

**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, during their time in Iraq, the applicant developed sleeping problems after a specific rocket explosion the applicant could not rest completely. Once returning from deployment, the unit received a new 1SG and Commander. A few months after the deployment, the applicant's sleep was still an issue, and the applicant could not relax. Anxiety was at the point where the applicant could not go into a Walmart without having a panic attack. Stopping at red lights made the applicant nervous. The applicant should have received help, however, going to behavioral health would hurt potential for growth and makes others in the unit look down upon the applicant. The applicant voluntarily started to receive treatment through behavioral health and was diagnosed with all the signs and symptoms of PTSD, anxiety, depression, depressed mood, emotional numbness, etcetera, while on active duty; however, no official diagnosis was made. The chain of command was aware of this; however, never gave the applicant any corrective training to help the initial issue. Personal responsibility was a large part of why these issues were not taken care of immediately; however, the applicant was a young Soldier home from Iraq who was in denial of their issues. There were many things which should have been offered to the applicant, such as going to another unit, or inpatient treatment. The applicant was immature and only knew how the military worked in a war zone. As the applicant's illness worsened, the unit saw it appropriate for corrective training to include extending the work hours as well which required the applicant to attend morning formation 15 to 30 minutes earlier than the rest of the unit. The corrective training provided was very stressful in addition to the issues the applicant was having post deployment. During the time of separation, the war in Iraq was coming to an end and the chain of command was more interested in downsizing than helping Soldiers. The applicant realizes there are consequences for their actions, and they accept them; however, deployments affect all Soldiers differently. The Army knows this, and it should have been considered a mitigating factor in the applicant's case. Before deployment, the applicant did not have any misconduct. The unit isolated the applicant with labeling the applicant a "shit-bag Soldier," and left the applicant to cope with the stress of war on their own, then punished the applicant when they failed.

**b. Board Type and Decision:** In a records review conducted on 18 June 2024, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's PTSD mitigating the applicant's multiple DUIs and failures to report (FTRs) 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:** Pattern of Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

**b. Date of Discharge:** 12 June 2012

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 25 April 2012

**(2) Basis for Separation:** The applicant was informed of the following reasons: Two alcohol related incidents within a year and FTRs.

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

**(4) Legal Consultation Date:** 30 April 2012

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

**(6) Separation Decision Date / Characterization:** 23 May 2012 / General (Under Honorable Conditions)

### 4. SERVICE DETAILS:

**a. Date / Period of Enlistment:** 30 June 2009 / 4 years, 33 weeks

**b. Age at Enlistment / Education / GT Score:** 20 / some college / 113

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 25P10, Microwave System Operator-Maintainer / 2 years, 11 months, 13 days

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

**e. Overseas Service / Combat Service:** SWA / Iraq (3 June 2010 – 3 June 2011)

**f. Awards and Decorations:** NDSM, ASR

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** FG Article 15, 5 December 2011, on or about 28 July 2011, fail to go at the time prescribed to the appointed place of duty; on or about 15 September 2011, fail to go at the time prescribed to the appointed place of duty; on or about 20 September 2011, fail to go at the time prescribed to the appointed place of duty; and on or about 4 October 2011, fail to go at the time prescribed to the appointed place of duty. The punishment consisted of a reduction to E-3; forfeiture of \$429 pay per month for one month (suspended); and extra duty and restriction for 14 days; and an oral reprimand.

The City of Hinesville, Liberty County Georgia Judgement of Guilt Court Document, 28 September 2011, reflects the applicant was found guilty of license not on person and contempt of court.

General Officer Memorandum of Reprimand, 20 December 2011, reflects on 4 December 2011, the applicant was reprimanded for driving while under the influence of alcohol. A breathalyzer test showed the blood alcohol content at the time was .153. As a result, the applicant was cited with driving under the influence.

MPR# 03625-2011-MPC093, 29 December 2011, reflects the applicant was observed operating a black in color Camaro, attempting to gain access to the installing without any identification. Upon contact, Fort Stewart police detected a strong odor of an alcoholic beverage emitting from the applicant's person. The applicant was administered a series of field sobriety test, which the applicant failed. The applicant was apprehended and transported to the police station where the applicant submitted to an intoxilyzer test with a result of .194 BAC. A check of VRS revealed the applicants on post driving privileges were revoked due to a previous DUI. The applicant was issued a post suspension of installation driving privileges Memorandum, further processed, and released to the unit.

Record Of Supplementary Action Under Article 15, UCMJ, 9 January 2012, reflects the suspended portion of the punishment imposed on 5 December 2011, was vacated for: Article 111, physical control a vehicle, to wit: a passenger car while the alcohol concentration on the breath was .194 grams or more of alcohol per 210 liters of breath as shown by chemical analysis.

General Officer Memorandum of Reprimand, 18 January 2012, reflects the applicant was reprimanded for driving while under the influence of alcohol. On 29 December 2011, on Fort Stewart, Georgia, a Military Police Officer observed the applicant operating a vehicle while intoxicated. A breathalyzer test showed the applicant's blood alcohol content at the time was .194. As a result, the applicant was cited with deriving under the influence.

