

1. Applicant's Name:

- 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 period under review is honorable. The applicant requests a narrative reason change.

The applicant seeks relief contending, in effect, the honorable discharge and the narrative reason are often confusing for an organization of employment. The narrative reason creates an unfair assessment of the applicant's character. While working in the applicant's military occupational specialty, Combat Stress Counselor, the applicant functioned as a forward operating counselor on a three-person prevention team. The applicant often worked alone in an assigned area of operation, making contacts with command presence and Soldiers needing counseling services. While performing the unit's mission, the applicant was injured by blasts from several improvised explosive devices (IEDs). The applicant was wearing yellow foam earplugs during the incidents, but the applicant's hearing was impacted, and the applicant's knees were injured. The applicant continued to have difficulties with tenderness and pain in both knees. The applicant reported the first incident to a physician assistant (PA) but was told by this former Special Forces PA the hearing would get better and stated, "Hell, you are in the Army. What do you expect? You were hit by an IED." The applicant believed no one was going to really care. The applicant took all the precautions to preserve the applicant's hearing, but the applicant was hit too many times for it to be effective.

The applicant submitted evidence to show the applicant's wellness progress and how the applicant worked towards a goal, achieved the goal, and applied Army Values, no matter the adversity by which the applicant's DD Form 214 and the wrongful narrative reason for discharge had placed before the applicant. The applicant was an honorable Soldier and served selflessly. The applicant was not treated for post-traumatic stress disorder (PTSD) until many years later, when complications arose. The applicant earned an associate counselor license, but to work for state or federal agencies, the applicant would have to show the applicant's DD Form 214. The applicant humbly requests the DD Form 214 reflect a true depiction of the applicant's character as one who served in combat situations and obtained PTSD from the experience. The applicant was proud to serve providers but to serve on a greater level, the applicant would have to be able to go to them, which would require taking the applicant's license and DD Form 214 and applying to serve legally, and with assigned professional care. The applicant is not convinced, as experience dictates, the applicant would be allowed to serve on a state and federal level until the applicant's narrative reason expresses a true narrative of the PTSD. The applicant requests to be released from the punitive stamp the applicant has unjustifiably been handed.

b. **Board Type and Decision:** In a records review conducted on 11 June 2024, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

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:** Secretarial Authority / AR 635-200, Paragraph 5-3 / JFF / RE-3 / Honorable

b. **Date of Discharge:** 4 March 2005

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** NIF

(2) **Basis for Separation:** NIF

(3) **Recommended Characterization:** NIF

(4) **Legal Consultation Date:** NIF

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

(6) **Separation Decision Date / Characterization:** NIF

4. **SERVICE DETAILS:**

a. **Date / Period of Enlistment:** 24 April 2004 / 3 years

b. **Age at Enlistment / Education / GT Score:** 32 / Some College / NIF

c. **Highest Grade Achieved / MOS / Total Service:** E-6 / 91X30, Health Physics Specialist / 3 years, 4 months, 12 days

d. **Prior Service / Characterizations:** USAF, 8 May 1990 – 6 September 1990 / UNC
(Break in Service)
USAR, 22 February 2002 – 23 April 2004 / NA
IADT, 30 July 2002 – 24 January 2003 / HD
(Concurrent Service)

e. **Overseas Service / Combat Service:** SWA / Iraq (6 June 2004 – 1 January 2005)

f. **Awards and Decorations:** AAM, NDSM, GWOTSM, GWOTEM, AFRM-MD, NCOPDR-2, ASR, AFTR

g. **Performance Ratings:** NIF

h. **Disciplinary Action(s) / Evidentiary Record:** The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty), reflects the applicant was discharged under the authority of AR 635-200, paragraph 5-3, with a narrative reason of Secretarial Authority. The DD Form 214 was not authenticated with the applicant's signature.

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

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

(1) **Applicant provided:** Report of Mental Status Evaluation, 13 January 2005, reflects the applicant could understand and participate in administrative proceedings and was mentally

responsible. The applicant was diagnosed with occupational problem and narcissistic personality disorder. The applicant's mental health problems did not meet criteria for initiation of a medical evaluation board. The condition was so severe, the applicant's ability to function effectively in the military environment was significantly impaired. The provider strongly recommended expeditious administrative separation from the Army.

Department of Veterans Affairs (VA) Progress Notes, 12 September 2013, reflecting the applicant was diagnosed with PTSD, severe, chronic; mild arthritis; GERD; and headaches.

Two Statements of Medical Examination and Duty Status, reflecting the applicant was treated at the Irwin Army Community Hospital, Fort Riley, and the nature and extent of the applicant's disease and injury were occupational problem; narcissistic personality disorder; and right ear hearing loss.

(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 214; DD Form 293; self-authored statement; Report of Mental Status Evaluation; two Statements of Medical Examination and Duty Status; Reference Audiogram; promotion orders; NCOER; Certificate of Recognition; Certificate of Appreciation; electronic mail message; VA medical documents; Army/American Council on Education Registry Transcript; Ottawa University transcripts; and eight character references.

6. POST SERVICE ACCOMPLISHMENTS: The applicant attained an Associate Counselor License, an Associate in Applied Science Degree; Chemical Dependency, Level I and II certifications; a Bachelor of Arts in Psychology Degree; and a Master of Arts in Professional Counseling Degree.

