

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 change to the RE-code.

The applicant seeks relief contending, in effect, in 2006, the applicant was discharged for a narrative reason of personality disorder based on a misdiagnosed medical condition. The applicant has since been diagnosed with PTSD, and currently is rated 70 percent service-connected disabled. The applicant has memory loss and sarcoidosis, both of which impair their ability to work.

b. **Board Type and Decision:** In a records review conducted on 9 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:** Secretarial Authority / AR 635-200, Paragraph 5-13 / JFF / RE-3 / Honorable

b. **Date of Discharge:** 5 September 2006

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 10 August 2006

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant was diagnosed with an adjustment disorder and mixed personality disorder.

(3) **Recommended Characterization:** Honorable

(4) **Legal Consultation Date:** 10 August 2006

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

(6) **Separation Decision Date / Characterization:** 17 August 2006 / Honorable

4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 14 July 2004 / 3 years, 5 months / The applicant extended enlistment by 5 months on 7 September 2005 to meet Service Remaining Requirement for the Bear Program.

- b. Age at Enlistment / Education / GT Score:** 19 / High School Graduate / 110
- c. Highest Grade Achieved / MOS / Total Service:** E-4 / 88M10, Motor Transport Operator; 13M10, Multiple Launch Rocket System / HIMARS Crewmember / 4 years, 1 month, 14 days
- d. Prior Service / Characterizations:** ARNG, 22 July 2002 – 2 June 2003 / NA
IADT, 3 June 2003 – 2 October 2003 / HD
ARNG, 3 October 2003 – 13 July 2004 / HD
- e. Overseas Service / Combat Service:** Korea / None
- f. Awards and Decorations:** AAM, NDSM, GWOTSM, KDSM, ASR
- g. Performance Ratings:** NA
- h. Disciplinary Action(s) / Evidentiary Record:** Three Developmental Counseling Forms for Mental Evaluation (Personality Disorder), and violating Article 92, UCMJ, by failing to obey an order or regulation on two separate occasions.

Memorandum for Record, 28 June 2006, rendered by the commander, in the form of counseling, indicated the applicant's attitude had grown into gross insubordination towards commissioned and noncommissioned officers. The applicant's behavior was contrary to good order and discipline, and was warned if the indiscipline continued, there would be punitive measures taken under the UCMJ. The applicant acknowledged.

Memorandum for Record, 15 August 2006, rendered by the commander, indicated the applicant's continued unsatisfactory behavior had significantly impacted the platoon's morale and based on the mental health care provider's recommendation against continued rehabilitative efforts and deployment with the unit, the commander recommended the applicant's separation for the formally diagnosed personality disorder under paragraph 5-13, AR 635-200.

- i. Lost Time / Mode of Return:** None
- j. Behavioral Health Condition(s):**

(1) Applicant provided: Department of Veterans Affairs disability rating decision, 16 July 2012, reflecting the applicant was rated 70 percent disability for PTSD with dysthymic disorder (also claimed as depression).

Health Record, 6 July 2006, reflects medical problems as "Adjustment Disorder with Disturbance of Emotions and Conduct," and "Alcohol Abuse."

(2) AMHRR Listed: Report of Mental Status Evaluation, 3 August 2006, reflects the applicant was psychiatrically cleared for any administrative actions deemed appropriate by the command and recommended to be expeditiously processed for an administrative separation according to paragraph 5-13, AR 635-200. The applicant had the mental capacity to understand and participate in administrative proceedings; was mentally responsible; and had a significant personality disorder, which precluded effective functioning in the Army. The diagnoses were: Adjustment disorder, alcohol abuse, and mixed personality disorder.

5. APPLICANT-PROVIDED EVIDENCE: Online application; DD Form 214; and ERB. Additional Evidence: Memorandum, 2 August 2006; three VA Rating Decision letters; two VA entitlement

letters; DA Form 3822-R; DA Forms 5500-R; DD Form 2807-2; personnel and medical records from previous enlistment; Individual Sick Slips; and medical records from last enlistment.

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 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 5 provides for the basic separation of enlisted personnel for the convenience of the government.

(4) Paragraph 5-1 states that 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.

(5) Chapter 5-3 (Chapter 15 current regulation) provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memorandums. Secretarial separation authority is normally exercised on a case-by-case basis.

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) in effect at the time, provided 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 identified the SPD code of "JFF" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 5, paragraph 5-3, Secretarial Authority.

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 waivable. 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 change to the RE-code.

The applicant contends the narrative reason for the discharge needs changed. The applicant was separated under the provisions of Chapter 5-13, AR 635-200, with an honorable discharge that a previous ADRB determined a change to the separation authority to "AR 625-200, paragraph 5-3 and a narrative reason to "Secretarial Authority" was warranted. The narrative reason specified by Army Regulations, at the time, for a discharge under this paragraph is "Secretarial Authority," and the separation code is "JFF." Army Regulation 635-8, Separation Processing and Documents, governs 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 being diagnosed with PTSD by the VA. The applicant provided a VA disability rating decision, 16 July 2012, reflecting 70 percent disability for PTSD with dysthymic disorder (also claimed as depression). The applicant's AMHRR shows the applicant underwent a mental status evaluation (MSE) on 3 August 2006, which indicates the applicant was mentally responsible. The MSE was considered by the separation authority.

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? **No.** The Board determined that the applicant's discharge was not based on misconduct. Rather, the applicant was discharged for a personality disorder that warranted a change, in part, because the applicant was diagnosed with PTSD. The applicant was granted relief in the form of a separation authority change to "AR 635-200, paragraph 5-3 and a narrative reason change to "Secretarial Authority." Therefore, no relief warranted.

(2) Did the condition exist or experience occur during military service? **N/A.**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A.**

(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 changed. The Board considered this contention and determined the applicant currently has a narrative reason for discharge of Secretarial Authority, therefore no further upgrade is available. The discharge is proper and equitable.

(2) The applicant contends being diagnosed with PTSD by the VA. The Board considered this contention and determined the applicant currently has a narrative reason for

discharge of Secretarial Authority and an honorable characterization of service, therefore no further relief is available with respect to characterization and narrative reason. Although the applicant's misconduct is mitigated, the applicant's PTSD and dysthymic disorder warrant consideration prior to reentry of military service. The reentry eligibility (RE) code will remain RE-3 due to applicant's PTSD diagnosis warranting consideration prior to reentry of military service.

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 determined the discharge is proper and equitable as the applicant received an upgrade to Honorable and a narrative reason of Secretarial Authority; therefore, 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.

(3) The RE code will not change due to applicant's PTSD diagnosis warranting consideration prior to reentry of military service.

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:

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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210001494

UOTHC – Under Other Than
Honorable Conditions

VA – Department of Veterans
Affairs