

**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 general (under honorable conditions). The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, the separation from the Army was erroneous because any charges against the applicant were dismissed. The applicant was diagnosed with post-traumatic disorder (PTSD), which is not an excuse or reason but is a contributing factor in the case which caused the applicant's separation. The applicant and the applicant's spouse had a disagreement about the spouse going out and the spouse's two siblings and their four kids showing up at the home unannounced. The spouse's siblings had been at the home house for about a month and were not willing to contribute to helping with bills. The applicant's household now contained the applicant, the applicant's spouse, and two young kids, and the spouse's two siblings and the siblings' four kids with just the applicant's income to support everyone. While the spouse's siblings were at the house, they tried to extort \$15,000 out of the spouse to start a business. When the spouse wanted to add the spouse's name to the business, the siblings disagreed and did not want to pursue the business anymore.

The applicant called the police to have the siblings removed from the home, but when the police came the spouse's siblings told the officer the spouse attacked the applicant, when it was clearly one of the siblings who attacked the spouse. The applicant was the one arrested. When the spouse found out what the siblings had told the police, the spouse immediately bonded the applicant out and hired an attorney. The applicant received an Article 15 and was informed the applicant was going to be chaptered out of the military. The applicant was offered a chapter 10, which the applicant refused and requested a court-martial. The applicant was told the applicant could not have a court martial because it would take too long. The applicant believes the applicant was not given the due process the applicant should have been given. The applicant's discharge should be upgraded because the civilian case was dismissed, which equates to the applicant not being guilty. The applicant was separated from the Army even though the applicant was not guilty of any crime. The applicant lost benefits the applicant earned by serving the country. The applicant sacrificed everything for the Army for the last 15 years, including the loss of two close friends in the span of five combat deployments. The applicant served the country honorably and will continue to do so in the military if given the opportunity, or in whatever the applicant does in life.

b. **Board Type and Decision:** In a records review conducted on 28 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:** Misconduct (Serious Offense) / AR 635-200, Paragraph 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

**b. Date of Discharge:** 19 February 2015

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 9 December 2014

**(2) Basis for Separation:** The applicant was informed of the following reasons:

The applicant committed a domestic violence offense against the applicant's spouse, H. C-B., a dependent abuse offense. On 26 March 2014, the applicant was in a verbal argument with the applicant's spouse in front of the two children, which escalated into a physical altercation. The applicant grabbed the spouse by the neck and struck the spouse in the face multiple times while the children were present. When the police arrived, the spouse was at the neighbors with an ice pack on the face, which was swollen with red marks.

On a separate occasion between 30 August and 7 September 2014, the applicant threatened to kill the spouse the applicant also told the spouse the applicant would kill the first sergeant (1SG) and commander.

On 9 September 2014, the applicant was ordered by 1SG D. M. to remain in the Group Support Battalion (GSB) Sergeant Major's office; however, the applicant disobeyed this order and ran from the building.

While in confinement, the applicant violated a military protection order given to the applicant by the GSB commander and contacted the applicant's spouse.

**(3) Recommended Characterization:** Under Other Than Honorable Conditions

**(4) Legal Consultation Date:** 10 December 2014

**(5) Administrative Separation Board:** On 10 December 2014, the applicant conditionally waived consideration of the case before an administrative separation board, contingent upon receiving a characterization of service no less favorable than general (under honorable conditions) discharge.

On 19 December 2014, the applicant was notified to appear before an administrative separation board and advised of rights.

The separation approving authority's memorandum reflects on 16 January 2015, the administrative separation board convened and the board recommended the applicant be separated from service with characterization of under other than honorable conditions. The separation authority approved the findings and recommendations of the administrative separation board.

