

**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 the under review is under other than honorable conditions. The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, suffering from emotional disturbance at the time of enlistment. The applicant discussed the issue in great detail with the recruiter, who coached the applicant through the entry process to avoid being denied entry. While attending advanced individual training (AIT), the applicant began having severe panic episodes, derealization, and deep fears. The applicant discussed the issue with the commanding officers, who advised the applicant not to seek medical attention or the applicant would be out-processed because of mental health issues. The applicant kept the issues to oneself and was an exemplary student with military occupational specialty (MOS) 67R. The applicant was an aspiring Apache helicopter mechanic, warrant officer and/or crew chief. The mood disorders and suffering advanced rapidly. The applicant was ashamed and helpless given the lack of empathy and stigma surrounding "mental illness." The applicant was proud and wanted to serve and fight for the country.

One night, the applicant had a severe psychotic episode and walked off base and went absent without leave. The applicant called the commanding officers several times throughout the course of the next month. The officers threatened severe punishment and were inflammatory, despite the applicant's pleading regarding the devastating illness which was manifesting. After approximately 35 days, the applicant surrendered to Fort Lewis. The applicant was sent to Fort Sill and out-processed from the Army, but was unclear about the final paperwork. The applicant sustained two injuries while in service and had mental issues, which were swept under the rug. After returning home, the applicant began to suffer emotionally. The applicant failed the country, the applicant's family, and oneself. The applicant returned to shame and stigma. After pursuing medical assistance, the applicant was found to be suffering from bipolar I disorder; generalized anxiety disorder (GAD); and severe debilitating panic disorder. The Social Security Disability Insurance (SSDI) granted the applicant full disability. The applicant regrets not seeking medical help while in service but was told it would lead to detrimental consequences and possible retaliation by peers and the commanding officers. The applicant is ashamed of the discharge and has nightmares and regrets.

The applicant requests an understanding of what the country gave to the applicant and the applicant wanted to give back. The applicant signed the line and wanted the applicant's life to be in the Army. The applicant not only lost the ability to serve, but the guilt and shame of the discharge is devastating. The applicant requests an upgrade, which will reflect how hard the applicant tried to serve the country, although physically and mentally the applicant was unable or unable to seek the help the applicant needed to remain active. If the applicant had another chance, the applicant would have pursued staying active and seeking help. The applicant could have been out-processed medically, which would have devastated the applicant, but it would have been honorable. The applicant will not deny what the applicant did was wrong. The decision was made during an extreme bout of illness.

**b. Board Type and Decision:** In a records review conducted on 2 November 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:** In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / Under Other Than Honorable Conditions

**b. Date of Discharge:** 15 November 2002

#### **c. Separation Facts:**

**(1) Date and Charges Preferred (DD Form 458, Charge Sheet):** NIF / The applicant's Army Military Human Resource Record contains the Charge Sheet, which was included in the dropped from the rolls (DFR) packet, which reflects on 22 July 2002, the applicant was charged with The Charge, Violation Article 85, UCMJ (Desertion), for being absent without leave from 21 June 2002 and remaining absent. The ending date had not been determined and the Charge Sheet was not endorsed by applicant as being informed of the charges.

**(2) Legal Consultation Date:** NIF

**(3) Basis for Separation:** NIF

**(4) Recommended Characterization:** NIF

**(5) Separation Decision Date / Characterization:** NIF

### 4. SERVICE DETAILS:

**a. Date / Period of Enlistment:** 5 March 2002 / 6 years

**b. Age at Enlistment / Education / GT Score:** 20 / 1 Year College / 123

**c. Highest Grade Achieved / MOS / Total Service:** E-2 / 67R, AH-64 Attack Helicopter Repairman / 7 months, 4 days / The applicant was on excess leave from 2 August to 15 November 2002. The applicant's Reservation for training, reflects the applicant was scheduled to attend AIT at Fort Eustis on 20 May 2002 for 17 weeks; however, the record reflects the applicant was awarded the MOS 67R for 4 weeks and 4 days of training before going AWOL.

**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:** The Charge Sheet as described in the 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 21 June 2002;  
From "AWOL" to "Dropped From Rolls (DFR)," effective 21 July 2002; and  
From "DFR" to "PDY / Returned to Military Control," effective 28 July 2002.

Report of Return of Absentee, 30 July 2002, reflects on 21 June 2002, the applicant went AWOL and surrendered to military authorities on 28 July 2002.

Memorandum, subject: Medical Examination for Separation, 29 July 2002, reflects the applicant did not desire a separation medical examination.

Memorandum, subject: Request for Excess Leave Without Pay and Allowances, undated, reflects the applicant requested excess leave because the applicant was pending discharge under AR 635-200, Chapters 10 or 14.

The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty), reflects the applicant had not completed the first full term of service. The applicant was discharged under the authority of AR 635-200, Chapter 10, with a narrative reason of In Lieu of Trial by Court-Martial. The DD Form 214 was not authenticated with the applicant's signature. The applicant had lost time for the period 21 June to 27 July 2002. The form reflects the applicant's component as U.S. Army Reserve; however, the applicant was in the Regular Army.

The applicant provided a Social Security Administration (SSA) letter, 1 May 2015, reflecting the applicant is receiving disability benefits.

