

1. Applicant's Name:

- a. **Application Date:** 26 April 2021
- b. **Date Received:** 26 April 2021
- c. **Counsel:** Yes

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 a change to the narrative reason for separation to "Secretarial Authority" and reentry eligibility code change to "RE-3G."

The applicant seeks relief contending, in effect, the discharge was unjust and inequitable considering the applicant would not have received the same discharge if current Army policies and procedures were available to identify and treat the PTSD and related behavior at the time. Following the return from Iraq, the applicant was suffering in significant and numerous ways with the symptoms of PTSD, which affected the behavior following redeployment. The applicant states if current DoD policy requiring review of certain misconduct cases to ensure the PTSD was not the underlying cause had existed while serving, the applicant would have met all the requirements to receive a medical examination by a clinical psychologist or psychiatrist to assess whether the effects of PTSD constituted matters in extenuation which related to the basis for the administrative separation. The PTSD would have been diagnosed and quite possible, the applicant would not have been discharged for commission of a serious offense and with less than an honorable characterization. Thus, the service-induced PTSD should be weighed as a significant mitigating factor to all offenses, those admitted and those alleged, and considering the outstanding military service and capability to serve, the discharge should be upgraded, and the narrative reason changed on equitable grounds. The discharge was improper because errors of fact, law, procedure, and discretion associated with the discharge prejudiced the applicant. The specific reason cited for the discharge was commission of a serious offense under paragraph 14-12c, AR 635-200; however, there was no valid basis to satisfy the requisite seriousness component for the discharge under the paragraph. It was inequitable because it was an arbitrary and capricious action which was inconsistent with disciplinary standards at the time of the discharge and with comparable ADRB decisions. Counsel further details the contentions in two separate allied legal briefs provided with the applications. The applicant contends an upgrade would allow the applicant to use the GI Bill to attend college and better the life.

b. **Board Type and Decision:** In a records review conducted on 2 May 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:** Misconduct (Minor Infractions) / AR 635-200, Chapter 14-12a / JKN / RE-3 / Honorable

b. Date of Discharge: 16 December 2010

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 30 November 2010

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

On 27 January 2010, the applicant was arrested on an outstanding warrant for resisting arrest or search.

On 20 May 2010, the applicant disrespected the superior commissioned officer.

On 16 September 2010, the applicant made a false official statement to a military police officer.

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

(4) Legal Consultation Date: On 1 December 2010, the applicant waived legal counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 1 December 2010 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 27 February 2008 / 3 years, 16 weeks

b. Age at Enlistment / Education / GT Score: 20 / GED / 88

c. Highest Grade Achieved / MOS / Total Service: E-4 / 12B10, Combat Engineer / 2 years, 9 months, 20 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq (13 December 2008 – 9 November 2009)

f. Awards and Decorations: ICM-2CS, ARCOM, NDSM, GWOTSM, ASR, OSR, CAB

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Two Developmental Counseling Forms for unsatisfactory performance and being absent from accountability formation.

Military Police Report, 9 February 2010, reflects the applicant was apprehended for resisting arrest (warrants) (off post).

CG Article 15 and Summarized Article 15, 26 July 2010, for failing to go at the time prescribed to the appointed place of duty on two separation occasions on 20 May 2010, and on 14 June 2010, and disrespecting a superior commissioned officer on 20 May 2010. The punishment consisted of 14 days of extra duty and restriction.

Military Police Report, 22 September 2010, reflects the applicant was apprehended for wrongful possession of a prohibited substance (Spice) and wrongful possession of paraphernalia (on post).

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

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

(1) **Applicant provided:** Mental Status Evaluation (MSE), 24 September 2010, reflects the applicant was cleared for an administrative separation. The applicant was mentally responsible with a clear-thinking process and had the mental capacity to understand and participate in the proceedings. The MSE reflected a diagnosis of an Adjustment Disorder with Depressed Mood.

Manhattan Vet Center letter, 4 February 2014, reflects the applicant receiving treatment and was diagnosed with PTSD by a VA psychiatrist.

New York Harbor VA letter, 27 May 2014, reflects the applicant was diagnosed with PTSD and ADHD and was receiving treatment with medication.

Initial Post Traumatic Stress Disorder (PTSD), Disability Benefits Questionnaire, 2 June 2015, reflects the applicant was screened and diagnosed for PTSD.