**(6) Separation Decision Date / Characterization:** Illegible / Under Other Than Honorable Conditions

**4. SERVICE DETAILS:**

- a. Date / Period of Enlistment:** 2 October 2011 / Indefinite
- b. Age at Enlistment / Education / GT Score:** 31 / 2 Years College / 100
- c. Highest Grade Achieved / MOS / Total Service:** E-6 / 92A3P, Automated Logistical Specialist / 14 years, 10 months, 13 days
- d. Prior Service / Characterizations:** RA, 4 January 2000 – 20 May 2003 / HD  
RA 21 May 2003 – 5 December 2006 / HD  
RA, 6 December 2006 – 1 October 2011 / HD
- e. Overseas Service / Combat Service:** Hawaii, SWA / Afghanistan (10 August 2002 – 4 January 2003, 10 April 2011 – 31 March 2012); Iraq (4 September 2003 – 6 April 2004, 28 November 2006 – 16 February 2008, 7 November 2008 – 28 October 2009)
- f. Awards and Decorations:** ACM-3CS, ICM-5CS, ARCOM-5, AAM-5, AGCM-4, NDSM, GWOTEM, GWOTSM, NCOPDR-2, ASR, OSR-4, NATOMDL, CAB
- g. Performance Ratings:** 1 February 2011 – 31 January 2012 / Fully Capable  
1 February 2012 – 1 November 2012 / Among the Best  
2 November 2012 – 3 May 2013 / Fully Capable  
3 May 2013 – 2 May 2014 / Fully Capable
- h. Disciplinary Action(s) / Evidentiary Record:** Four Personnel Action forms, reflect the applicant's duty status changed as follows:
- From "Present for Duty (PDY)," to "Civilian Confinement," effective 26 March 2014;  
From "Civilian Confinement" to "PDY," effective 27 March 2014;  
From "PDY" to "Civilian Confinement," effective 9 September 2014; and  
From "Civilian Confinement" to "PDY," effective 9 December 2014.

Military Police Report, 27 March 2014, reflects the applicant was apprehended by civilian authorities for: felony menacing with deadly weapon; assault in the third degree; child abuse; and domestic violence (off post). Investigation by Fountain Police Department (FPD) revealed on 26 March 2014, the applicant and [redacted] were involved in a verbal altercation which turned physical when the applicant struck [redacted] in the face and grabbed [redacted] around the neck. The applicant had a knife in the hand while standing over [redacted] and the couple's child.

The applicant provided Memorandum, subject: Informal Complaint [Applicant], 21 July 2014, reflecting the applicant made an informal equal opportunity (EO) complaint against First Sergeant (1SG) D. M. for unfair treatment, including harassment. The Group EO Advisor recommended an informal commander's inquiry into the allegations of unfair treatment and whether toxic leadership existed.

Field Grade Article 15, 25 August 2014, for being disrespectful in language toward, 1SG D. M., a superior noncommissioned officer, by saying, "You are the problem. You are a sorry fucking first sergeant and you are full of shit" (17 July 2014). The punishment consisted of a reduction to E-5; forfeiture of \$1,547 pay (suspended); and extra duty for 45 days (suspended).

Record Of Supplementary Action Under Article 15, UCMJ, 10 September 2014, reflects the suspended portion of the punishment imposed on 25 August 2014, was vacated for: Failure to report at the time prescribed to the appointed place of duty (5 September 2014).

The applicant provided Initial Request for Redress, 9 February 2014, with supporting documents, reflecting the applicant made the request against 1SG D. M. of committing acts of race discrimination and harassment. The complaint included a statement from the applicant's spouse, contesting the charges against the applicant. On 29 April 2015, the commanding general determined the complaint did not meet the requirements of Article 138, Uniform Code of Military Justice (UCMJ), and advised the applicant of the right to submit an Article 138, UCMJ, complaint.

The applicant's Enlisted Record Brief (ERB), 20 February 2015, reflects the applicant was flagged for Adverse Action (AA), effective 9 September 2014, and was ineligible for reenlistment because of Involuntary Separation or Discharge (Field Initiated) (BA), effective 17 July 2014. The Assignment Eligibility Availability code reflects the applicant was temporarily ineligible for reassignments due to medical, convalescence, enrollment in Track III ASAP, or local bar to reenlistment. The applicant was reduced from E-5 to E-1, effective 4 February 2015. The applicant's Army Military Human Resource Record (AMHRR) reflects the applicant was restored to E-5.

Military Police Report, 18 December 2016, reflects the applicant was apprehended for: simple assault consummated by battery and child abuse (on post). Investigation revealed on 5 November 2012, the applicant and [redacted] were involved in a verbal altercation which became physical when the applicant struck [redacted] with an open hand on the face and then began to choke [redacted]. During the altercation [redacted] was holding the couple's six year old child. The applicant provided a sworn written statement denying the offense and invoked the rights. The applicant was issued a no contact order.

