

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 26 April 2021
- b. **Date Received:** 26 April 2021
- c. **Counsel:** None

2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:

a. **Applicant's Requests and Issues:** The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, suffering from mental health conditions before the conduct leading to the discharge. The applicant believes clemency is warranted because it is an injustice for the applicant to have served in three tours in Afghanistan in Operation Enduring Freedom (OEF) as a combat veteran, with documented and diagnosed service-related post-traumatic stress disorder (PTSD) and mild traumatic brain injury (mTBI). The conditions were diagnosed by military and civilian health care providers, only to be left behind and suffer this often lost mental health battle without the proper treatment, which has been stripped away along with the earned Department of Veterans Affairs (VA) benefits. The applicant was wounded and forever scarred while serving in combat. Although mistakes were made, the applicant believes the applicant's conduct and proficiency were good before the injuries. The applicant received numerous awards and decorations. The applicant's ability to serve was greatly impaired by the applicant's mental stability. If the applicant received proper counseling and fair treatment, the applicant would not have received the characterization. The medical and physical evaluation boards found the applicant unfit for duty because of service-related injuries and diagnoses. After the third deployment, the applicant had made three documented suicide attempts. After the command told the applicant the medical board was terminated and the applicant would not have any VA benefits or compensation to help provide for the applicant's spouse and three children, the applicant made the last suicide attempt. The applicant was issued a certified psychiatric service dog to help, which has done wonders.

The applicant is unemployable because of the level of the applicant's PTSD and the need for a service animal. The applicant understands the MEB/PEB proceedings have been terminated and the applicant is discharged from the military. Nothing takes away from the fact while honorably serving the great nation for almost 10 years, 3 combat deployments, totaling 45 months of combat action, PTSD and many other injuries remain. The applicant's time in the Army has caused irreversible damage, but the applicant would not trade the time as a Soldier for anything. The military has accepted responsibility for causing the deterioration to the applicant, stating the injuries were "service-related." The applicant was waiting for the disability percentages before the discharge. The applicant understands many of the applicant's decisions leading to all of this were wrong and the applicant regrets it has come to this. The applicant requests an upgrade to provide a better quality of life for the applicant and family while focusing on the long road to recovery. The applicant is afraid if not given this opportunity, the applicant would become just another number on the list of veteran suicides. The applicant is doing the best to hold on strong and fight through the psychiatric battle, but without the proper treatment and VA care, the applicant knows the applicant's life expectancy is very short. The applicant hopes all the applicant has done and gone through over the last 10 years has not been all for nothing. The applicant further details the contentions in the self-authored statement submitted with the application.

b. Board Type and Decision: In a records review conducted on 27 June 2024, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, and partial medical mitigation of the applicant's misconduct. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to the separation authority to AR 635-200, paragraph 14-12a. Accordingly, the narrative reason for separation changed to Misconduct (Minor Infractions) with a corresponding separation code of JKN and reentry code of RE-3.

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 / General (Under Honorable Conditions)

b. Date of Discharge: 10 December 2014

c. Separation Facts:

(1) Date and Charges Preferred (DD Form 458, Charge Sheet): On 22 August 2014, the applicant was charged with:

Charge I: Violating Article 107, UCMJ:

Specification 1: On 5 March 2014, with intent to deceive, make to Investigator J. R., a false official statement, "Captain J. M. gave [the applicant] a referral to go to Green Wellness."

Specification 2: On 6 June 2014, with intent to deceive make to Investigator H. G. a false official statement, "Captain J. M. gave [the applicant] a memo referring the applicant to naturopathic medicine."

Charge II: Violating Article 112a, UCMJ, The Specification: Between 23 December 2013 and 23 January 2014, wrongfully use marijuana.

Charge III: Violating Article 123, UCMJ, The Specification: Between 5 November 2013 and 27 February 2014, with intent to defraud, falsely make the signature of CPT J. M., to a certain Memorandum for Record, "Subject: Pertinent Information for Medical Consultation."

(2) Legal Consultation Date: 15 October 2014

(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: General (Under Honorable Conditions) / The intermediate commanders recommended under other than honorable conditions.

(5) Separation Decision Date / Characterization: 25 November 2014 / Under Other Than Honorable Conditions / The separation authority indicated the applicant had been diagnosed with PTSD or TBI, or reasonably alleged either condition was based on service while deployed.

