

**1. Applicant's Name:** [REDACTED]**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 period under review is general (under honorable conditions). The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, at the time of the applicant's discharge, the applicant's doctors were not aware the applicant had post-traumatic stress disorder (PTSD). The applicant deployed to Baghdad, Iraq, with the 3rd Infantry Division for 15 months. The applicant noticed changes in the applicant's mood and behavior. When the applicant was preparing to deploy again from Fort Riley, it all came back and was extremely pressing on the applicant. The applicant was extremely overwhelmed and could not sleep well, and when the applicant did sleep, it involved nightmares which became worse. The applicant requested help from mental health, not knowing what else to do, and mental health offered the applicant a medical chapter. The applicant refused the medical discharge from mental health because the applicant still wanted to serve the country and defend the constitution. Leading up to this point, the applicant was informed the applicant was nondeployable by the doctor who performed the pre-deployment screening. The applicant's commander decided three days before the company was scheduled to deploy, the applicant was not going to the rear detachment but instead, on a flight for deployment. The applicant's supervisors were under the assumption the applicant was not deploying because the supervisors read the screening documents and did not let the applicant ship the applicant's deployment gear forward with the other Soldiers. The applicant would be returning to combat with nothing more than what the applicant could carry with a three-day notice.

The applicant was having a breakdown because the applicant was not prepared to deploy. The applicant's mental health was not taken seriously by the command and the applicant was shamed for requesting help. The applicant is proud to have served in the Army and would like the DD Form 214 to honor the applicant's name. After the applicant was discharged, the applicant had several appointments with the Department of Veterans Affairs (VA) Hospital and was determined to be 90 percent disabled, unemployable, and housebound in 2010. The applicant did not know the applicant had PTSD. The applicant requests the applicant's service be honored with an upgrade to honorable. The applicant was wrongfully discharged and lost several leave days, and the reenlistment bonus was recouped by the government. The applicant was not a bad Soldier or person, but the applicant was in a very extreme situation. The applicant requested more time to prepare to ship but was denied. The applicant had a hearing and was judged on the applicant's memory and driving record, which were used as justification to discharge the applicant, although the applicant was awarded both Good Conduct Medals.

**b. Board Type and Decision:** In a records review conducted on 28 September 2023, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's PTSD outweighing the missing movement and feigning mental illness basis for separation. The remaining medically unmitigated misconduct of fleeing apprehension and recklessly operating a motorcycle basis for separation did not rise to a level that negated meritorious service required for an upgrade in discharge characterization. Therefore, the Board voted to grant relief in the

form of an upgrade of the characterization of service to Honorable and changed to the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's PTSD diagnosis warranting consideration prior to reentry of military service.

*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:** 17 November 2010

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 14 October 2010

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

On 18 March 2010, the applicant missed the movement of the applicant's unit, through design or neglect, from Fort Riley, Kansas, to Taji, Iraq, with which the applicant was required in the course of the applicant's duties to move, under Article 87, Uniform Code of Military Justice (UCMJ).

On 7 September 2009, the applicant fled apprehension by police officers in Riley County, Kansas, under Article 95, UCMJ.

On 24 June 2010, the applicant recklessly operated a motorcycle, under Article 111, UCMJ.

Between 1 and 20 March 2010, the applicant feigned physical and mental illness for the purpose of avoiding service under Article 115, UCMJ.

The applicant's conduct was prejudicial to good order and discipline in the unit and the applicant's discharge would be in the best interests of the Army.

**(3) Recommended Characterization:** General (Under Honorable Conditions)

**(4) Legal Consultation Date:** The Election of Rights is undated.

**(5) Administrative Separation Board:** The applicant requested consideration of the case before an administrative separation board.

On 13 October 2010, the applicant was notified to appear before an administrative separation board and advised of rights.

On 10 November 2010, the administrative separation board convened, and the applicant appeared with counsel. The board recommended the applicant's discharge with characterization of service of general (under honorable conditions).

On 15 November 2010, the separation authority approved the findings and recommendations of the administrative separation board. The separation authority indicated the matters submitted by the defense counsel in response to the board's recommendation were considered and the separation authority determined the alleged procedural deficiencies did not prejudice the applicant in the proceedings. The applicant did not prove the applicant was medically nondeployable (no Permanent 3 or 4 in PULHES). The board's factual finding was supported by the evidence.