Department of Veterans Affairs benefit letter, 17 June 2015, reflecting the applicant was rated 50 percent disabled for PTSD.

(2) **AMHRR Listed:** None

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

5. APPLICANT-PROVIDED EVIDENCE: (AR20140020607) DD Form 293; Legal Brief with all listed attachments and Exhibits 1 through 26; and DD Form 214. (AR20170006664) DD Form 293; Legal Brief with all listed attachments and Exhibits 1 through 24. The applicant's exhibits included prior ARDB decisions (AR20110004173; AR20120020442; AR20120009479; AR20120006636; AR20120006548; AR20120006515; AR20120006004; AR20120005880; AR20120004925; AR20130009346; AR20140002679; AR20150008737; AR20150012496; AR20120010407; AR20140019904; AR20150001285; and AR20150011635)

6. POST SERVICE ACCOMPLISHMENTS: The applicant attends church regularly, enrolled in APEX Technical School; sought and is committed to treatment for PTSD; and no longer abuses illegal drugs or alcohol.

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 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(3) 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.

(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 14-2c, prescribes Commanders will not take action prescribed in this chapter instead of disciplinary action solely to spare an individual who may have committed serious misconduct from the harsher penalties that may be imposed under the UCMJ.

(6) 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.

(7) Paragraph 14-12a addresses minor disciplinary infractions, defined as a pattern of misconduct, consisting solely of minor military disciplinary infractions.

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 "JKN" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, misconduct (minor infractions).

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 contends the narrative reason for the discharge needs to be changed to "Secretarial Authority." The applicant was separated under the provisions of Chapter 14, paragraph 14-12a,

AR 635-200 with an honorable discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Misconduct (Minor Infractions)," and the separation code is "JKN." Army Regulation 635-8 (Separation Processing and Documents) governs preparation of the DD Form 214, and dictates entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be exactly as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation further stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

The applicant requests a reentry eligibility (RE) code change to "RE-3G." Soldiers processed for separation are assigned reentry codes based on their service records or the reason for discharge. Based on Army Regulation 601-210, the applicant was appropriately assigned an RE code of "3." There is no basis upon which to grant a change to the reason or the RE code. An RE Code of "3" indicates the applicant requires a waiver before being allowed to reenlist. Recruiters can best advise a former service member as to the Army's needs at the time and are required to process waivers of reentry eligibility (RE) codes if appropriate.

The applicant contends, per 32 C.F.R. § 70.9(c)(3)(ii)(A) and DODI 1332.28 Paragraph E4.3.3.2.1, the narrative reason for applicant's separation was inequitable because it did not take into consideration the applicant's undiagnosed Post-Traumatic Stress Disorder (PTSD) which affected the applicant's total capability to serve. The applicant further contends that all the applicant's disciplinary incidents occurred during the applicant's post-redeployment period, which should be considered as a mitigating circumstance that led to the narrative reason for the applicant's separation. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends, per DODI 1332.14, Enclosure 2, Change 3, Subparagraph 2.c.(S)(b), the narrative reason for Mr. Dupont's separation was inequitable and improper because he was not, at the time of the applicant's discharge, assessed by a clinical psychologist or psychiatrist for PTSD /TBI as required by the recent policy change. The applicant further contends that the applicant, under the new policy, would have received a mental health evaluation from a qualified provider instead of a superficial mental health evaluation conducted by a social worker. The applicant provided several documents indicating a diagnosis and treatment for PTSD and a Mental Status Evaluation showing the applicant underwent an evaluation on 24 September 2010, which indicates the applicant was mentally responsible with a clear-thinking process and had the mental capacity to understand and participate in the proceedings. The evaluation included a diagnosis of an adjustment disorder with depressed mood. The applicant's AMHRR contains documentation which supports a diagnosis of in-service medical condition.

The applicant contends, per 32 C.F.R. § 70.9(b)(1)(i) and DODI 1332.28 Paragraph E4.2.1.1, the narrative reason for the applicant's separation was improper because it reflected an error of fact, law, procedure, and discretion, prejudicing the applicant. Specifically, there is no valid basis for a discharge for serious misconduct because Chapter 14-12c may not be the basis for a discharge for multiple offenses; rather, this provision is appropriate for commission of a singular event, not three distinct offenses. Further, none of the offenses, on its own, satisfy the requisite seriousness component required by Chapter 14-12c. The applicant contends it was improper to consider the disrespect offense as serious because the applicant was previously counseled and disciplined. Further, the evidence in the applicant's disciplinary record shows that the applicant did not make false statements. Rather, the applicant denied that the unknown substance was marijuana, as subsequent tests confirmed that it was not. The applicant's narrative reason "Serious Misconduct" was changed by a previous ADRB to "Minor Misconduct."