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 21 June 2007 / 3 years, 2 weeks / The AMHRR is void of any enlistment contract retaining the applicant on active duty after the most recent enlistment period.

b. Age at Enlistment / Education / GT Score: 20 / HS Graduate / 90

c. Highest Grade Achieved / MOS / Total Service: E-5 / 92Y20, Unit Supply Specialist / 10 years, 1 month, 12 days

d. Prior Service / Characterizations: ARNG, 29 October 2004 – 11 June 2007 / HD
IADT, 1 June 2005 – 13 August 2005 / NA
(Concurrent Service)
IADT, 20 March 2007 – 16 May 2007 / UNC
(Concurrent Service)

e. Overseas Service / Combat Service: Korea, SWA / Afghanistan (4 April 2005 – 30 September 2006; 15 April 2008 – 14 July 2009; 4 December 2011 – 15 November 2012)

f. Awards and Decorations: ACM-3CS, ARCOM-2, AGCM-2, NDSM, KDSM, NCOPDR, ASR, OSR-4, NATOMDL, CAB

g. Performance Ratings: 1 September 2009 – 1 March 2010 / Among the Best
1 June 2012 – 15 April 2013 / Fully Capable
16 April 2013 – 15 July 2013 / Marginal

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

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

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 15 June 2011;
From AWOL to Dropped From Rolls (DFR), effective 18 July 2011; and
From DFR, to PDY, effective 8 August 2011.

Military Police Report, 2 August 2011, reflects the applicant was apprehended for: desertion returned to military control (on post). Investigation revealed on the applicant surrendered to security forces. The applicant had been listed as AWOL on 15 June 2011 and DFR on 18 July 2011.

Field Grade Article 15, 5 October 2011, for, without authority, being absent from the unit (from 15 June 2011 to 8 August 2011). The punishment consisted of a reduction to E-4; forfeiture of \$1,162 pay per month for two months (suspended); extra duty and restriction for 45 days; and an oral reprimand.

Military Police Report, 9 April 2013, reflects the applicant was apprehended for: identify theft (on post). Investigation revealed on 2 April 2013, the station received a walk-in complaint of identity theft. Persons unknown by unknown means made charges to G.'s account for approximately \$400. Further investigation revealed the applicant obtained G.'s personal information from an Alpha Roster and opened up a Verizon cell phone account in G's name. The applicant was interviewed and admitted to the offense.

Field Grade Article 15, 27 June 2013, for:

The applicant wrongfully appropriated an Android cell phone, of a value of about \$400, the property of Verizon Wireless (29 November 2011);

The applicant knowingly obtained, possessed, or transferred a means of identification or financial information of Specialist (SPC) C. G., with the intent to commit, or aid or abet a crime, to wit: obtaining credit, money, goods, services, or anything else of value (29 November 2011); and

The applicant with the intent to defraud, falsely pretended to Verizon Wireless to be SPC C. G., and by means thereof did wrongfully obtain from Verizon Wireless services, of value of about \$300, to wit: cellular phone service (29 November 2011).

The punishment consisted of a reduction to E-4; forfeiture of \$1,200 pay per month for two months (suspended); extra duty and restriction for 45 days; and an oral reprimand.

i. Lost Time / Mode of Return: AWOL for 54 days, 14 June 2011 to 8 August 2011. This period is not annotated on the DD Form 214, block 29.

j. Behavioral Health Condition(s):

(1) Applicant provided: Chronological Record of Medical Care, between 26 December 2012 and 10 July 2013, reflects the applicant was assessed with anxiety disorder and PTSD.

Physical Profile (permanent), 19 August 2013, reflecting the applicant had PTSD, limiting their duties. A medical evaluation board was being initiated.

Cedar Hills Hospital Discharge Summary, 13 August 2013, reflecting the applicant was admitted on 10 July 2013, because the applicant was reportedly diagnosed with PTSD, major depression, and anxiety and was referred for further evaluation, management, and treatment. The applicant was discharged with a diagnosis of PTSD.

Embedded Behavioral Health Department letter, 1 October 2013, reflecting the applicant was approved for a psychiatric service animal because the applicant was on medications which increased the applicant's chances of seizures.

