The applicant contends an upgrade of the discharge would allow veterans benefits. 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.

c. The Board determined based on the applicant's PTSD, Unspecified Schizophrenia Spectrum and Other Psychotic Disorder mitigating the applicant's FTRs, disobeying orders, and striking an NCO by pushing basis for separation, determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board 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 characterization of service was proper and equitable and voted not to change it. 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 determined the discharge is proper and equitable as the applicant has a Characterization of Honorable; therefore, no further relief is available.

(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: No Change
- 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:**

2/25/2025



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