**(6) Separation Decision Date / Characterization:** 15 November 2010 / General (Under Honorable Conditions)

#### 4. SERVICE DETAILS:

**a. Date / Period of Enlistment:** 30 January 2008 / 4 years / The applicant extended the most recent enlistment by a period of 2 months on 23 January 2009, and 1 month on 23 February 2009, giving the applicant a new ETS of: 29 April 2012.

**b. Age at Enlistment / Education / GT Score:** 23 / GED / 101

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 15Y10 AH-64D, Armament/Electrical/Avionic Systems Repairer / 8 years, 5 months, 13 days

**d. Prior Service / Characterizations:** RA, 5 June 2002 – 29 January 2008 / HD

**e. Overseas Service / Combat Service:** Korea, SWA / Iraq (6 May 2007 – 3 August 2008)

**f. Awards and Decorations:** ARCOM, MUC, AGCM-2, NDSM, GWOTSM, KDSM, ICM-CS, OSR-2

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** District Court of Riley County, Complaint / Information, 17 September 2009, as amended on 22 January 2010, reflects the applicant was charged with:

Count I: On 7 September 2009, the applicant did unlawfully, willfully, and intentionally, while driving a vehicle, failed or refused to bring such vehicle to a stop, or otherwise flee or attempt to elude, a pursuing police vehicle or police bicycle, when given visual or audible signals to bring the vehicle to a stop, and did engage in reckless driving.

Count II: On 7 September 2009, the applicant did unlawfully drive any vehicle in any test of exhibition of speed or acceleration (Exhibition of Speed).

Count III: On 7 September 2009, the applicant did fail to approach and complete a right turn as close as practicable to the right hand curve or edge of the roadway (Improper Turn).

Count IV: On 7 September 2009, the applicant did drive a vehicle 79 miles per hour (mph) in a post to 45 mph zone (Speeding).

Individual Sick Slip, 2 December 2009, reflects the applicant went on sick call to meet with Captain A. about a permanent profile and medical evaluation board or MOS / medical retention board (MMRB). The physician assistant, First Lieutenant M. W. made the following entry on the form: Return to Duty (RTD); follow Physical Therapy profile; patient not a candidate for

permanent profile for back injury; recommend continued rehabilitation and re-evaluation in two months.

Two Physical Profiles, 23 December 2009 and 17 February 2010, reflects the applicant had temporary profiles for lower back pain. The applicant was healthy without any medical condition which would prevent deployment.

Pre-Deployment Health Assessment, 1 January 2010, reflects the applicant preparing to deploy to Iraq. The applicant answered "Y," to the question, "Are you currently on a profile, or light duty, or are you undergoing a medical Board?" The applicant reported Temp/Perm profile. The examining medical physician noted in the final medical disposition section: Not Deployable (Not Medically Ready); MEB pending.

District Court of Riley County, Sentencing Journal Entry, 3 February 2010, reflects the hearing was held on 1 February 2010. The applicant pled no contest to flee and elude and guilty to speeding. The pleas were accepted by the court and the applicant was found guilty of the charges. The charges of exhibition of speed and improper turn were dismissed. The applicant was sentenced to 90 days in jail, with immediate probation granted, and a fine of \$240.

Memorandum, subject: Communication with [Applicant], 14 April 2010, reflects Captain (CPT) D. K., Rear Detachment Chaplain, reflects CPT K. informed the Chaplain, the applicant told someone in the chain of command the Chaplain advised the applicant to go to Mental Health because of suicide issues. The Chaplain denied advising the applicant to go to Mental Health or knowing anything regarding the applicant's suicidal ideations.

Eight Sworn Statements, 14 April 2010 to 25 May 2010, reflect doctors and other medical professionals determined the applicant did not qualify for a permanent, P3, profile and/or medical evaluation board and cleared the applicant for deployment to Iraq. The applicant's commanders and supervisors believed the applicant reported to be suicidal, less than seven hours before scheduled departure for Iraq, to prevent the applicant from deploying. The statements contradicted the applicant's claims of being told the applicant was nondeployable and the applicant was told to go to Mental Health.

Report of Proceedings by Investigating Officer/Board of Officers, dated 10 November 2010, reflects the administrative separation board found the applicant committed the acts of misconduct as described in the Notification for Separation.

Memorandum, subject: [Applicant] – Matters in Response to the Administrative Separation Board's Recommendation, 15 November 2010, reflects the counsel for the applicant requested the separation authority disapprove the Board's recommendation because of procedural errors of due process and offenses were not supported by the evidence.