QTC Medical Group, Madigan Army Medical Center, Fort Lewis, medical report, 12 October 2013, reflecting the applicant was diagnosed with PTSD; major depressive disorder single episode; TBI-related cognitive impairment, not otherwise specified; TBI; psychosocial stressors; abandonment and neglect as a child; chronic psychiatric and physical problems; suicide attempt; psychiatric hospitalization; global assessment of functioning of 47.

Medical Evaluation Board Proceedings, 23 October 2013, reflecting the MEB determined the applicant's medical condition, PTSD, did not meet medical retention standards, but the other conditions, including tension headaches; major depressive disorder, single episode; and obsessive compulsive disorder (OCD) met retention standards. The applicant was referred to a physical evaluation board (PEB).

Memorandum, subject: Request for Rating [Applicant], 24 February 2014, reflecting a PEB found the applicant was physically unfit to continue military service because of PTSD, and requested the VA to provide a disability rating percentage.

(2) AMHRR Listed: Report of Mental Status Evaluation, 4 September 2013, reflects the applicant could understand and participate in administrative proceedings and could appreciate the difference between right and wrong. The applicant had been screened for PTSD and mTBI. The applicant was diagnosed with PTSD and failed retention standards.

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; Chronological Record of Medical Care; Physical Profile; Psychiatric Service Dog Referral and certificate; MEB Narrative Summary; MEB Proceedings; QTC Medical Group evaluation; PEB Request for Ratings; Cedar Hills Hospital Discharge Summary; two NCOERs; and ARNG discharge orders, honorable.

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 600-85 (The Army Substance Abuse Program), paragraph 7-3 entitled Voluntary (Self) Identification and Referral, states voluntary (self) ID is the most desirable method of identifying substance use disorder. The individual whose performance, social conduct, interpersonal relations, or health becomes impaired because of these problems has the personal obligation to seek help. Soldiers seeking self-referral for problematic substance use may access services through BH services for a SUD evaluation. The Limited Use Policy exists to encourage Soldiers to proactively seek help.

e. Army Regulation 635-40 (Disability Evaluation for Retention, Retirement, or Separation), paragraph 4-3f(1), states enlisted Soldiers who are approved for discharge in lieu of trial by court-martial are ineligible for referral to the MEB and PEB phases of the DES (see AR 635-200). If the Soldier is in the DES process, the applicant's DES case will be terminated, and the Soldier is discharged in lieu of trial by court-martial.

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

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

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

(3) Paragraph 3-7b states a General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(4) Chapter 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.

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

(6) 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.)

(7) Paragraph 10b 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.

g. 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.

h. 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 evidence in the applicant's Army Military Human Resource Record (AMHRR) confirms the applicant was charged with the commission of an offense punishable under the UCMJ with a punitive discharge. The applicant, in consultation with legal counsel, voluntarily requested, in writing, a discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial. In this request, the applicant admitted guilt to the offense, or a lesser included offense, and indicated an understanding an under other than honorable conditions discharge could be received, and the discharge would have a significant effect on eligibility for veterans' benefits. The general (under honorable conditions) discharge received by the applicant was normal and appropriate under the regulatory guidance.

The applicant contends PTSD and mTBI affected behavior which led to the discharge. The applicant provided several medical documents reflecting the applicant was diagnosed with in-service PTSD; mTBI; TBI-related cognitive impairment; major depressive disorder single episode; OCD; and anxiety. A PEB found the applicant was physically unfit to continue military service because of PTSD, and requested the VA to provide a disability rating percentage. The applicant's AMHRR shows the applicant underwent a mental status evaluation (MSE) on 4 September 2013, which indicates the applicant was mentally responsible and was able to recognize right from wrong. The applicant had been screened for PTSD and mTBI. The applicant was diagnosed with PTSD and failed retention standards. The MSE was considered by the separation authority.