**i. Lost Time / Mode of Return:** 37 days (AWOL, 21 July 2002 – 27 July 2002) / Surrendered to Military Authorities

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

**(1) Applicant provided:** None

**(2) AMHRR Listed:** None

**5. APPLICANT-PROVIDED EVIDENCE:** DD Form 293; SSA letter.

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

**(4)** Paragraph 3-7c states Under Other Than Honorable Conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

**(5)** 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, except when characterization under other than honorable conditions is authorized under the reason for separation and is warranted by the circumstances of the case; an honorable is warranted; or Soldier is on active duty less than 181 days of continuous service, has completed IET, and had reported for duty at a follow-on unit of assignment. Reserve Component Soldiers will receive a characterization of service of honorable upon successful completion of IET.

**(6)** 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.

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

**(8)** 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.)

**(9)** 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.

**(10)** Paragraph 10-8c, stipulates when characterization of service under other than honorable conditions is not warranted for a Soldier in entry-level status, service will be uncharacterized.

**(11)** 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 "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

f. Army Regulation 601-210, (Regular Army and Reserve Components Enlistment Program), governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes. RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

**8. SUMMARY OF FACT(S):** The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

The applicant requests an upgrade to honorable. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

The applicant's Army Military Human Resources Record (AMHRR) includes partial facts and circumstances concerning the events which led to the discharge from the Army. The applicant's AMHRR does contain a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was not authenticated by the applicant's electronic signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 10, by reason of In Lieu of Trial by Court-Martial, with a characterization of service of under other than honorable conditions

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 under other than honorable conditions discharge received by the applicant was normal and appropriate under the regulatory guidance.

The applicant contends the narrative reason for the discharge needs changed. The applicant was separated under the provisions of Chapter 10, AR 635-200, with an under other than honorable conditions discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "In Lieu of Trial by Court-Martial," and the separation code is "KFS." Army Regulation 635-8, Separation Processing and Documents, governs the preparation of the DD Form 214, and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1, Separation Program Designator (SPD) Codes. The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

The applicant contends bipolar I disorder; generalized anxiety disorder (GAD); and severe panic disorder affected behavior and led to the discharge. The applicant provided documentation reflecting the Social Security Administration granted the applicant disability benefits. The applicant did not submit any evidence, other than the applicant's statement, to support the

contention the discharge resulted from any medical condition. The applicant's AMHRR contains no documentation of a mental health diagnosis. The AMHRR is void of a mental status evaluation.

The applicant contends being coerced by members of the chain of command not to seek medical attention for the mental health issues. 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 will consider the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

#### 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: None. However, the applicant asserts Bipolar Disorder, Psychosis, Generalized Anxiety Disorder and Panic Disorder, which may be sufficient evidence to establish the existence of a condition that could mitigate or excuse the discharge.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant asserts having Bipolar Disorder, Psychosis, Generalized Anxiety Disorder and Panic Disorder at the time of service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that the applicant asserts having Bipolar Disorder, Psychosis, Generalized Anxiety Disorder and Panic Disorder at the time of service. And while Bipolar Disorder and Psychosis would potentially mitigate AWOL, in the applicant's case there is no medical evidence to substantiate the asserted BH conditions. There is no evidence of any in service BH diagnoses, the VA has not diagnosed any BH conditions, and the applicant did not submit any medical documentation for review. Therefore, there is no mitigation of the applicant's AWOL.

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

b. Response to Contention(s):

(1) The applicant contends the narrative reason for the discharge needs to be changed. The Board considered this contention and determined the applicant's narrative reason for discharge is appropriate. The applicant's BH conditions and experiences do not mitigate the discharge nor does applicant's service record outweigh the discharge.

(2) The applicant contends bipolar disorder, generalized anxiety disorder (GAD), and severe panic disorder affected their behavior and led to the discharge. The Board considered this contention and determined the applicant's self-asserted BH conditions of Bipolar Disorder, Psychosis, Generalized Anxiety Disorder and Panic Disorder do not mitigate applicant's accepted basis of separation of AWOL.

(3) The applicant contends being coerced by members of the chain of command not to seek medical attention for the mental health issues. The Board considered this contention and determined there is insufficient evidence in the file to support this contention. 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. Considering the current evidence of record, the Board determined the applicant's discharge was appropriate.

(4) The applicant contends good service. The Board considered the applicant's seven months of service (no awards received by the applicant) but determined that these factors did not outweigh the applicant's AWOL misconduct.

c. The Board determined that the discharge is, at this time, proper and equitable, considering 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, despite applying liberal consideration of all the evidence before the Board, the applicant's self-asserted Bipolar Disorder, Psychosis, Generalized Anxiety Disorder and Panic Disorder did not excuse or mitigate the AWOL offense. The Board also considered the applicant's contention regarding coercion by chain of command members and found that the totality of the applicant's record does not warrant a discharge upgrade. 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. Therefore, the applicant's Under Other Than Honorable Conditions discharge was proper and equitable as the applicant's conduct fell below that level of satisfactory service warranting a General discharge or meritorious service warranted for an upgrade to Honorable discharge.

(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.



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

**AR20210001450**

**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:**

1/26/2024

**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