

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, after advanced individual training (AIT), the applicant went to Florida to pick up the applicant's car and was in an accident. The applicant was officially declared mentally disabled in 2011 and was diagnosed with severe epilepsy since August 2017. The applicant seemed to have had a small epileptic episode or an aura. The applicant had to overcorrect the car, which sent the car into four 360 degree turns at 70 miles per hour. The applicant was not wearing a seatbelt and the applicant's head hit parts of the vehicle several times. The applicant was able to walk away but in severe pain. The applicant's parent called the applicant's commander, and the applicant went to the hospital the next day screaming but the hospital did nothing for the applicant. The applicant went to Fort Rucker and was given pain medication. The applicant was seen by a neurologist who did a few tests but no computed tomography (CT) scan. The neurologist believed the applicant was mentally impaired and referred the applicant to a psychiatrist. The applicant informed the commander of the situation and was temporarily transferred to Fort Rucker in late 2000. The applicant was honest with the psychiatrist, admitting to being depressed because the applicant missed the battle buddies. The applicant had terrible headaches but was prescribed Zoloft in very heavy doses at 17 years old. The applicant believes the medication affected the applicant's ability to convey the applicant's emotions properly. This was the last time the applicant had an appointment with the psychiatrist. Shortly thereafter, the applicant attempted to commit suicide by overdosing. The local hospital wanted the applicant to stay at a juvenile asylum for a while, but the applicant was able to talk them out of it. The applicant's parent was informed the applicant was considered absent without leave (AWOL). The applicant drove to Washington, D.C. and surrendered at Fort Belvoir. The applicant was discharged from Fort Knox.

After AIT, the applicant began suffering from symptoms similar to post-traumatic stress disorder (PTSD). The symptoms, most likely, were caused from the applicant being 17 years old and losing the battle buddies. The applicant was placed on medical hold at Fort Rucker and the medical center destroyed the applicant's psychological reports. The applicant regrets the mistakes and should have stayed on medical hold and not gone AWOL. The applicant regrets the decision and the shame the applicant brought to the applicant, the applicant's family, and the core values of the Army. The applicant requests an upgrade to return to active duty and make up for the actions. The applicant is ready for combat and have felt responsible for every man and woman who died in service. The applicant made mistakes way before 9/11 and the applicant is now ready to fight. The applicant has an Associate's Degree in General Studies and an Associate of Science in Network Technologies, including CompTIA certified A+, Network+, Security+, Project+, and EC Certified Ethical Hacker; and will soon complete a Bachelor's in Intelligence Operation. The applicant knows the applicant does not deserve an upgrade, but the applicant prays the board would decide to upgrade the discharge. The applicant would serve the Army in any way possible and restore honor to the applicant and the applicant's family. The applicant will respect any decision made by the Board.

b. Board Type and Decision: In a records review conducted on 11 June 2024, and by a 4-1 vote, the Board determined that the characterization of service was inequitable based on the applicant's length of service and the car accident prior to the misconduct outweighing the applicant's AWOL basis for separation. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General, Under Honorable Conditions. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

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: 20 December 2001

c. Separation Facts:

(1) Date and Charges Preferred (DD Form 458, Charge Sheet): On 18 December 2000, the applicant was charged with The Charge, Violating Article 86, UCMJ, The Specification: Being absent from the unit from 25 September 2000 to 12 December 2000.

(2) Legal Consultation Date: 18 December 2000

(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: 5 December 2001 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 27 March 2000 / 6 years

b. Age at Enlistment / Education / GT Score: 17 / GED / 123

c. Highest Grade Achieved / MOS / Total Service: E-1 / 13F10, Fire Support Specialist / 1 year, 6 months, 6 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Charge Sheet as described in previous paragraph 3c.

Two Personnel Action forms, reflect the applicant's duty status changed as follows:

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 25 September 2000; and

From AWOL to Dropped From Rolls (DFR), effective 25 October 2000.

Report of Return of Absentee, 12 December 2000, reflects the applicant's absence began on 25 September 2000, and the applicant surrendered to military authorities on 12 December 2000.

Personnel Qualification Record – Part II, 18 September 2000, reflect the applicant was assigned to the Medical Hold Detachment from 17 August 2000 to 24 September 2000.

Celebrate Recovery letter, 25 October 2014, reflecting the applicant attended residential treatment and was working with a psychiatrist to move towards coming off of disability.

i. Lost Time / Mode of Return: 78 days (AWOL, 25 September 2000 – 11 December 2000) / Surrendered to Military Authorities.

j. Behavioral Health Condition(s):

(1) Applicant provided: Tallahassee Neurological Clinic medical records, 19 September 2019, reflecting the applicant was diagnosed with, among other conditions, seizures; PTSD; insomnia; headaches; migraine unspecified; chronic fatigue; and history of a gunshot wound.