The applicant contends if the applicant had received proper counseling and treatment, the applicant would not have received the characterization. Army Regulation 600-85, paragraph 7-3, entitled Voluntary (Self) Identification and Referral, states voluntary (self) ID is the most desirable method of identifying substance use disorder. The individual whose performance, social conduct, interpersonal relations, or health becomes impaired because of these problems has the personal obligation to seek help. Soldiers seeking self-referral for problematic substance use may access services through BH services for a SUD evaluation. 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 three combat tours. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends a medical evaluation board was under process at the time of the separation proceedings. Army Regulation 635-40, paragraph 4-3f(1), states enlisted Soldiers who are approved for discharge in lieu of trial by court-martial are ineligible for referral to the MEB and PEB phases of the DES (see AR 635-200). If the Soldier is in the DES process, the applicant's DES case will be terminated, and the Soldier is discharged in lieu of trial by court-martial.

The applicant contends an upgrade of the discharge would allow veterans benefits. Eligibility for veteran's benefits 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 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.

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: Anxiety, Obsessive Compulsive Disorder, Major Depressive Disorder, PTSD, and TBI.

(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 Anxiety,

Obsessive Compulsive Disorder, Major Depressive Disorder, PTSD, and TBI, and the VA has service connected the PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge?
Partially. The Board's Medical Advisor applied liberal consideration and opined that the applicant was diagnosed in service with Anxiety, Obsessive Compulsive Disorder, Major Depressive Disorder, PTSD, and TBI, and the VA has service connected the PTSD. Given the nexus between Major Depressive Disorder, PTSD, TBI, and self-medicating with substances, the wrongful use of marijuana is mitigated. There is no natural sequela between Anxiety, Obsessive Compulsive Disorder, Major Depressive Disorder, PTSD, or TBI and making false official statements or falsely signing a memorandum with intent to defraud since none of these conditions interfere 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 Anxiety, Obsessive Compulsive Disorder, Major Depressive Disorder, PTSD, or TBI outweighed the applicant's medically unmitigated offenses of making false official statements or falsely signing a memorandum with intent to defraud.

b. Response to Contention(s):

(1) The applicant contends PTSD and mTBI 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 Anxiety, Obsessive Compulsive Disorder, Major Depressive Disorder, Post Traumatic Stress Disorder, or Traumatic Brain Injury outweighed the applicant's medically unmitigated offenses of making false official statements or falsely signing a memorandum with intent to defraud. However, the Board did find that the applicant's behavioral health conditions did mitigate the applicant's illegal substance abuse. The Board further found that the applicant's medically mitigated misconduct was not egregious when considering the length and quality of service, to include combat service. Therefore, a discharge upgrade is warranted.

(2) The applicant contends if the applicant had received proper counseling and treatment, the applicant would not have received the characterization. The Board considered this contention during proceedings and found no evidence of administrative failures and/or capricious intent by the command. However, this is inconsequential given the upgrade discussed in 9b(1) above.

(3) The applicant contends good service, including three combat tours. The Board considered this contention during board proceedings, along with the totality of the applicant's service record, and found it credible enough to influence a decision to upgrade.

(4) The applicant contends a medical evaluation board was under process at the time of the separation proceedings. The Board considered this contention and determined that the suspension of the MEB process in favor of the misconduct separation action was proper and equitable per regulation(s).

(5) The applicant contends an upgrade of the discharge would allow veterans benefits. The Board considered this contention and determined that eligibility for Veteran's benefits 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.

(6) 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.

c. The Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, and partial medical mitigation of the misconduct that served as the BOS. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to the separation authority to AR 635-200, paragraph 14-12a. Accordingly, the narrative reason for separation changed to Misconduct (Minor Infractions) with a corresponding separation code of JKN and reentry code of RE-3.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because of the applicant's length and quality of service, to include combat service, and partial medical mitigation of the misconduct that served as the BOS. Thus, the prior characterization is no longer appropriate.

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts. Thus, the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

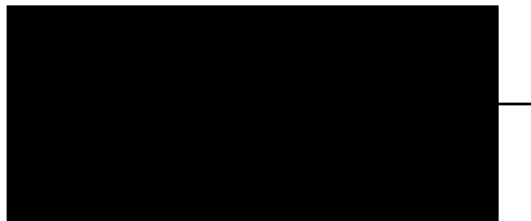
(3) The Board voted to change the RE code to RE-3.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD Code to:** Misconduct (Minor Infractions)/JKN
- d. **Change RE Code to:** RE-3
- e. **Change Authority to:** AR 635-200

Authenticating Official:

7/29/2024



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