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 5, provides for the basic separation of enlisted personnel for the convenience of the government.

(4) Paragraph 5-1, states that a Soldier being separated under this paragraph will be awarded a characterization of service of honorable, general (under honorable conditions), or an uncharacterized description of service if in entry-level status.

(5) Chapter 5-3 (Chapter 15 current regulation) provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memorandums. Secretarial separation authority is normally exercised on a case-by-case basis.

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), in effect at the time, provided 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 identified the SPD code of "JFF" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 5, paragraph 5-3, Secretarial Authority.

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 a narrative reason change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

The applicant's Army Military Human Resources Record (AMHRR) is void of the specific facts and circumstances concerning the events which led to the discharge from the Army. The applicant's AMHRR does contain a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was not authenticated by the applicant's signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 5, paragraph 5-3, by reason of Secretarial Authority, with a characterization of service of honorable.

The applicant contends the narrative reason for the discharge needs changed. The applicant was separated under the provisions of Chapter 5-3, AR 635-200, with an honorable discharge. The narrative reason specified by Army Regulations, at the time, for a discharge under this paragraph is "Secretarial Authority," and the separation code is "JFF." Army Regulation 635-8 (Separation Processing and Documents), governs preparation of the DD Form 214, and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

The applicant contends being diagnosed with PTSD. The applicant provided medical documents reflecting the applicant underwent a mental status evaluation on 13 January 2005, which indicates the applicant was mentally responsible and was able to recognize right from wrong. The applicant was diagnosed with occupational problem and narcissistic personality disorder, and the provider recommended the applicant be discharged expeditiously. The VA diagnosed the applicant with PTSD, severe, chronic; and headaches. The applicant's AMHRR is void of a mental status evaluation.

The applicant contends reporting the combat-related injuries, but believed no one cared and the applicant was not treated for the PTSD until many years later. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

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 an upgrade of the discharge will allow the applicant to obtain better employment. The Board does not grant relief to gain employment or enhance employment opportunities.

The applicant contends attaining multiple degrees and certifications. 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.

The third party statements provided with the application speak highly of the applicant. They all recognize the applicant's good conduct after leaving the Army.

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, Anxiety Disorder.

(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 a review of the record reflects the applicant 100% SC for PTSD with potentially mitigating diagnosis of anxiety disorder, which symptoms are subsumed by applicant's PTSD. Applicant is also diagnosed with MDD, however, this disorder developed in 2020 secondary to ongoing PTSD symptoms and therefore not considered for mitigation. The available evidence reflects the applicant developed SI and other behavioral issues secondary to multiple exposures to trauma while serving in Iraq. Applicant was then medevac'd from theatre, psychiatrically hospitalized, diagnosed with

narcissistic personality disorder, and administratively separated. Records are void of any in-service BH diagnosis or treatment history prior to the traumatic exposure, and records are void of detail information related to the course of treatment while the applicant was an inpatient. This advisor does not question the accuracy of the NPD, however, given the applicant functioned effectively in service with NPD, prior to exposure to combat trauma, it is reasonable to infer that the applicant SI and other behaviors were secondary to multiple traumatic exposure, and that applicant's SI and other behavior is mitigated by 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 narcissistic personality disorder basis for separation.

b. Response to Contention(s):

(1) The applicant contends the narrative reason for the discharge needs changed. The Board considered this contention and determined the applicant's narrative reason for discharge is Secretarial Authority, no further upgrade is available.

(2) The applicant contends being diagnosed with PTSD. The Board considered this contention and determined the applicant is diagnosed with PTSD, the applicant has a Characterization of Honorable and a narrative Reason of Secretarial Authority; therefore, no further relief is available.

(3) The applicant contends reporting the combat-related injuries but believed no one cared and the applicant was not treated for the PTSD until many years later. The Board considered this contention during proceedings, but ultimately did not address the contention due to the applicant having a Characterization of Honorable and a narrative Reason of Secretarial Authority; therefore, no further relief is available.

(4) 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 the applicant having a Characterization of Honorable and a narrative Reason of Secretarial Authority; therefore, no further relief is available.

(5) The applicant contends an upgrade of the discharge will allow the applicant to obtain better employment. The Board considered this contention but does not grant relief to gain employment or enhance employment opportunities.

(6) The applicant contends attaining multiple degrees and certifications. The Board considered this contention during proceedings, but ultimately did not address the contention due to the applicant having a Characterization of Honorable and a narrative Reason of Secretarial Authority; therefore, no further relief is available.

c. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. 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.

d. Rationale for Decision:

(1) The Board determined the discharge is proper and equitable as the applicant has a Characterization of Honorable and a narrative Reason of Secretarial Authority; therefore, no further relief is available.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, as the reason the applicant was discharged was both proper and equitable.

(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order:** No
- b. Change Characterization to:** No Change
- c. Change Reason / SPD Code to:** No Change
- d. Change RE Code to:** No Change
- e. Change Authority to:** No Change

Authenticating Official:

9/14/2024

X

Presiding Officer, COL, U.S. ARMY
Army Discharge Review Board

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