FG Article 15, 29 February 2012, on or about 20 December 2011, physically controlled a vehicle, while the alcohol concentration in the breath was .194 grams or more of alcohol per 210 liters of breath as shown by chemical analysis. The punishment consisted of a reduction to E-1; forfeiture of \$745 pay per month for two months (suspended); extra duty and restriction for 45 days (suspended); and oral reprimand.

Memorandum Disqualification of the Army Good Conduct Medal, 5 June 2012, reflects the applicant was disapproved for the award of the Army Good conduct Medal for the period of Active Duty Service from 29 June 2009 to 29 June 2012 due to being flagged for adverse action and IAW AR 600-8-22, paragraph 4-6 the applicant did not meet the criteria for this award.

Several 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:** 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; self-authored statement; third-party letter; DD Form 214.

**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)** 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.

The applicant contends good service, including a combat tour. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends during the time in Iraq, developing sleep problems after a rocket explosion. A few months after deployment, the applicant's sleep was still an issue, and the applicant could not relax at all. Anxiety was at the point where the applicant could not go into a Walmart without having a panic attack. Stopping at red lights made the applicant nervous. The applicant should have received help, however, going to behavioral health would hurt potential for growth and makes others in the unit look down upon the applicant. The applicant voluntarily started to receive treatment through behavioral health and was diagnosed with all the signs and symptoms of PTSD, anxiety, depression, depressed mood, emotional numbness, etc. while on active duty; however, no official diagnosis was made. The applicant provided a third-party letter from their parent which described the applicant's change in behavior after returning from combat and supported the applicant's contention. The applicant's AMHRR contains no documentation of PTSD diagnosis. The AMHRR does not contain a mental status evaluation.

The applicant contends being immature and only knew how the military worked in a war zone. The AMHRR shows the applicant met entrance qualification standards to include age.

The applicant contends there were many things which should have been offered to the applicant, such as going to another unit, or inpatient treatment. As the applicant's illness worsened, the unit saw it appropriate for corrective training to include extending the work hours as well as required the applicant to attend morning formation 15 to 30 minutes earlier than the rest of the unit. The corrective training provided was very stressful in addition to the issues the applicant was having post deployment. During the time of separation, the war in Iraq was coming to an end. The chain of command was more interested in downsizing than helping Soldiers. The unit isolated the applicant with labeling the applicant a "shit-bag Soldier," and left the applicant to cope with the stress of war on their own, then punished the applicant when they failed. The applicant did not submit any evidence, other than the applicant's statement, to support the contention the discharge resulted from any medical condition. The evidence of record shows the command attempted to assist the applicant in performing and conducting to Army standards by providing counseling and the imposition of non-judicial punishment. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command. 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: PTSD, MDD single episode, Anxiety Disorder NOS, Depressive Disorder, Adjustment Disorder with mixed Emotional Features, and ADHD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant 100% service connected (SC) for PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that after reviewing the available information there is evidence the applicant has BH conditions that mitigates the misconduct outline in the basis of separation. The applicant is 100 percent SC for PTSD and has additional potentially mitigating diagnoses of MDD single episode, Anxiety Disorder NOS, Depressive Disorder, Adjustment Disorder with mixed Emotional Features, and ADHD. As there is a nexus between PTSD and substance use to self-medicate and PTSD and avoidance. The applicant's misconduct characterized by DUI and FTR is fully mitigated by applicant's SC diagnosis of PTSD.

(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 outweighed the multiple DUIs and FTRs basis for separation.

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

(1) The applicant contends good service, including a combat tour. 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 fully outweighing the applicant's multiple DUIs and FTRs basis for separation.

(2) The applicant contends sleep problems PTSD, anxiety, depression, depressed mood, emotional numbness, etc. while on active duty; however, no official diagnosis was made. 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 fully outweighing the applicant's multiple DUIs and FTRs basis for separation.

(3) The applicant contends the unit isolated the applicant with labeling the applicant a "shit-bag Soldier," and left the applicant to cope with the stress of war on their own, then punished the applicant when they failed. 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 fully outweighing the applicant's multiple DUIs and FTRs basis for separation.

**c.** The Board determined the discharge is inequitable based on the applicant's PTSD mitigating the applicant's multiple DUIs and FTRs basis for separation. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable

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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. 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 mitigated the applicant's misconduct of multiple DUIs and FTRs. 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.

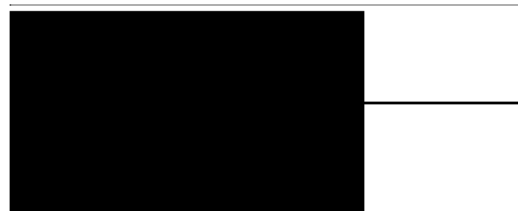
(3) The RE code will not change due to applicant's BH diagnosis warranting consideration prior to reentry of military service.

**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:**

10/8/2024

**Legend:**

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

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

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

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