

1. Applicant's Name:**a. Application Date:** 26 April 2021**b. Date Received:** 26 April 2021**c. Counsel:****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 and narrative reason change.

The applicant seeks relief contending, in effect, the new disability rating as of February 2016 is 80 percent total, an increase in PTSD to 50 percent. During the investigation, no one ever asked if the applicant had any mental health issues, either TBI or PTSD, because that line of questioning could have potentially illuminated the perceived awkward social interactions. The statement of 1LT A. N., who continued to have contact with the applicant through text messages, lunches, and meetings with the applicant's spouse, was used against the applicant, and the accusation the applicant was touching an ankle was of a Soldier, to whom the applicant was administering first aid. The applicant did not receive due process and was wrongfully terminated. The ADRB should review the discharge to determine whether the characterization, separation authority and reason, and the reentry code were properly based on equity and propriety. The applicant agreed to the discharge without the full benefit, knowledge, and understanding of its meaning and effect. The TDS attorney advised the applicant if a Board of Inquiry was elected, the applicant would receive an other than honorable discharge, but if a resignation was submitted, the applicant would likely receive an honorable discharge, and upon the Commanding General receiving notice of the applicant had accepted a resignation, a GO Article 15 may not be administered. Army Regulation 27-10 was not followed because the convening authority decided on the Article 15 based on insufficient factual evidence, and prior to meeting with the applicant and all the witnesses were not present. Prior to the Article 15 hearing, the Commanding General's legal representative informed the applicant the resignation was accepted, and the characterization was already decided. The General made a decision before any due process occurred. Other more serious cases were treated more favorably. The applicant's legal decisions were predicated on bad legal advice, which made it impossible for the applicant to knowingly consent to the elections of rights. If not for the bad legal advice, the applicant would have never agreed to resign. The applicant contends to have served the country honorably and with distinction. The applicant received two honorable discharges from the US Navy and the ARNG. The evaluations were always expressive of the applicant's character and leadership and was rated top three percent out of 55 Captains by the last brigade commander. The applicant has been unemployed since November 2014, which has caused hardship on the family. The mitigating facts in the applicant's case are the extensive accomplishments while on active duty, the current VA rating for PTSD and TBI, and the accomplishments since the discharge. The arguments and mitigating facts presented warrant an upgrade to honorable. The counsel and the applicant further detail the contentions in an allied legal brief and self-authored statements provided with the application.

b. Board Type and Decision: In a records review conducted on 14 September 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: Unacceptable Conduct / AR 600-8-24, Chapter 4-2b and 4-24a(1) / BNC / General (Under Honorable Conditions)

b. Date of Discharge: 21 April 2014

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 12 December 2013

(2) Basis for Separation: The applicant was informed to show cause for retention on active duty under the provisions of AR 600-8-24, paragraphs 4-2a(8), 4-2b(5), 4-2b(8), 4-2c(1), and 4-2c(5) for acts of personal misconduct and conduct unbecoming of an officer, due to the following reasons:

The applicant sexually harassed First Lieutenant J. C.

The applicant sexually harassed Private First Class C. K.

The applicant sexually harassed First Lieutenant A. N.

The applicant sexually harassed First Lieutenant K. T.

The applicant sexually harassed Private First Class L. T.

The applicant sexually harassed Staff Sergeant W. M.

The applicant sexually harassed Second Lieutenant S. S.

The applicant sexually harassed Second Lieutenant K. T.

The applicant sexually harassed Second Lieutenant C. P.

The applicant had inappropriate conversations about sexual topics with the subordinates.

The applicant showed inappropriate favoritism towards female Soldiers.

The applicant asked junior enlisted female Soldiers inappropriate questions about Private First Class L. T.'s personal life.

The applicant created a hostile work environment toward female Soldiers in general.

(3) Legal Consultation Date: 16 January 2014

(4) Board of Inquiry (BOI): NA

(5) GOSCA Recommendation Date / Characterization: On 6 February 2014, the GOSCA recommended approval of the applicant's request for resignation in lieu of elimination / General (Under Honorable Conditions)

(6) DA Ad Hoc Review Board: The AD Hoc review board considered the applicant's request for resignation in lieu of elimination in accordance with AR 600-8-24, Chapter 4.

