

**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, joining the military in August 2012. After completing initial entry training, the applicant was assigned to Fort Sill. In May 2013, the applicant was diagnosed with major depressive disorder. Doctor L. recommended separation from the service under Chapter 5-17, known as a failure to adapt. This chapter was declined, because according to the applicant's superiors, there was not enough evidence for separation. In May 2013, the applicant was hospitalized for 15 days because of the depression disorder. The commanding officer and Doctor L. resubmitted the separation under Chapter 5-17 and it was approved but under Chapter 14 for misconduct. The Chapter 14 was unfair because the applicant was diagnosed with major depression. The applicant has all the supporting documents regarding the diagnosis. Misconduct signifies the applicant did not comply with due diligence when it was never the case. The applicant has letters of recommendation from the first sergeant and company commander supporting the applicant's excellent service while under their command. The narrative reason for separation is unjust.

b. **Board Type and Decision:** In a records review conducted on 27 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:** Misconduct (Minor Infractions) / AR 635-200, Paragraph 14-12a / JKN / RE-3 / Honorable

b. **Date of Discharge:** 12 September 2013

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 6 August 2013

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant failed to report to the appointed place of duty on several occasions between 5 and 25 June 2013.

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

(4) **Legal Consultation Date:** 9 August 2013

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

**(6) Separation Decision Date / Characterization:** 9 August 2013 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 7 August 2012 / 3 years, 19 weeks

**b. Age at Enlistment / Education / GT Score:** 27 / HS Graduate / 95

**c. Highest Grade Achieved / MOS / Total Service:** E-2 / 88M10, Motor Transport Operator / 1 year, 1 month, 6 days

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

**e. Overseas Service / Combat Service:** None

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

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** Memorandum for Record, 25 July 2013, reflecting the applicant, on three occasions, failed to report to work call at 0900. The plan of action, verbally communicated to the applicant was not effective because the applicant continuously showed up for formations late.

Two Developmental Counseling Forms, for failing to report and being considered for separation under AR 635-200, Chapter 11.

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

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

**(1) Applicant provided:** Chronological Record of Medical Care, between 18 September 2012 and 18 April 2013, reflects the applicant was diagnosed with major depression, recurrent; moderate single episode major depression; marital problems; and problems with primary support group, isolation; culture shock. The applicant was treated at the Behavioral Health Center for suicidal thoughts. On 8 April 2013, the applicant was hospitalized for risk of harm to self and others and discharged on 17 April 2013.

Report of Medical History, 1 May 2013, the examining medical physician noted in the comments section: Two suicide attempts; Community Mental Health Services; and prescribed medications.

Report of Mental Status Evaluation, 5 July 2013, reflects Doctor L., the Behavioral Health Provider, recommended the applicant be discharged under AR 635-200, Chapter 5-17 (Other Designated Physical or Mental Conditions). The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant was diagnosed with major depressive disorder, single episode; dependent and historic personality traits.

**(2) AMHRR Listed:** MSE and Report of Medical History as described in previous paragraph 4j(1).

*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; separation documents; Veterans Service Agency letter; three character references; and medical documents.

**6. POST SERVICE ACCOMPLISHMENTS:** None submitted with the application.

**7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):**

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment

may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

**c.** Army Regulation 15-180 (Army Discharge Review Board) sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

**d.** Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) provides the basic authority for the separation of enlisted personnel.

**(1)** Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

**(2)** Paragraph 3-7a states an Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

**(3)** Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

**(4)** Paragraph 14-3 prescribes a discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

**(5)** Paragraph 14-12a 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 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 contends the narrative reason for the discharge needs to be changed. 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 contends being diagnosed with major depressive disorder and the condition affected behavior which led to the discharge. The applicant provided medical documents reflecting the applicant was diagnosed with in-service major depression, recurrent; moderate single episode major depression; marital problems; problems with primary support group, isolation; and culture shock. On 5 July 2013, the applicant underwent a mental status evaluation which reflects Doctor L., the Behavioral Health Provider, recommended the applicant be discharged under AR 635-200, Chapter 5-17 (Other Designated Physical or Mental Conditions). The applicant was diagnosed with major depressive disorder, single episode; dependent and historic personality traits. The applicant's AMHRR contains the Mental Status Evaluation and it was considered by the separation authority.

The applicant contends the commander recommended separation under AR 635-200, paragraph 5-17, but the applicant was separated under paragraph 14 for misconduct. The applicant's AMHRR reflects the Behavioral Health provider recommended separation under AR 635-200, paragraph 5-17; however, the commander notified the applicant for separation under paragraph 14-12a and the separation was approved by the separation authority. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends good service. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The third party statements provided with the application, including statements from the applicant's first sergeant and company commander, speak highly of the applicant. They all recognize the applicant's good character and/or good military service.

**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, the applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially mitigating diagnoses/experiences: Major Depressive Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with Major Depressive Disorder.

(3) Does the condition or experience excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the applicant was diagnosed in service with Major Depressive Disorder. Given the nexus between Major Depressive Disorder, avoidance, and low motivation, the applicant's Major Depressive Disorder likely contributed to the FTRs that led to the separation.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the available evidence did not support a conclusion that the applicant's Major Depressive Disorder outweighed the applicant's discharge due to the applicant already holding an honorable characterization of service with a Misconduct (Minor Infractions) narrative reason for separation. The Board found that this discharge is proper and equitable.

b. Response to Contention(s):

(1) The applicant contends the commander recommended separation under AR 635-200, paragraph 5-17, but the applicant was separated under paragraph 14 for misconduct. The Board considered this contention and found that the applicant's commanding officer recommended separation under AR 635-200, Chapter 14-12a per the Commander's Report in the applicant's AMHRR. The Board found that a Chapter 14-12a separation does not warrant a change to a 5-17 separation as the applicant was involuntarily separated for misconduct, and the behavioral health condition does not excuse the applicant's responsibility for committing the misconduct.

(2) The applicant contends being diagnosed with major depressive disorder and the condition affected behavior which led to the discharge. The Board liberally considered this contention and determined that the available evidence did not support a conclusion that the applicant's Major Depressive Disorder outweighed the applicant's discharge due to the applicant already holding an honorable characterization of service with a Misconduct (Minor Infractions) narrative reason. The Board found that this discharge is proper and equitable.

(3) The applicant contends good service. The Board considered the applicant's length of service and determined that it does not outweigh the applicant's discharge due to the applicant already holding an honorable characterization of service with a Misconduct (Minor Infractions) narrative reason.

c. The Board determined that the discharge is, at this time, proper and equitable, considering the current evidence of record and previous upgrade. However, the applicant may request a personal appearance hearing to address issues before a Board. The applicant is

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**

**AR20210001168**

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. Thus, no further relief is available.

(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 in that the misconduct did occur.

(3) The RE code will not change given the BH condition. Additionally, 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:**

7/29/2024

**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