The applicant contends, per 32 C.F.R. § 70.9(c)(2), 32 C.F.R. § 70.9(c)(3)(ii)(C), and DODI 1332.28 Paragraph E4.3.3.2.3, the narrative reason for Mr. Dupont's separation was inequitable because it was an arbitrary and capricious action that was inconsistent with disciplinary standards at the time of discharge. The applicant contends that none of the three offenses, on its own, are sufficient to satisfy the requisite seriousness component to warrant a narrative reason of "Serious Misconduct", which is inconsistent with the Army disciplinary standards at the time and is prejudicial because of the highly inflammatory nature of the "Serious Misconduct" as a discharge narrative reason. The applicant's narrative reason at the time of separation, "Serious Misconduct", was changed by a previous ADRB to "Minor Misconduct."

The applicant contends outstanding military service.

The applicant contends that the narrative reason for the applicant's separation was inequitable because it was inconsistent with comparable ADRB decisions. The applicant contends that it is overly harsh not to upgrade the applicant's narrative reason after a previous Board deemed an upgrade to Honorable based on the applicant's PTSD. Further, the applicant contends it was inequitable based on the Board's treatment of the narrative reason for separation for comparable, and even more severe, circumstances. The applicant contends the discharge was inequitable because it was inconsistent with disciplinary standards at the time of the discharge and with comparable ADRB decisions. The ADRB is not bound by its discretionary decisions in prior cases under the standards in set forth in DoDI 1332.28, enclosure 4. However, the principles cited by the applicant, and the description of the relationship of the principles to the applicant's case, shall be considered under the equity standards and addressed under paragraphs E3.5.5. or E3.5.6.

The applicant contends an upgrade would allow educational benefits through the GI Bill and better the life. Eligibility for veteran's benefits to include educational benefits under the Post-9/11 or Montgomery GI Bill 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 Board does not grant relief to gain employment or enhance employment opportunities.

The applicant contends attending church regularly, enrolled in a technical school, committed to treatment for PTSD, and no longer abusing illegal drugs or alcohol. 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 statement provided with the application reflects while observing the applicant as relatively upbeat and positive during the deployment, there was troubling changes in demeanor such as being more irritable and paranoid, smoking and becoming heavily dependent on marijuana, and depressed.

9. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2017 memo signed by A.M. Kurta, the board liberally considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board determined that a previous ADRBs granted a discharge upgrade to Honorable and a narrative reason change, in part, based on the applicant's PTSD/Adjustment Disorder that now warrants consideration the applicant's narrative reason for separation and reentry eligibility code.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board determined that, based on the Board Medical Advisor opine and the applicant's service and medical records, the applicant's Adjustment Disorder and PTSD existed during the applicant's service.

(3) Does the condition or experience excuse or mitigate the discharge? **Partially.** The Board determined that, based on the Board's Medical Advisor opine and the applicant's service and medical records, that the applicant's PTSD mitigates the applicant's disrespect and arrest for resisting arrest offenses given the nexus between PTSD and difficulty with authority. However, there is no natural sequela between PTSD or an Adjustment Disorder and making a false official statement since neither condition interferes with the ability to distinguish between right and wrong and act in accordance with the right. Therefore, this misconduct is not mitigated.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opine, the Board determined that the available evidence did not support a conclusion that the applicant's PTSD or Adjustment Disorder outweighed the applicant's medically unmitigated offense of making a false official statement.

b. Response to Contention(s):

(1) The applicant contends, per 32 C.F.R. § 70.9(c)(2), 32 C.F.R. § 70.9(c)(3)(ii)(C), and DODI 1332.28 Paragraph E4.3.3.2.3, the narrative reason for Mr. Dupont's separation was inequitable because it was an arbitrary and capricious action that was inconsistent with disciplinary standards at the time of discharge. The applicant contends that none of the three offenses, on its own, are sufficient to satisfy the requisite seriousness component to warrant a narrative reason of "Serious Misconduct", which is inconsistent with the Army disciplinary standards at the time and is prejudicial because of the highly inflammatory nature of the "Serious Misconduct" as a discharge narrative reason. The Board considered this contention and determined that narrative reason change that the applicant received at the time of separation was proper and equitable because the applicant's offenses, individually and collectively, referenced in paragraph 3(c)(2) above meet the criteria of Chapter 14-12c as the applicant's offense warranted separation and a punitive discharge. However, a previous Board changed the narrative to "Minor Misconduct" based on the applicant's quality, length, and combat service and the circumstances surrounding the applicant's discharge, including the applicant's PTSD. The Board determined that no further relief is warranted.