(7) Separation Decision Date / Characterization: 4 April 2014 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Appointment: 11 May 2007 / Indefinite

b. Age at Appointment: / Education: 28 / Master's Degree

c. Highest Grade Achieved / MOS / Total Service: O-3 / 35D, 5W All Source Intelligence / 16 years, 4 months, 13 days

d. Prior Service / Characterizations: USN, 9 December 1997 – 8 May 2005 / HD
ARNG, 9 May 2005 – 10 May 2007 / HD

e. Overseas Service / Combat Service: Alaska, SWA / Iraq (24 September 2008 – 1 September 2009)

f. Awards and Decorations: ICM-2CS, ARCOM-2, AAM-2, NMAM, MUC, NER-3, NGCM-2, NDSM, AFEM, GWOTSM, ASR, OSR, NMOSR-2, NSSDR-2, NATOMDL-2

g. Performance Ratings: 16 April 2008 – 16 September 2010, Best Qualified
1 September 2010 – 31 May 2013, Best Qualified
1 June 2013 – 27 September 2013, Do Not Promote
28 September 2013 – 21 April 2014, Qualified

h. Disciplinary Action(s) / Evidentiary Record: Report of Proceedings by Investigating Officer/Board of Officers with Table of Contents of Exhibits A to Z and enclosures I to III, 22 November 2013, reflects the investigating officer found: The applicant over the past year on numerous occasions violated the Army's Sexual Harassment Policy, defined in AR 600-20, paragraph 7-4a(3), and made comments which created an intimidating, hostile, or offensive working environment, according to AR 600-20, paragraph 7-6b. The investigating officer enumerated numerous inappropriate comments and actions of the applicant, witnessed by several witnesses, and supported by preponderance of evidence, which were in violation of the Army's Sexual Harassment Policy. The investigating officer recommended the applicant receive a GOMOR for the SHARP violation and unprofessional behavior and filing in the permanent records; to formally counsel the applicant on the Army's Sexual Harassment Policy and the conduct and bearing required of a commissioned officer; provide unit training for the junior enlist Soldiers on the definition of sexual harassment and gender discrimination, and methods of filing a complaint through the complaint system; provide additional SHARP training for leaders at a level determined by the battalion commander; for the applicant be transferred out of the brigade to defuse any possibility of creating a hostile, intimidating, or offensive work environment; and the chain of command pursue any adverse action it deemed appropriate. The servicing Brigade Judge Advocate found the investigation legally sufficient; the findings were supported by preponderance of evidence; and recommended approval of the findings and to forward the investigation with a recommendation for issuance of a GOMOR, GO Article 15, and initiation of show cause proceedings.

GO Article 15, 11 February 2014, for unlawfully touching PFC L. T. on the thigh, shin, and leg with the hand on 4 September 2013 and violating Article 133, UCMJ, conduct unbecoming of an officer and gentleman, by making inappropriate comments to SSG W. T. M. on 30 June 2013 and 23 April 2013 and to 1LT J. M. C. on 3 May 2012, by wrongfully touching PFC L. T. on 4 September 2013, by reaching between the legs of 1LT A. S. N. on 14 November 2012, and by cupping the air in front of chest and making an inappropriate comment to PFC L. T. on 5 September 2012. The punishment consisted of a forfeiture of \$500 pay and a written reprimand.

General Officer Memorandum Of Reprimand, 19 February 2014, reflects the applicant was reprimanded for engaging in a pattern of sexual harassment and unprofessional conduct. The applicant on several occasions inappropriately touched female subordinates and invaded the personal space; discussed the applicant's sexual interests with subordinates, expressing attraction to junior Soldiers and making inappropriate comments. The untoward remarks accompanied frequent attempts to favor female subordinates and spent time alone with them, a behavior considered by several observers to be unwanted and unwarranted. Both male and female Soldiers in the unit felt the applicant created an offensive work environment.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: VA Disability Rating, 26 June 2015, Veterans Administration Disability rating decision, reflecting the applicant was rated 30 percent disability for PTSD (also claimed as insomnia) and 10 percent for TBI (also claimed as memory loss).

(2) AMHRR Listed: Report of Medical History, 20 February 2014, the applicant noted behavioral health issues and the examining medical physician noted in the comments section: The applicant being treated at TBI, never evaluated for sleep complaints, under care for lack of sexual desire, and marijuana use in high school was noted.

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293; DD Form 214; self-authored statement; list of Rated Disabilities; two VA disability compensation certification letters; Legal Brief; self-authored declaration; text message; three third-party letters; resignation recommendations; DD Form 214 (USN); six OERs; ARNG Points History Statement; two DA Forms 1059; Permanent Orders; four ARCOM certificated; certificate of completion; Orders; AAM certificate; university transcript; ORB; letter of acceptance; VA disability rating; news article on General Sinclair; and name change court order.

6. POST SERVICE ACCOMPLISHMENTS: The applicant was accepted into an MBA program at the College of William and Mary; volunteers for charitable organizations such as Habitat for Humanity and Compassion International; and serves as a Bible study group leader.

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 600-8-24, Officer Transfers and Discharges, sets forth the basic authority for the separation of commissioned and warrant officers.

(1) Paragraph 1-23 provides the authorized types of characterization of service or description of separation.

