

**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 uncharacterized. The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, the circumstances surrounding the adjustment disorder and subsequent discharge with an uncharacterized service were the result of the applicant leaving the military to assist a parent who had become ill and required the applicant's assistance. Following the stabilization of the parent's conditions, the applicant was evaluated by a therapist, who cleared the applicant of any mental health issues.

b. **Board Type and Decision:** In a records review conducted on 5 December 2023, 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:** Condition, Not a Disability / AR 635-200, Chapter 5-17 / JFV / RE-3 / Uncharacterized

b. **Date of Discharge:** 20 October 2008

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 7 October 2008

(2) **Basis for Separation:** The applicant was informed of the following reasons: The Behavioral Medicine Division evaluated the applicant on 26 September 2008, and the applicant was diagnosed with an Adjustment Disorder with Anxiety and Depressed Mood. The applicant's state of emotional and behavioral dysfunction was of such severity which significantly impaired the applicant's ability to perform military duties. The applicant complained of being depressed and unable to adapt to the training environment and the lack of maturity or coping skills to work through adversity. For those reasons, the applicant fit the criteria for paragraph 5-17, Other Medical Conditions, for physical problem and mental conditions which are incompatible with military service and further attempts to train are not justified.

(3) **Recommended Characterization:** Uncharacterized

(4) **Legal Consultation Date:** On 7 October 2008, the applicant waived legal counsel.

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

**(6) Separation Decision Date / Characterization:** 15 October 2008 / Uncharacterized

**4. SERVICE DETAILS:**

- a. **Date / Period of Enlistment:** 14 August 2008 / 3 years, 17 weeks
- b. **Age at Enlistment / Education / GT Score:** 20 / GED / 109
- c. **Highest Grade Achieved / MOS / Total Service:** E-1 / None / 2 months, 7 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** None
- f. **Awards and Decorations:** None
- g. **Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** Three Developmental Counseling Forms for being recommended for separation under Chapter 5-17 for adjustment disorder.

Report of Mental Status Evaluation (MSE), 26 September 2008, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant had the mental capacity to understand and participate in administrative proceedings and was mentally responsible. The applicant was diagnosed with an adjustment disorder with anxiety and depressed mood. The state of or behavioral dysfunction is of such severity that the applicant's ability to perform military duties was significantly impaired. The applicant complains of having been depressed and is unable to adapt to the training environment. The applicant is experiencing overwhelming stress and confusion. The applicant admits to having been depressed prior to the Army but needed the support and help of family to overcome it. The applicant feels trapped in the training environment and lacks the maturity or coping skills to work through adversity. The applicant's concentration remains poor and cannot focus on the responsibilities. The sleep, appetite, and energy are all poor. The applicant states repeatedly the need to go home and be with the family. The applicant's eye contact was fair, and speech was emotional and tearful. The psychomotor activity was within normal limits. The mood was depressed, and the affect was flat. The thoughts were generally organized around the goal of returning to the family. The applicant denies and gives no evidence of any audio/visual hallucinations. The applicant admits to suicide ideation and declares not intending to commit suicide and was struggling with self-harm thoughts and emotions. The applicant denies any homicide ideation, plan, or intent. Insight, judgment, and reliability are poor by the applicant's history. The Command can expect the Soldier to suffer from depression, anxiety, suicidal ideation, impulsivity, and to experience significant impairment in daily functioning, to be unreliable in stressful situations and make use of the Cadre, C-TMC, BMD, ER services. Due to the current symptoms, it was recommended the applicant be discharged under chapter 5-17.

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

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

**(1) Applicant provided:** Clinical Therapist letter, 21 February 2014, reflecting the evaluation of the applicant for mental health and substance abuse, determined negative results for any current issues with mental health or substance abuse.

**(2) AMHRR Listed:** MSE as described in previous paragraph 4h.

5. **APPLICANT-PROVIDED EVIDENCE:** DD Form 293; DD Form 214; and third-party statement.

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)** Paragraph 3-9 states a separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status.

**(4)** Chapter 5 provides for the basic separation of enlisted personnel for the convenience of the government.

**(5)** Paragraph 5-1 states a Soldier being separated under this paragraph will be awarded a characterization of service of honorable, general (under honorable conditions), or an uncharacterized description of service if in entry-level status. A general (under honorable conditions) discharge is normally inappropriate for individuals separated under the provisions of paragraph 5-14 (previously paragraph 5-17) unless properly notified of the specific factors in the service that warrant such characterization.