(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; DA Form 2-1 (2 pages); separation documents; military service documents; Celebrate Recovery letter; Tallahassee Neurological Clinic medical records; third party character reference; electronic mail message; Army Review Boards Agency (ARBA) article, "New" Discharge Upgrades and PTSD; Post-Traumatic Stress Disorder (PTSD) Definition– Diseases and Conditions – Mayo Clinic flyer; Hagel memo; and academic documents.

6. POST SERVICE ACCOMPLISHMENTS: The applicant earned industry certifications; an Associate's in General Studies; an Associate of Science in Network Technologies, including CompTIA certified A+, Network+, Security+, Project+, and EC Certified Ethical Hacker; and has almost completed a Bachelor's in Intelligence Operation.

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 10-6 stipulates medical and mental examinations are not required but may be requested by the Soldier under AR 40-501, chapter 8.

(7) 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.)

(8) Paragraph 10-8b stipulates Soldiers who have completed entry-level status, characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be improper.

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 diagnosed with PTSD, and the condition and prescription medication affected behavior, which led to the discharge. The applicant provided medical documents reflecting, after the applicant's discharge, the applicant was diagnosed with seizures; PTSD; insomnia; migraine headaches; unspecified; chronic fatigue; and a history of a gunshot wound. The applicant's AMHRR contains documentation which reflects the applicant was on medical hold while in service.

The applicant contends youth and immaturity affected the applicant's behavior at the time of the discharge. The AMHRR shows the applicant met entrance qualification standards to include age.

The applicant requests a change to the characterization of service to rejoin the Army. At the time of discharge, the applicant received an under other than honorable conditions characterization of service. Army Regulation 601-210, chapter 4, stipulates an under other than honorable conditions discharge constitutes a non-waivable disqualification; thus, the applicant is no longer eligible for reenlistment.

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. The 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.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant was diagnosed with PTSD by a civilian provider.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that the applicant asserts BH diagnoses of PTSD and Depression were related to applicant's misconduct. The applicant provided a medical problem list from a civilian provider that reflects PTSD as a diagnoses but provides no additional detail and nothing associating the condition to military service. The applicant contends PTSD was secondary to missing battle-buddies, however, this would not qualify as a criterion A trauma and therefore not meet criteria for the disorder. Records are void of any depressive related diagnosis for the applicant. In absence of evidence showing the applicant had PTSD or Depression prior to going AWOL, there is insufficient evidence to establish the misconduct was secondary to PTSD or Depression.

(4) Does the condition or experience outweigh the discharge? **N/A.**

b. Response to Contention(s):

(1) The applicant contends being diagnosed with PTSD, and the condition and prescription medication affected behavior, which led to the discharge. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the length of service and the car accident prior to the misconduct outweighing the applicant's AWOL basis for separation. The Board assumed that the impact of the accident had a negative affect on the applicant's decision making ability. Therefore, the Board voted to upgrade the characterization of service to General, Under Honorable Conditions.

(2) The applicant requests a change to the characterization of service to rejoin the Army. The Board considered this contention and determined the applicant's characterization of service warrants an upgrade. The Board voted to upgrade the applicant's characterization of service to General, Under Honorable Contentions based on the length of service and the car accident prior to the misconduct outweighing the applicant's AWOL basis for separation.

(3) The applicant contends attaining multiple degrees and certifications. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the length of service and the car accident prior to the misconduct outweighing the applicant's AWOL basis for separation. Therefore, the Board voted to upgrade the characterization of service to General, Under Honorable Conditions.

c. The Board determined that the characterization of service was inequitable based on the applicant's length of service and the car accident prior to the misconduct outweighing the applicant's AWOL basis for separation. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General, Under Honorable Conditions. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them. 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 voted to change the applicant's characterization of service to General, Under Honorable Conditions because length of service and the car accident prior to the misconduct outweighing the applicant's AWOL. Thus, the prior characterization is no longer appropriate.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210001092

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

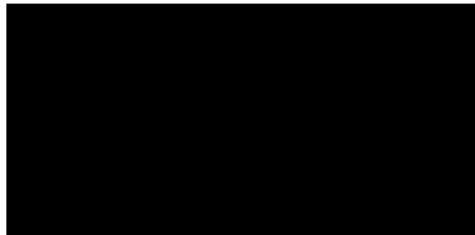
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** General, Under Honorable Conditions
- c. **Change Reason / SPD Code to:** No Change
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** No Change

Authenticating Official:

9/19/2024



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