Commander's Report of Disciplinary or Administrative Action, 31 January 2018, reflects the applicant was charged by civilian court for felony menacing with deadly weapon; assault in the third degree; and child abuse on 26 March 2014. The charges were dismissed by the court.

Commander's Report of Disciplinary or Administrative Action, 8 February 2018, reflects the applicant was apprehended by the Military Police for simple assault, consummated by battery and child abuse on 5 November 2012. The applicant received a Company Grade Article 15, dated 11 January 2013. The punishment consisted of a written reprimand and the reprimand was filed locally.

The applicant provided Integrated Colorado Online Network (ICON), undated, reflecting the case was filed on 27 March 2014. The applicant was charged with:

- Charge 1: Assault 3 – Known / Reckless Cause Injury (misdemeanor (MI));
- Charge 2: Harassment-Strike / Shove / Kick (MI); and
- Charge 3: Child Abuse – Knowingly / Reckless – No Injury (MI).

A mandatory protection order was granted against the applicant, with an expiration date of 27 March 2016. The applicant was ordered not to possess any firearms or ammunition. The applicant pled not guilty to all the charges. On 14 October 2014, the applicant appeared in court with the defense attorney and the District Attorney was not ready. The case was dismissed and the protection order was vacated.

- i. **Lost Time / Mode of Return:** 3 months, 2 days:

Civilian Confinement, 26 March 2014 – 27 March 2014 / Released from Confinement  
Civilian Confinement, 9 September 2014 – 9 December 2014 / Released from Confinement

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

**(1) Applicant provided:** None

**(2) AMHRR Listed:** Claim for Combat-Related Special Compensation (CRSC), 2 November 2016, reflects the applicant requested CRSC because of PTSD, combat stressor, because of multiple exposure to stressful situation; fear of hostile enemy fire. The applicant had five combat tours, and multiple combat patrol operations, witnessing enemy fire on a daily basis. The applicant was hit by an improvised explosive device (IED). The applicant claimed the other injuries were received either in training or in combat.

Department of Veterans Affairs (VA) letter, 2 November 2016, reflects the applicant was rated 70 percent service-connected disabled.

Department of Veterans Affairs Disabilities webpage, 2 November 2016, reflects the applicant was rated 50 percent service-connected disabled for PTSD (also claimed as adjustment disorder).

**5. APPLICANT-PROVIDED EVIDENCE:** DD Form 214; DD Form 293; self-authored statement; attorney letter; Memorandum for Record, subject: Informal Complaint by [Applicant], regarding unfair treatment; Spouse statement of support; Initial Request for Redress; Response to Initial Request for Redress; Army Regulation 27-10, excerpt; Senator M. B.'s letter; and ICON document.

**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) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

(5) Paragraph 14-3 prescribes a discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

(6) Paragraph 14-12c prescribes a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c, Misconduct (Serious Offense).

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 contends being diagnosed with PTSD. The applicant's AMHRR contains documentation reflecting the applicant applied for CRSC because of PTSD and injuries sustained during combat training or during combat. The VA rated the applicant 50 percent service-connected disabled for PTSD. The AMHRR is void of a mental status evaluation.

The applicant contends requesting a court-martial but the request was denied. The applicant did not submit any evidence to support the contention.

The applicant contends harassment and/or discrimination by members of the chain of command. The applicant provided documents reflecting the applicant made an informal EO complaint, and the Group EO Advisor recommended a commander's inquiry. The applicant requested redress, but the commanding general determined the complaint did not meet the requirement for redress under Article 138, UCMJ. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends good service, including five combat tours. The Board will consider the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends the separation was erroneous because the case against the applicant was dismissed. The applicant provided documents reflecting on 14 October 2014, the applicant appeared in civilian court with the defense attorney and the District Attorney was not ready. The case was dismissed and the protection order was vacated. The documents did not reflect any evidence of acquittal. The Criminal Investigation Division provided a Commander's Report of Disciplinary or Administrative Action, 31 January 2018, which reflects the charges were dismissed by civil court. Army Regulation 635-200, paragraph 1-17b(1), provides no Soldier will be considered for administrative separation under Chapter 14, because of conduct that has been the subject of judicial proceedings resulting in an acquittal or action having the effect thereof. Only Headquarters, Department of the Army (HQDA) will decide that an action does not have the effect of an acquittal. The convening authority must submit a request for such a determination through command channels to HQDA. The AMHRR is void of any correspondence from HQDA regarding the applicant's dismissal of the civilian court charges. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends an upgrade of the discharge would allow veterans benefits. Eligibility for veteran's benefits does not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