(2) Paragraph 1-23a, states an officer will normally receive an honorable characterization of service when the quality of the officer's service has met the standards of acceptable conduct

and performance of duty, or the final revocation of a security clearance under DODI 5200.02 and AR 380-67 for reasons that do not involve acts of misconduct for an officer.

(3) Paragraph 1-23b, states an officer will normally receive a general (under honorable conditions) characterization of service when the officer's military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge. A separation under general (under honorable conditions) normally appropriate when an officer: submits an unqualified resignation; separated based on misconduct; discharged for physical disability resulting from intentional misconduct or neglect; and for final revocation of a security clearance.

(4) Chapter 4 outlines the policy and procedure for the elimination of officers from the active Army for substandard performance of duty.

(5) Paragraph 4-2b, prescribes for the elimination of an officer for misconduct, moral or professional dereliction, or in the interests of national security.

(6) Paragraph 4-20a (previously 4-24a), states an officer identified for elimination may, at any time during or prior to the final action in the elimination case elect one of the following options: (1) Submit a resignation in lieu of elimination; (2) request a discharge in lieu of elimination; and (3) Apply for retirement in lieu of elimination if otherwise eligible.

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 "BNC" as the appropriate code to assign commissioned officers who are discharged under the provisions of Army Regulation 600-8-24, Chapter 4-2b, unacceptable conduct; and 4-24a(1), resignation in lieu of elimination.

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 contends the discharge should be reviewed to determine whether the characterization, separation authority and reason, and the reentry code were properly based on equity and propriety. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command. The applicant was separated under the provisions of Chapter 4, paragraph 4-2b, and 4-24a(1), AR 600-8-24 with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Unacceptable Conduct," and the separation code is "BNC." 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 primary purpose of SPD codes is to provide statistical accounting of reasons for separation. They are intended exclusively for the internal use of DoD and the Military Services to assist in the collection and analysis of separation data. SPD Codes are controlled by OSD and then implemented in Army policy AR 635-5-1 to track types of separations. The SPD code specified by Army Regulations for a discharge under Chapter 4, paragraph 4-2b and 4-24a (1), is "BNC." The applicant contends the reentry eligibility (RE) code needs changed. Army Regulation 635-8,

Separation Processing and Documents governing preparation of the DD Form 214 specifies the reentry codes are not applicable to officer discharges.

The applicant contends that factual insufficiency of the evidence.

The applicant contends that the Convening Authority's Article 15 decision was made prior to the Convening Authority's meeting with the applicant and the applicant's witnesses were not present in violation of AR 27-10.

The applicant contends receiving a rating of 50 percent disability for PTSD (also claimed as insomnia) and 10 percent for TBI (also claimed as memory loss) by the VA. The applicant provided several VA documents confirming the disability ratings. The applicant's AMHRR shows the Report of Medical History on 20 February 2014, reflects the applicant noted behavioral health issues and the examining medical physician commented the applicant was being treated at TBI clinic, but never evaluated for the sleep complaints, and was under medical care for lack of sexual desire. The Report did not indicate any specific diagnosis.

The applicant contends that the applicant agreed to the applicant's discharge without the full benefit, knowledge, and understanding of its meaning and effect. The applicant contends not receiving due process and was wrongfully discharged and the applicant's legal decisions were predicated on bad legal advice, which made it impossible for the applicant to knowingly consent to the election of rights, and if not for the bad legal advice, the applicant would not have agreed to resign. The applicant did not submit any evidence, other than the applicant's statements, to support the contention. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends other Soldiers with more serious offenses were treated favorably. DoDI 1332.28 states each case must be decided on an individual basis, considering the unique facts and circumstances of the case. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends to have served honorably with distinction, received two honorable discharges from the US Navy and the Army National Guard, the evaluations were expressive of the applicant's character and leadership and was rated top three percent out of 55 Captains by a brigade commander.

The applicant contends finding an employment has been difficult since November 2014, because of the characterization of the discharge. The Board does not grant relief to gain employment or enhance employment opportunities.

The applicant contends being accepted into a college MBA program, volunteering in the community with charitable organizations, and serving as a Bible study group leader. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. No law or regulation provides for the upgrade of an unfavorable discharge based solely on the passage of time or good conduct in civilian life after leaving the service. The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character.

The third-party statements provided with the application speak highly of the applicant's character and performance and recognize the applicant's good conduct after leaving the Army.

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: Anxiety Disorder, Post Traumatic Stress Disorder, and Traumatic Brain Injury.