**(6)** Paragraph 5-14 (previously paragraph 5-17) specifically provides that a Soldier may be separated for other physical or mental conditions not amounting to a disability, which interferes with assignment to or performance of duty and requires that the diagnosis be so severe that the Soldier's ability to function in the military environment is significantly impaired.

**(7)** Glossary defines entry-level status for RA Soldiers is the first 180 days of continuous AD or the first 180 days of continuous AD following a break of more than 92 days of active military service.

**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 "JFV" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 5-14 (previously Chapter 5-17), Condition, Not a Disability.

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 an upgrade to honorable.

The applicant's Army Military Human Resource Record (AMHRR) includes evidence the applicant, while in training status, was evaluated by competent medical authority and determined the applicant had an adjustment disorder with anxiety and depressed mood. The applicant's state of or behavioral dysfunction was of such severity which significantly impaired the ability to perform military duties.

The applicant's AMHRR reflects the applicant, in an entry level status, had 55 days of continuous active duty service when the separation proceedings were initiated on 7 October 2008 and a total of 68 days of creditable active duty service upon discharge on 20 October 2008.

The applicant contends family issues, a parent becoming ill, affected behavior and ultimately caused the discharge. There is no evidence in the AMHRR the applicant ever sought assistance before being referred for a mental status evaluation, which led to the separation action under review. The applicant did not submit any evidence of the parent's medical condition, other than the applicant's statement, to support the contention.

The applicant provided a third-party letter from a clinical therapist which indicates an evaluation of the applicant for mental health and substance abuse, determined negative results for any current issues with mental health or substance abuse. However, the applicant's AMHRR contains documentation which supports a diagnosis of in-service adjustment disorder with anxiety and depressed mood. The record shows the applicant underwent a mental status evaluation (MSE) on 26 September 2008, which indicates although the applicant was found mentally responsible, the applicant's state of emotional and behavioral dysfunction was of such severity which significantly impaired the applicant's ability to perform military duties. The applicant experienced overwhelming stress and confusion and the training environment caused the applicant lacking maturity or coping skills to work through adversity, and because of the diagnosis and symptoms the applicant was recommended for separation under chapter 5-17, for condition, not a disability.

#### **9. BOARD DISCUSSION AND DETERMINATION:**

a. As directed by the 2017 memo signed by [REDACTED] 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: Adjustment

Disorder, Adjustment Disorder with Anxiety, and Adjustment Disorder with Anxiety and Depressed Mood.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the Adjustment Disorders were diagnosed during initial entry training.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that a review of the records showed the applicant with a host of Adjustment Disorder diagnoses during initially entry training that were of sufficient severity to interfere with successful completion of training, and determined by the BH provider and command to warrant separation via administrative channels. The applicant's condition met criteria for administrative separation under provisions of AR 635-200 Chapter 5-17.

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

**b. Response to Contention(s):**

(1) The applicant contends family issues, a parent becoming ill, affected behavior and ultimately caused the discharge. The Board considered this contention and determined in accordance with AR 635-200 that, based on the applicant's official record, applicant was separated while in an entry level status and an UNC is the proper characterization of service except when the DCS, G-1 determines that an HD is warranted based on unusual circumstances involving personal conduct and performance of duty, which is not applicable in this case. Therefore, no change is warranted.

(2) The applicant provided a third-party letter from a clinical therapist which indicates an evaluation of the applicant for mental health and substance abuse, determined negative results for any current issues with mental health or substance abuse. The Board considered this contention and determined in accordance with AR 635-200 that, based on the applicant's official record, applicant was separated while in an entry level status and an UNC is the proper characterization of service except when the DCS, G-1 determines that an HD is warranted based on unusual circumstances involving personal conduct and performance of duty, which is not applicable in this case. Therefore, no change is warranted.

**c.** The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. The applicant has exhausted their appeal options available with ADRB. However, the applicant may still apply to the Army Board for Correction of Military Records. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

**d. Rationale for Decision:**

(1) The Board voted not to change the applicant's characterization of service because there were no mitigating factors for the Board to consider. Since the applicant was discharged with a Condition, Not a Disability due to a diagnosis of Adjustment Disorder with Anxiety and depressed mood, Uncharacterized is proper and equitable. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process.

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

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

**10. BOARD ACTION DIRECTED:**

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

**Authenticating Official:**

1/30/2024

**X**

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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