Memorandum, subject: Legal Review of Administrative Separation Board Proceedings Pertaining to [Applicant], 15 November 2010, reflects the Administrative law Attorney, indicated the applicant raised no legal errors and recommended the separation authority adopt the separation board's findings and recommendations and direct the applicant be separated with a general discharge.

Numerous Developmental Counseling Forms, for various acts of misconduct.

Reckless driving;  
Being considered for separation under AR 635-200, Chapter 5-8, for lack of an adequate family care plan;

Failure to be at the appointed place of duty;  
Speeding on motorcycle and evading police; and  
Personnel favorable actions being suspended and the applicant being removed from the promotion roster.

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

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

**(1) Applicant provided:** Chronological Record of Medical Care, 19 March 2010 reflecting the applicant was diagnosed with adjustment disorder with depressed mood.

Disability Compensation Benefits, reflecting the VA granted the applicant 70 percent service-connected disability for PTSD, with major depressive disorder and alcohol abuse (previously evaluated as depressed mood with adjustment disorder); 20 percent for right knee; and 20 percent for degenerative disc disease, lumbar spine.

**(2) AMHRR Listed:** Memorandum, subject: Mental Health Evaluation of [Applicant], 19 March 2010, reflects the applicant was evaluated after being released from inpatient psychiatric hospitalization. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant state of emotional and/or behavioral dysfunction was of such severity the applicant's ability to perform military duties may have been impaired. The potential for self-harm, harm to others, and going absent without leave were low. Further exploration was recommended. The applicant was diagnosed with: Adjustment Disorder with depression and back pain is being evaluated; permanent knee injury.

**5. APPLICANT-PROVIDED EVIDENCE:** DD Form 214; DD Form 293; Disability Compensation Benefits; and Chronological Record of Medical Care.

**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) 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 by the VA and the condition affected behavior which led to the discharge. The applicant provided medical documents indicating in-service adjustment disorder with depressed mood, and the VA granted the applicant 70 percent service-connected disability for PTSD, with major depressive disorder and alcohol abuse. The applicant's AMHRR shows the applicant underwent a mental health evaluation (MHE) on 19 March 2010, after being released from inpatient psychiatric hospitalization, which indicates the applicant could appreciate the difference between right and wrong and met medical retention requirements. The applicant's state of emotional and/or behavioral dysfunction was of such severity, the applicant's ability to perform military duties may have been impaired. The potential for self-harm, harm to others, and going absent without leave was low. Further exploration was recommended. The applicant was diagnosed with adjustment disorder with depression. The MHE was considered by the separation authority.

The applicant contends not receiving any assistance from the command for the applicant's medical issues. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends being informed by medical personnel and supervisors that the applicant was nondeployable, and the applicant had no time to prepare for deployment. The applicant's AMHRR reflects the applicant was prescreened and determined to be nondeployable. The record shows the applicant was informed subsequent to the screening, the applicant was deployable and was not a candidate for a medical evaluation board.

The applicant contends having a hearing and being judged on the applicant's memory and driving record. The applicant's AMHRR reflects the applicant's case was presented at an administrative separation board and the board determined the evidence supported the reasons for separation.

The applicant contends good service, including a combat tour.

#### **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's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses/experiences: Adjustment Disorder, PTSD, and Major Depressive Disorder.

(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 Adjustment Disorder and is diagnosed and service connected by the VA for PTSD and Major Depressive Disorder. Service connection establishes that applicant's PTSD and Major Depressive Disorder existed during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partially.** The Board's Medical Advisor applied liberal consideration and opined that the misconduct of missing movement and feigning mental illness are mitigated by the applicant's PTSD and Major Depressive Disorder given the nexus with avoidance. The medical record reveals that the applicant was psychiatrically hospitalized on 18 March 2010, which was the date applicant missed movement. While the applicant was stressed about deployment due to concerns about a lack of family care plan for applicant's daughter, there is no evidence in the medical record that the applicant was feigning BH conditions or suicidal thoughts. Conversely, the applicant consistently engaged in regular outpatient BH treatment over the next two months. The legitimate existence of applicant's BH conditions are further supported by the VA's service connection for PTSD and MDD. However, there is no natural sequela between an Adjustment Disorder, PTSD, or MDD and fleeing apprehension or recklessly operating a motorcycle.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's PTSD outweighed the missing movement and feigning mental illness for the aforementioned reason(s). The remaining medically unmitigated misconduct did not rise to the level that negated meritorious service required for an upgrade in discharge.