The applicant desires to rejoin the Military Service. Soldiers processed for separation are assigned reentry codes based on their service records or the reason for discharge. Based on Army Regulation 601-210, the applicant was appropriately assigned an RE code of "3." There is no basis upon which to grant a change to the reason or the RE code. An RE Code of "3" indicates the applicant requires a waiver before being allowed to reenlist. Recruiters can best advise a former service member as to the Army's needs at the time and are required to process waivers of reentry eligibility (RE) codes if appropriate.

## 9. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board determined that, based on the Board Medical Advisor opine and review of the applicant's official records, including the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation, the applicant has the following potentially-mitigating diagnoses/experiences: PTDS and Unspecified Depressive Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board, based on the Board Medical Advisor opine and review of the official records, determined that the applicant was diagnosed with service-connected PTDS.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partially.** The Board, based on the Board Medical Advisor opine and review of the official records determined that, based on the Board Medical Advisor opine and review of the applicant's official records, and after an application of liberal consideration, found that the applicant's PTSD and Unspecified Depressive Disorder partially mitigate the misconduct as there is a nexus between the minor misconduct and the behavioral health conditions. However,



regarding the misconduct characterized by violating a MPO, the Board found that, based upon the Board Medical Advisor's opine, this conduct is not mitigated by PTSD or Unspecified Depressive Disorder, as those conditions do not impair the applicant's ability to differentiate between right and wrong and adhere to the right. Regarding the applicant's misconduct characterized by Domestic Violence, Domestic Violence is not normal sequela of PTSD or Unspecified Depressive Disorder and thus not mitigated.

**(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 Post Traumatic Stress Disorder and Unspecified Depressive Disorder outweighed the applicant's medically unmitigated domestic violence offenses and violation of a military protective order, which constitute sufficient basis for the discharge.

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

**(1)** The applicant contends being diagnosed with PTSD. The Board liberally considered this contention but determined that the available evidence did not support a conclusion that the applicant's Post Traumatic Stress Disorder and Unspecified Depressive Disorder outweighed the applicant's medically unmitigated domestic violence offenses and violation of a military protective order.

**(2)** The applicant contends requesting a court-martial but the request was denied. The Board liberally considered this contention but found insufficient evidence in the applicant's AMHRR or applicant-provided evidence to support the application's assertion.

**(3)** The applicant contends harassment and/or discrimination by members of the chain of command. The Board liberally considered this contention but found no information in the applicant's AMHRR or applicant-provided evidence, other than the applicant's assertion to support that the applicant suffered harassment or discrimination.

**(4)** The applicant contends good service, including five combat tours. The Board liberally considered the applicant's 14 years of service, including multiple combat tours in Iraq and Afghanistan, and the numerous awards the applicant received, but determined that the applicant's record does not outweigh the medically unmitigated offenses of domestic violence and violating a military protective order.

**(5)** The applicant contends an upgrade of the discharge would allow veterans benefits. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

**(6)** The applicant desires to rejoin the Military Service. The Board liberally considered this contention and voted to maintain the RE-code at RE-3, which is a waivable code, based on the applicant's BH conditions requiring review prior to military service reentry. An RE Code of "3" indicates the applicant requires a waiver before being allowed to reenlist. Recruiters can best advise a former service member as to the Army's needs at the time and are required to process waivers of reentry eligibility (RE) codes, if appropriate

**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 Post Traumatic Stress Disorder and Unspecified Depressive Disorder did not outweigh the medically unmitigated domestic violence offenses and violation of a military protective order. The Board also considered the applicant's contentions regarding good service and harassment from the unit and found that the totality of the applicant's record does not warrant a discharge upgrade. The Board found that the applicant's contention that the applicant requested trial by court-martial was not supported by the available evidence. 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, 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:**

**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