

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 and a change to the narrative reason for separation.

The applicant seeks relief contending, in effect, based on legal and equitable grounds, the unjust and unwarranted discharge should be reversed by changing the narrative reason to an honorable separation and the reentry code to "1," and the record of service should reflect either a voluntary transfer to the IRR, completion of term of service, hardship, or medical reasons. While actively serving, the applicant served in multiple combat theatres and received numerous awards and commendations, and thereafter, was honorably discharge on 16 April 2004 and assigned to the Inactive Ready Reserve (IRR) to complete the eight-year military service obligation (MSO), on 30 March 2008. On 19 January 2006, the applicant requested reassignment to a drilling Reserve unit in Orlando, Florida, while attending college at a university in Tampa. Within a few months, the applicant became financially incapable of drilling with the unit, caused by substantial delays in receiving the GI Bill payments, coping with severe symptoms of an undiagnosed PTSD, and being unable to maintain employment because the car was repossessed. The applicant then opted for a position with a national trucking company and left for training in October 2006. When assigned to operate out of the Augusta, GA terminal, the applicant maintained the roommate's address in Tampa until receiving the UOTH discharge. For two years, the unit sent notices to an incorrect and non-existing address, an address the applicant never provided. Thus, having no opportunity to be present or be heard, the due process was violated by the unit failing to provide notice of the separation proceedings, orders, or hearings. The separation action, without any due process of law, impacted the applicant's life. A closer review of the documentation will demonstrate the command's lack of diligence and disregard of applicable Army Regulations. Numerous records of evidence will show on 19 February 2008, when the applicant received a under other than honorable conditions separation from the USAR, the applicant was suffering from PTSD incurred during the prior wartime service on active duty. The discharge was unjust and unwarranted as the applicant never violated a single article of the UCMJ; was never arrested, charged, or convicted of a single crime; was never insubordinate; and never had substance abuse or drug-related offenses, at any time during either period of enlistments. Instead, the applicant was a decorated combat veteran who participated in some most intense and severe conditions of the War on Terror. Having served with honor from 16 April 2000 to 2004, as an infantry Soldier, deploying in support of multiple combat missions, the service record prior to 19 February 2008 separation was flawless, and it included numerous awards, citations, and commendations for service during intense combat operations, none of which were considered during the under other than honorable conditions discharge. The applicant further details the contentions in an allied self-authored brief provided with the previous application.

In a subsequent response to the Kennedy Class-Action ARBA letter, the applicant referred to the previous ADRB review and presented the following for review and reconsideration according to the class-action case, Kennedy v. McCarthy: VA Rating Decision Letter, Psychological Evaluation, and two letters of support, 30 July 2021. From 16 April 2000 to 2004, the applicant

served with the 10th Mountain Division, including deployments to Bagram, Afghanistan, Operation Anaconda, and east Africa. The applicant was discharged with honors and several awards. After returning to civilian life, the applicant volunteered and was transferred from an IRR status to drill with a local reserve unit in Orlando, Florida. However, because of the significant PTSD symptoms, the applicant was hospitalized on 1 January 2008, for suicidal ideation. Despite volunteering to drill with the 143 Transcom unit in Orlando, the applicant became homeless, lost employment, and had no financial resources to make the almost four and a half-hour roundtrip to drills. The applicant attempted to contact unit members several times, but no one answered the phone or reached out to the applicant. A meeting was held at the unit without the applicant's knowledge or notification, and the applicant received an "under other than honorable" character of service. The applicant learned of the discharge only in 2012, when requesting a copy of the military records. While an inpatient at the James A. Haley VA Hospital for PTSD and suicidal ideation, the applicant discovered the discharge meeting. When the Reserve unit initiated an action to separate the applicant with an under other than honorable conditions character of service, the applicant was under a seven-day commitment for PTSD and suicide ideation.