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

(1) The applicant contends being diagnosed with PTSD by the VA and the condition affected behavior which led to the discharge. The Board determined that this contention was valid and voted to upgrade the characterization of service due to Post-Traumatic Stress Disorder mitigating the applicant's missing movement and feigning mental illness. The remaining medically unmitigated misconduct of fleeing apprehension and recklessly operating a motorcycle did not rise to a level that negated meritorious service required for an upgrade in discharge characterization.

(2) The applicant contends not receiving any assistance from the command for the applicant's medical issues. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's characterization upgrade due to Post-Traumatic Stress Disorder mitigating the applicant's missing movement and feigning mental illness. The remaining medically unmitigated misconduct of fleeing apprehension and recklessly operating a motorcycle did not rise to a level that negated meritorious service required for an upgrade in discharge characterization.

(3) The applicant contends being informed by medical personnel and supervisors, the applicant was nondeployable, and the applicant had not time to prepare for deployment. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's characterization upgrade due to Post-Traumatic Stress Disorder mitigating the applicant's missing movement and feigning mental illness. The remaining medically unmitigated misconduct of fleeing apprehension and recklessly operating a motorcycle did not rise to a level that negated meritorious service required for an upgrade in discharge characterization.

(4) The applicant contends having a hearing and being judged on the applicant's memory and driving record. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's characterization upgrade due to Post-Traumatic Stress Disorder mitigating the applicant's missing movement and feigning mental illness. The remaining medically unmitigated misconduct of fleeing apprehension and recklessly operating a motorcycle did not rise to a level that negated meritorious service required for an upgrade in discharge characterization.

(5) The applicant contends good service, including a combat tour. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's characterization upgrade due to Post-Traumatic Stress Disorder mitigating the applicant's missing movement and feigning mental illness. The remaining medically unmitigated misconduct of fleeing apprehension and recklessly operating a motorcycle did not rise to a level that negated meritorious service required for an upgrade in discharge characterization.

**c.** The Board determined the discharge is inequitable based on the applicant's Post-Traumatic Stress Disorder mitigating the applicant's missing movement and feigning mental illness. The remaining medically unmitigated misconduct of fleeing apprehension and recklessly operating a motorcycle did not rise to a level that negated meritorious service required for an upgrade in discharge characterization. Therefore, the Board voted to grant relief in the form of

an upgrade of the characterization of service to Honorable and changed to the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's PTSD diagnosis warranting consideration prior to reentry of military service. However, the applicant may request a personal appearance hearing to address further 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 to change the applicant's characterization of service to Honorable because the applicant's Post-Traumatic Stress Disorder mitigating the applicant's missing movement and feigning mental illness. The remaining medically unmitigated misconduct of fleeing apprehension and recklessly operating a motorcycle did not rise to a level that negated meritorious service required for an upgrade in discharge characterization. Thus, the prior characterization is no longer appropriate.

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

(3) The RE code will not change as the Board determined that the applicant's PTSD diagnosis warrants consideration prior to reentry in to military service.

**10. BOARD ACTION DIRECTED:**

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD Code to:** Misconduct (Minor Infractions)/JKN
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** AR 635-200

**Authenticating Official:**

12/13/2023

**X** [Redacted Signature]

**Presiding** [Redacted Name]

- |                               |                                     |                              |                              |
|-------------------------------|-------------------------------------|------------------------------|------------------------------|
| <b>Legend:</b>                | GD – General Discharge              | OAD – Ordered to Active Duty | SPD – Separation Program     |
| AWOL – Absent Without Leave   | HS – High School                    | OBH (I) – Other Behavioral   | Designator                   |
| AMHRR – Army Military Human   | HD – Honorable Discharge            | Health (Issues)              | TBI – Traumatic Brain Injury |
| Resource Record               | IADT – Initial Active Duty Training | OMPF – Official Military     | UNC – Uncharacterized        |
| BCD – Bad Conduct Discharge   | MP – Military Police                | Personnel File               | Discharge                    |
| BH – Behavioral Health        | MST – Military Sexual Trauma        | PTSD – Post-Traumatic Stress | UOTHC – Under Other Than     |
| CG – Company Grade Article 15 | N/A – Not applicable                | Disorder                     | Honorable Conditions         |
| CID – Criminal Investigation  | NCO – Noncommissioned Officer       | RE – Re-entry                | VA – Department of Veterans  |
| Division                      | NIF – Not in File                   | SCM – Summary Court Martial  | Affairs                      |
| ELS – Entry Level Status      | NOS – Not Otherwise Specified       | SPCM – Special Court Martial |                              |
| FG – Field Grade Article 15   |                                     |                              |                              |