(2) The applicant contends the discharge was unjust and inequitable considering if current Army policies and procedures were available to identify and treat the PSTD and related behavior at the time and the discharge was improper because errors of fact, law, procedure, and discretion associated with the discharge prejudiced the applicant. The applicant contends, per DODI 1332.14, Enclosure 2, Change 3, Subparagraph 2.c.(S)(b), the narrative reason for Mr. Dupont's separation was inequitable and improper because he was not, at the time of the applicant's discharge, assessed by a clinical psychologist or psychiatrist for PTSD /TBI as required by the recent policy change. The applicant further contends that the applicant, under the new policy, would have received a mental health evaluation from a qualified provider instead of a superficial mental health evaluation conducted by a social worker. The Board liberally considered

this contention and determined that the available evidence did not support a conclusion that the applicant's Adjustment Disorder and PTSD outweighed the medically unmitigated offense of making a false official statement. Given that the applicant committed a medically unmitigated offense, the Board did not find error of fact, law, or procedure to warrant further discharge upgrade beyond the applicant's Misconduct (Minor Infractions) narrative reason for separation and reentry eligibility code of RE-3. Updates to policy would not and do not change the Board's determination.

(3) The applicant contends the narrative reason for the discharge needs to be changed to "Secretarial Authority." The Board considered this contention but found insufficient mitigating factors to warrant further upgrade from the applicant's Misconduct (Minor Infractions) narrative reason for separation.

(4) The applicant requests a reentry eligibility (RE) code change. The Board considered this contention and voted to maintain the RE-code at RE-3, which is a waivable code, based on the diagnosed BH conditions. An RE Code of "3" indicates the applicant requires a waiver for reenlistment. Recruiters can best advise a former service member as to the Army's needs at the time and are required to process waivers of RE codes, if appropriate

(5) The applicant contends outstanding military service. The Board considered the totality of the applicant's service record and determined that further upgrade is not warranted as outlined in par 9b(1).

(6) The applicant contends that, considering the applicant's outstanding military service and capability to service, the applicant's discharge should be upgraded to Honorable on equitable grounds. The Board considered this contention and determined that no further relief is warranted as a prior ADRB voted to upgrade the applicant to an Honorable characterization of service and a narrative reason of "Minor Infractions." A change to the narrative reason is not warranted given the unmitigated misconduct (false official statement).

(7) The applicant contends the discharge was inequitable because it was inconsistent with disciplinary standards at the time of the discharge and with comparable ADRB decisions referenced in paragraph 5, above. The applicant further contends that the prior Board decisions reveal abundant of occasions after the Board upgraded the discharge of the identical nature of that which the applicant received (General to Honorable), an applicant narrative reason was changed to "Secretarial Authority." The Board considered this contention and determined that a narrative reason change is not warranted because the prior cases cited involved upgrades based on impropriety involving due process violations, policy changes, and/or unique case-specific circumstances/evidence that may not be applicable or identical in nature.

(8) The applicant contends an upgrade would allow educational benefits through the GI Bill and better the applicant's life. The Board considered this contention and determined that eligibility for Veteran's benefits 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.

(9) The applicant contends attending church regularly, enrollment in a technical school, committing to treatment for PTSD, and no longer abusing illegal drugs or alcohol. The Board considered and noted the applicant's post-service accomplishments and found that further upgrade is not warranted based on the unmitigated misconduct (false official statement).

c. The Board determined that the discharge is, at this time, proper and equitable, considering the current evidence of record. However, the applicant may request a personal

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appearance hearing to address issues before a 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 a prior ADRB upgraded the discharge to an Honorable characterization. No further relief is available.

(2) The Board voted not to change the applicant's reason for discharge to "Secretarial Authority" or accompanying SPD code as the reason the applicant was discharged (JKN) was both proper and equitable given the unmitigated misconduct (false official statement).

(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:

6/17/2024

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