The last application for a review was based on facts presented with a lengthy package of exhibits and evidence proving the applicant was not only diagnosed with PTSD, the result of combat duty, but was also hospitalized for the disorder while being discharged from the Reserve unit. The applicant received a partial upgrade to general (under honorable conditions); however, after serving honorably in two war zones, never committing a single crime, never being arrested, and living a completely law-abiding life, the applicant is frustrated with a portion of the service being classified as less than honorable. After fulfilling the Mandatory Service Obligation (MSO) during four years of active service, the applicant cannot fathom receiving a second discharge when opting to begin a service of drilling voluntarily. The recruiting leadership and the local drilling unit advised the applicant to simply request to be placed back into the Inactive Ready Reserve (IRR) at any time, as the drilling status was not obligatory. During the active service and the brief drilling period with the reserve unit, the applicant never committed a single criminal infraction, never used drugs, was never arrested, and was never disciplined. The entire characterization of Reserve service is completely inappropriate to the life and service to the country. Unfortunately, the mental health issues associated with PTSD after combat service rendered the applicant incapable to drill and continue serving in an active capacity at the time. The applicant respectfully requests the case be reconsidered for an honorable characterization of service, and to reissue new separation orders to reflect the same.

b. Board Type and Decision: In a records review conducted on 28 September 2023, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's PTSD and Depressive Disorder. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable.

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: Unsatisfactory Participation / AR 135-178, Chapter 13 / NA / NA / General (Under Honorable Conditions)

b. Date of Discharge: 12 March 2008

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 7 January 2008

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant failed to attend at least nine Army Reserve training assemblies within a one-year period and failed to provide a valid excuse for the absence.

On 7 January 2008, the applicant's commander mailed the applicant the notification via certified mail, with a suspense of 15 days or until 22 January 2008, to acknowledge the notice and rights.

Commander's Report, 19 February 2008, reflects the applicant, at the address: 19345 Oliver Street, Brooksville, FL 34601, was notified of the separation proceedings and the characterization of service recommended. The applicant was informed of the following reasons:

The applicant failed to satisfactorily attend scheduled annual training with the unit; the applicant provided no valid reason for the absence from the training indicating it was not feasible or appropriate to accomplish other disposition of the case; and the applicant provided no response to the order and its memorandum.

The objective of the USAR program is to sustain a well-disciplined, mission capable force ready for mobilization. As deploy-ability is dependent upon Soldiers satisfactorily participating with their units of assignment, the applicant's failure to do so is incompatible with service in the U.S. Army Reserve training assemblies and reflects the applicant does not have the potential to perform useful service if ordered to active duty to meet mobilization requirements.

(3) Recommended Characterization: Under Other Than Honorable Conditions

(4) Legal Consultation Date: The applicant failed to respond to the notification of separation, thereby waiving right to counsel.

(5) Administrative Separation Board: The applicant failed to respond to the notification of separation, thereby waiving right to an administrative separation board.

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

4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 19 January 2006 / Until 8-year MSO ETS or 30 March 2008

b. **Age at Enlistment / Education / GT Score:** 25 / one-year college / 113

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 11B10, Infantryman / 7 years, 11 months, 11 days

d. **Prior Service / Characterizations:** DEP, 31 March 2000 – 16 April 2000 / NA
RA, 17 April 2004 – 16 April 2004 / HD
USARCG, 17 April 2004 – 18 January 2006

e. **Overseas Service / Combat Service:** (Prior AD service) SWA / Uzbekistan-Afghanistan (20 December 2001 – 10 April 2002); Djibouti-Ethiopia-Kenya (30 April 2003 – 19 November 2003)

f. Awards and Decorations: ARCOM-2, AAM-2, AGCM, NDSM, ASR, CIB, ACM-BSS-BA, GWOTEM, GWOTSM, VUA

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Orders AHRC-EP-E000, 20 January 2006, reflects the applicant, address: 5310 Normandy Court, APT 5, Tampa, FL, was voluntarily released from the USAR Control Group (Reinf) and assigned to 143rd TC, Orlando, FL, effective 19 January 2006.

A Developmental Counseling Form, 3 January 2008, for the applicant's decision to separate from the TPU (The applicant was not available for signature).

Order Number 024761, 13 December 2007, ordered the applicant to an annual training (AT) for two days at Orlando, Florida, with a reporting date on 20 December 2007, no later than 0730 hours, and no government quarters and meals were available or directed.

An unsworn Affidavit of Service by Mail, reflects the Notification of Unexcused Absence, was mailed to the applicant, 19345 Oliver St., Brooksville, FL 34601, last known address given to the unit, via certified mail on 13 December 2007.

Certified Mail Receipt (Article No. 7007 2680 0001 1951 5569), sent 14 December 2007, was returned as "unclaimed."

An unsworn Affidavit of Service by Mail, reflects the Notification of Unexcused Absence, was mailed to the applicant, 19345 Oliver St., Brooksville, FL 34601, last known address given to the unit, via certified mail on 7 January 2008.

Certified Mail Receipt (Article No. 7007 2680 0001 1951 5248) sent 8 January 2008, to the address: 19345 Oliver St., Brooksville, FL 34601 was returned as unclaimed.

Commander's Report, 19 February 2008, reflects organization of assignment as 143rd ESC, Orlando, FL; the applicant's home address as 19345 Oliver St., Brooksville, FL 34601; an MSO expiring 2008; and summary of previous military service, including tours of active duty or active duty for training as "Initial Enlistment: 20000331."

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: Psychiatry Inpatient Notes, 1 and 3 January 2008, reflects the applicant was receiving an inpatient psychiatric treatment at the Haley VA Hospital in Tampa, for aggressive treatment of PTSD, suicidal ideation, and depression.

Veterans Administration Disability rating decision, 2 June 2010, reflects the applicant was rated 30 percent disability for PTSD.

Veterans Administration Disability rating decision, 29 July 2021, reflects the applicant's evaluation of PTSD was increased from 30 percent to 100 percent disabling.

Independent Medical Examination, 1 July 2021, rendered by a psychologist, reflects a diagnosis of PTSD.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293; self-authored brief (Memorandum in Support of DD Form 293) with listed attachments at Table of Contents and Primary Reference Exhibits A through D. Additional Evidence: Self-authored statement; VA Rating Decision; Independent Medical Examination; and two third-party letters.

6. POST SERVICE ACCOMPLISHMENTS: For the past seven years, the applicant has maintained a wholesome life by participating in continued reliable counseling and avoiding alcohol almost entirely. The applicant runs several miles each week; has attended law school and received the Juris Doctor and Master of Laws in Health Law and Policy; has practiced in Chicago for several years, before moving back to Florida to care for aging parents; currently serves as a teacher and case manager for disabled children; maintains an active consulting practice with focuses on disability law for children, seniors, and veterans; as a teacher and licensed attorney, represents veterans before disability cases and intellectually disabled children; has an exemplary record with no criminal history; and is happily raising a family with spouse.

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 135-178 prescribes the policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of Army National Guard of the United States (ARNGUS) and U.S. Army Reserve (USAR) enlisted Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) Paragraph 2-9a prescribes an honorable characterization 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.

(2) Paragraph 2-9b, prescribes, if a Soldier's service has been honest and faithful, it is appropriate to characterize that service as general (under honorable conditions). Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

(3) Chapter 12 (previously Chapter 13) provides in pertinent part, that individuals can be separated for being an unsatisfactory participant. Soldier is subject to discharge for unsatisfactory participation when it is determined that the Soldier is unqualified for further military service because: The Soldier is an unsatisfactory participant as prescribed by AR 135-91, chapter 4; Attempts to have the Soldier respond or comply with orders or correspondence.

(4) Paragraph 12-3 prescribes the service of Soldiers separated under this chapter will be characterized as honorable or under honorable conditions as determined under chapter 2, section III, unless an uncharacterized description of service is warranted under paragraph 2-11.

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 identifies issues with a previous ADRB decision, which granted a partial relief by an upgrade to general (under honorable conditions) characterization of service. The applicant will receive a 'de novo' review as part of the Kennedy v. McCarthy Stipulation and Agreement of Settlement, certified on April 26, 2021, wherein the board will apply the Department of Defense guidance regarding liberal consideration of possible mitigating factors, such as PTSD, TBI, and other related mental health conditions.

The applicant's contentions about never being informed of the imminent discharge and the unit sending notices to an incorrect and non-existing address, an address the applicant never provided, were considered. The record shows the unit commander attempted to contact the applicant on several occasions and mailed the separation notice to the applicant's last known address via certified mail. Army Regulation 135-178 stipulates a Soldier is subject to discharge for unsatisfactory participation. The determination a Soldier is unqualified for further military service for unsatisfactory participation is prescribed in Chapter 4, AR 135-91: attempts to have the Soldier respond or comply with orders or correspondence resulting in the Soldier's refusal to comply with such orders or correspondence; or a notice sent by certified mail was refused, unclaimed, or otherwise undeliverable, or verification the Soldier failed to notify the command of a change of address and reasonable attempts to contact the Soldier have failed.

The applicant requests a narrative reason change and an RE Code change. Orders are published when service members are discharged from the U.S. Army Reserve, which indicate the effective date and characterization of the discharge. Narrative reasons and RE Codes usually are not included in the order. Inasmuch as the applicant's discharge order does not have these elements, the ADRB has no basis for changing the discharge order. If the applicant desires to rejoin the military, local recruiters can determine eligibility to reenlist. Recruiters can best advise a former service member as to the needs of the Army at the time and are required to process waivers of reentry eligibility.

The applicant contends issues of becoming financially incapable of drilling with the unit, coping with severe symptoms of an undiagnosed PTSD, and being unable to maintain employment because of car being repossessed, affected the behavior, and ultimately caused the discharge. There is no evidence in the AMHRR the applicant ever sought assistance before missing drill participation with the unit, which led to the separation action under review.

The applicant contends the unit violated the due process because of failing to provide notice of the separation proceedings, hearings, or orders, and the discharge was unjust and unwarranted. The applicant's available AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends suffering from PTSD, and being diagnosed and treated for the PTSD by the VA. The applicant provided several medical documents indicating a diagnosis of PTSD, and prescribed medication. The applicant's AMHRR contains no documentation of PTSD diagnosis. The ARBA sent a letter to the applicant requesting documentation to support a PTSD diagnosis and the applicant responded with a certified mail on 28 September 2021.

The applicant contends serving with honor as an infantry Soldier, deploying in support of multiple combat missions, and the service record prior to 19 February 2008 separation was flawless, and

it included numerous awards, citations, and commendations for service during intense combat operations.

The applicant contends accomplishing series of achievements included receiving Juris Doctor and Master of Law in Health Law and Policy, practiced law, serving as a teacher and case manager, maintaining an active consulting practice, and as a teacher and licensed attorney, represents veterans and intellectually disabled children. 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 of the applicant's character and confirm the applicant's continued battling with PTSD.

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: Post-Traumatic Stress Disorder and 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 with an Adjustment Disorder, combat-related PTSD and Depressive Disorder NOS during military service. The VA has also service connected applicant's PTSD with Major Depressive Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that, given the nexus between PTSD, Depressive Disorder, and avoidance, applicant's BH conditions mitigate the multiple incidents of missing drill that led to separation.

(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 Post-Traumatic Stress Disorder and Depressive Disorder outweighed the multiple incidents of missing drill basis for separation for the aforementioned reason(s).

b. Response to Contention(s):

(1) The applicant identifies issues with a previous ADRB decision, which granted a partial relief by an upgrade to general (under honorable conditions) characterization of service. The Board determined that this contention was valid and voted to upgrade the characterization of service due to Post-Traumatic Stress Disorder and Depressive Disorder mitigating the applicant's multiple incidents of missing drill misconduct.

(2) The applicant's contentions about never being informed of the imminent discharge and the unit sending notices to an incorrect and non-existing address, an address the applicant never

provided, were considered. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the Board's determination that the applicant's Post-Traumatic Stress Disorder and Depressive Disorder outweighed the multiple incidents of missing drill basis for separation.

(3) The applicant requests a narrative reason change and an RE Code change. The Board considered this contention during proceedings; however, as the applicant was in the Army Reserves, there is no reentry code supplied upon discharge, honorable or otherwise, and the board determined the narrative reason for discharge is appropriate as the applicant is accountable for the misconduct of missing drill.

(4) The applicant contends issues of becoming financially incapable of drilling with the unit, coping with severe symptoms of an undiagnosed PTSD, and being unable to maintain employment because of car being repossessed, affected the behavior, and ultimately caused the discharge. The Board considered this contention during proceedings and granted an upgrade to the applicant's characterization of discharge based on the applicant's PTSD, along with the Depressive Disorder, outweighing the multiple incidents of missing drill basis for separation.

(5) The applicant contends the unit violated the due process because of failing to provide notice of the separation proceedings, hearings, or orders, and the discharge was unjust and unwarranted. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the Board's determination that the applicant's Post-Traumatic Stress Disorder and Depressive Disorder outweighed the multiple incidents of missing drill basis for separation.

(6) The applicant contends suffering from PTSD, and being diagnosed and treated for the PTSD by the VA. The Board considered this contention during proceedings and granted an upgrade to the applicant's characterization of discharge based on the applicant's PTSD, along with Depressive Disorder, outweighing the applicant's multiple incidents of missing drill basis for separation.

(7) The applicant contends serving with honor as an infantry Soldier, deploying in support of multiple combat missions, and the service record prior to 19 February 2008 separation was flawless, and it included numerous awards, citations, and commendations for service during intense combat operations. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the Board's determination that the applicant's PTSD and Depressive Disorder outweighed the multiple incidents of missing drill basis for separation.

(8) The applicant contends accomplishing series of achievements included receiving Juris Doctor and Master of Law in Health Law and Policy, practiced law, serving as a teacher and case manager, maintaining an active consulting practice, and as a teacher and licensed attorney, represents veterans and intellectually disabled children. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the Board's determination that the applicant's Post-Traumatic Stress Disorder and Depressive Disorder outweighed the multiple incidents of missing drill basis for separation.

c. The Board determined that the characterization of service was inequitable based on the applicant's PTSD and Depressive Disorder. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable.

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 and Depressive Disorder mitigated the applicant's misconduct of multiple incidents of missing drill. Thus, the prior characterization is no longer appropriate.

(2) As there were no Reasons/SPD Codes/RE-codes listed on the applicant's discharge paperwork, due to being in the Army Reserves, no upgrade actions are required for these items.

(3) As there is no RE-code listed on the applicant's discharge paperwork, due to being in the Army Reserves, no upgrade actions are required for this item.

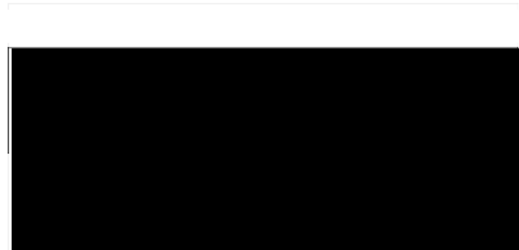
10. BOARD ACTION DIRECTED:

a. Issue a New Separation Order: Yes

b. Change Characterization to: Honorable

c. Change Authority to: AR 135-178

Authenticating Official:



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