(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 an Anxiety Disorder, and the VA has diagnosed and service connected the applicant for PTSD and TBI. Service connection establishes that the applicant's PTSD and TBI existed during military 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's behavioral health conditions do not mitigate the applicant's offenses of sexual harassment as there is no natural sequela between an Anxiety Disorder, PTSD, or TBI and perpetrating sexual harassment, behaving inappropriately with subordinate Soldiers, or creating a hostile work environment.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the available evidence did not support a conclusion that the applicant's Anxiety Disorder, Post Traumatic Stress Disorder, Traumatic Brain Injury outweighed the applicant's medically unmitigated offenses of sexual harassment, behaving inappropriately with subordinate Soldiers, and creating a hostile work environment.

b. Response to Contention(s):

(1) The applicant contends receiving a rating of 50 percent disability for PTSD (also claimed as insomnia) and 10 percent for TBI (also claimed as memory loss) by the VA. The Board liberally considered this contention but determined that the available evidence did not support a conclusion that the applicant's Anxiety Disorder, Post Traumatic Stress Disorder, Traumatic Brain Injury outweighed the applicant's medically unmitigated offenses of sexual harassment, behaving inappropriately with subordinate Soldiers, and creating a hostile work environment. Therefore, a discharge upgrade is not warranted.

(2) The applicant contends not receiving due process and was wrongfully discharged and the applicant's legal decisions were predicated on bad legal advice, which made it impossible for the applicant to knowingly consent to the election of rights, and if not for the bad legal advice, the applicant would not have agreed to resign. The Board considered this contention and determined that the weight of the evidence in the applicant's official record, including the evidence submitted by the applicant does not support a discharge upgrade as the applicant requested to be discharged under the provisions of AR 600-8-24, Chapter 4 after being afforded the right to legal counsel.

(3) The applicant contends the discharge should be reviewed to determine whether the characterization, separation authority and reason, and the reentry code were properly based in equity and propriety. The Board considered the totality of the applicant's service record during proceedings and determined that the discharge was proper and equitable.

(4) The applicant contends other Soldiers with more serious offenses were treated favorably. The Board considered this contention and determined that, in accordance with DoDI 1332.28, the Board reviews the individual merits of each application on a case-by-case basis. In this case, the Board determined that the weight of the evidence supported that the applicant engaged in acts of personal misconduct and conduct unbecoming of an officer by sexually harassing multiple female Soldiers, asking inappropriate questions, engaging in favoritism, and creating a hostile work environment. Therefore, a discharge upgrade is not warranted.

(5) The applicant contends finding an employment has been difficult, because of the characterization of the discharge. The Board considered this contention but does not grant relief to gain employment or enhance employment opportunities.

(6) The applicant contends to have served honorably with distinction, received two honorable discharges from the US Navy and the Army National Guard, the evaluations were expressive of the applicant's character and leadership and was rated top three percent out of 55 Captains by a brigade commander. The Board considered this contention but determined that the applicant's record of service does not outweigh the applicant's many instances of sexual harassment, asking inappropriate questions, engaging in favoritism, and creating a hostile work environment. Therefore, a discharge upgrade is not warranted.

(7) The applicant contends being accepted into a college MBA program, volunteering in the community with charitable organizations, and serving as a Bible study group leader. The Board considered the applicant's post-service accomplishments but determined that they do not outweigh the applicant's many instances of sexual harassment, asking inappropriate questions, engaging in favoritism, and creating a hostile work environment. Therefore, a discharge upgrade is not warranted.

c. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the issues before the Board. 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 Anxiety Disorder, Post Traumatic Stress Disorder, and Traumatic Brain Injury did not outweigh the medically unmitigated offenses of sexual harassment, asking inappropriate questions, engaging in favoritism, and creating a hostile work environment. The Board also considered the applicant's contentions regarding improprieties in the discharge process and unequal treatment 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 General discharge was proper and equitable as the applicant's misconduct fell below that level of 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, and the reason the applicant was discharged was both proper and equitable.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210001569

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
- e. Change Authority to: No Change

Authenticating Official:

12/29/2023

X

Presiding Officer, COL, U.S. ARMY
Army Discharge Review Board

Legend:

AWOL – Absent Without Leave
AMHRR – Army Military Human
Resource Record
BCD – Bad Conduct Discharge
BH – Behavioral Health
CG – Company Grade Article 15
CID – Criminal Investigation
Division
ELS – Entry Level Status
FG – Field Grade Article 15

GD – General Discharge
HS – High School
HD – Honorable Discharge
IADT – Initial Active Duty Training
MP – Military Police
MST – Military Sexual Trauma
N/A – Not applicable
NCO – Noncommissioned Officer
NIF – Not in File
NOS – Not Otherwise Specified

OAD – Ordered to Active Duty
OBH (I) – Other Behavioral
Health (Issues)
OMPF – Official Military
Personnel File
PTSD – Post-Traumatic Stress
Disorder
RE – Re-entry
SCM – Summary Court Martial
SPCM – Special Court Martial

SPD – Separation Program
Designator
TBI – Traumatic Brain Injury
UNC – Uncharacterized
Discharge
UOTHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs