

1. Applicant's Name: [REDACTED]**a. Application Date:** 6 October 2020**b. Date Received:** 28 October 2020**c. Counsel:** [REDACTED]**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.

b. The applicant seeks relief contending, in effect, the applicant's discharge was caused by the onset of schizophrenia during the last several months of service. This condition has persisted since that time; the applicant received a 70 percent service-connected disability rating for the condition and has engaged in long-standing, successful treatment. The onset of the schizophrenia explains and mitigates the impact of the conduct that led to the discharge. The quality of the applicant's service before the onset of schizophrenia and successful management of the condition since discharge more than outweighs the negative impact of the misconduct. Prior to 18 March 2014, the applicant had no record of disciplinary action. The applicant's long period of appropriate meritorious service substantially outweighs the very brief period of relatively mild and passive misconduct. The applicant served honorably from 10 October 2012 until 17 March 2014, earning three medals and promotion to private first class. The applicant requests a change in their discharge status to become eligible for benefits.

c. Board Type and Decision: In a records review conducted on 3 May 2024, and by a 5-0 vote, the Board, based on the applicant's length and quality of service, and the circumstances surrounding the discharge (Disorganized Schizophrenia), determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the RE Code was proper and equitable and voted not to change it.

*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: Pattern of Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 7 May 2014

c. Separation Facts: The applicant's AMHRR contains the case separation file. However, the applicant provided the case separation file which are described below in 3c (1) through (6).

(1) Date of Notification of Intent to Separate: 28 April 2014

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant failed to report to the A Battery, 1st Battalion, 37th Field Artillery Regiment accountability formation on 3 April 2014, 2 April 2014, 31 March 2014, and 21 March 2014. On 31 March 2014, the applicant failed to report to a Behavioral Health appointment at the 3d Stryker Brigade Combat Team, 2d Infantry Division Embedded Behavioral Health Clinic. The applicant disrespected Staff Sergeant (SSG) J__ F__ by shaking the applicant's head and telling SSG F__ that the applicant was not going to do physical training on 21 March 2014. On 18 March 2014, the applicant failed to go to the A Battery, 1st Battalion, 37th Field Artillery Regiment, motor pool formation.

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

(4) Legal Consultation Date: 28 April 2014

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: Unspecified date / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 10 October 2012 / 3 years and 18 weeks

b. Age at Enlistment / Education / GT Score: 20 / GED / 117

c. Highest Grade Achieved / MOS / Total Service: E-3 / 13B10, Cannon Crewmember / 1 year, 6 months, and 28 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: AAM, NDSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: The applicant through counsel provided:

(1) Two developmental counseling forms showing the applicant was counseled on 18 and 21 March 2014 for failing to report to formation and place of duty, and for telling a noncommissioned officer that the applicant was not going to do physical training.

(2) On 21 March 2014, the applicant was flagged for involuntary separation/field initiated (BA) effective 21 March 2014.

(3) Four developmental counseling forms showing the applicant was counseled on 2, 4 and 9 April 2014 for failing to report to formations and an appointment.

(4) On 28 April 2014, the applicant was notified that the commander initiated action to separate the applicant for failure to report on more than one occasion and for disrespect.

(5) The applicant's Enlisted Record Brief, 8 March 2014, shows the applicant was flagged for adverse action (AA), effective 30 April 2014; and was ineligible for reenlistment due to pending separation (9V).

(6) The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty), shows the applicant had not completed the first full term of service. The applicant was discharged on 7 May 2014 under the authority of AR 635-200, paragraph 14-12b, with a narrative reason of Pattern of Misconduct. The DD Form 214 was authenticated with the applicant's electronic signature.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided:

(a) Report of Mental Status Evaluation (MSE), 28 March 2014, showing the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant experienced periods of suicidal thoughts, however denied thoughts on the day of the evaluation and over the past few weeks. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant had been screened for PTSD and mild TBI with negative results. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider the influence of these conditions. The applicant was diagnosed with an Adjustment Disorder with Depressed Mood. The current behavioral health diagnosis was not of sufficient severity to warrant disposition through military medical channels.

(b) Report of Medical History, 4 April 2014, showing the examining medical physician noted the applicant's medical conditions in the comments section: Anxiety, memory loss, and depression.

(c) VA Summary of Benefits, 15 November 2017, showing the applicant was rated 70 percent disabled.

(d) Appendix D - L_H_, M.D. Letter, 22 June 2018, stating they was the psychiatrist that was treating the applicant within the Atlanta VA Medical Center system. Upon initially evaluating the applicant in 2016, the applicant conveyed that the applicant experienced their first psychotic break at the age of 19, in 2011. This break resulted in failing two consecutive semesters of college and ultimately had to drop out of school. The applicant's symptoms later abated and the applicant joined the U.S. Army as the applicant was not able to perceive that their psychotic break was not an isolated event, which is not an uncommon perception for one experiencing their first break of psychotic symptoms. However, the applicant later had another psychotic episode and the applicant's military career was not only ended prematurely but the applicant did not receive an honorable discharge. The behaviors that led to the applicant's discharge were beyond the applicant's control and comprehension at the time. Considering the applicant's awareness of their diagnosis of Schizophrenia now and how it most likely led to the behaviors that contributed to their Army discharge, the psychiatrist requests that the applicant's discharge be reconsidered and changed to honorable.

(e) Appendix E - Record of Treatment with the VA

- VA Problem List shows the applicant's problems as: Depressed Mood, 8 February 2017 and Undifferentiated Schizophrenia, 31 March 2016
- Annotated on 17 July 2018, per the caregiver the applicant was diagnosed with schizophrenia in November 2015
- Schizophrenia diagnosis was annotated during a visit at the Atlanta VA Medical Center for a Decanoate injection on 10 June 2019

(2) AMHRR Listed: MSE as described in previous paragraph 4j(1)(a).

The ARBA's medical advisor reviewed DoD and VA medical records and not solely those documents listed in 4j(1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293; Legal Brief with all listed appendixes A through F (includes Enlisted Record Brief, case separation packet, medical records, and DD Form 214; VA Summary of Benefits).

6. POST SERVICE ACCOMPLISHMENTS: The applicant completed a VA-sponsored vocational rehabilitation program, an HVAC certification, and has received a license as an HVAC technician. The applicant also held a technician job using the HVAC certification at Forward Air. The applicant participates regularly in community events, including participation in football and baseball leagues.

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) 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.

(2) 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

(3) 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.

(4) 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.

(5) Paragraph 14-12b, addresses a pattern of misconduct consisting of either discreditable involvement with civilian or military authorities or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the Uniform Code of Military Justice, Army Regulations, the civilian law and time-honored customs and traditions of the Army.

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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12b, pattern of misconduct.

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:

(1) RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

(2) 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.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

8. SUMMARY OF FACT(S): The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

a. The applicant requests an upgrade to honorable. The applicant's AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's DD Form 214 shows the applicant served 1 year, 6 months, and 28 days. The applicant received six counseling's for failing to report and disrespect. The applicant was discharged on 7 May 2014 under the provisions of AR 635-200, Chapter 14, paragraph 14-12b, by reason of Pattern of Misconduct, with a characterization of service of general (under honorable conditions).

c. The applicant through counsel contends, in effect, the applicant's discharge was caused by the onset of schizophrenia during the last several months of service. This condition has persisted since that time; the applicant received a 70 percent service-connected disability rating for the condition and has engaged in long-standing, successful treatment. The onset of the schizophrenia explains and mitigates the impact of the conduct that led to the discharge. The applicant provided through counsel:

(1) MSE, 28 March 2014, showing the applicant was diagnosed with an Adjustment Disorder with Depressed Mood.

(2) Report of Medical History, 4 April 2014, showing the examining medical physician noted the applicant's medical conditions in the comments section: Anxiety, memory loss, and depression.

(3) VA Summary of Benefits, 15 November 2017, showing the applicant was rated 70 percent disabled. The Military Review Boards representative emailed the applicant on 26 February 2024 requesting the VA rating decision listing the disability but received no response from the applicant as of 12 March 2024.

(4) Appendix D - L_H_, M.D. Letter, 22 June 2018, stating they was the psychiatrist that was treating the applicant within the Atlanta VA Medical Center system. Upon initially evaluating the applicant in 2016, the applicant conveyed that the applicant experienced their first psychotic break at the age of 19, in 2011. This break resulted in failing two consecutive semesters of college and ultimately had to drop out of school. The applicant's symptoms later abated and the applicant joined the U.S. Army as the applicant was not able to perceive that their psychotic break was not an isolated event, which is not an uncommon perception for one experiencing their first break of psychotic symptoms. However, the applicant later had another psychotic episode and the applicant's military career was not only ended prematurely but the applicant did not receive an honorable discharge. The behaviors that led to the applicant's discharge were beyond the applicant's control and comprehension at the time. Considering the applicant's awareness of their diagnosis of Schizophrenia now and how it most likely led to the behaviors that contributed to their Army discharge, the psychiatrist requests that the applicant's discharge be reconsidered and changed to honorable.

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d. The applicant through counsel contends, in effect, the quality of the applicant's service before the onset of schizophrenia and successful management of the condition since discharge more than outweighs the negative impact of the misconduct. The applicant served honorably from 10 October 2012 until 17 March 2014, earning three medals and promotion to private first class. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

e. The applicant through counsel contends an upgrade would allow the applicant to become eligible for benefits. Eligibility for veteran's benefits to include educational benefits under the Post-9/11 or Montgomery GI Bill 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.

f. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

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: Schizophrenia, disorganized type; Anxiety Disorder Not Otherwise Specified. [Note-Adjustment Disorder is subsumed under diagnosis of Schizophrenia.]

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the diagnosis of Anxiety Disorder was made during military service. VA service connection for Schizophrenia (70% Service Connected) establishes it began during service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the applicant has a mitigating Behavioral Health condition, Disorganized Schizophrenia, Existed Prior to Service, with service aggravation. As there is a nexus between Schizophrenia, avoidant behavior, oppositionality, and apathy, there is a nexus between the applicant's diagnosis of Schizophrenia, the applicant's multiple instances of Failure to Report and attempts to go Absent Without Leave, the applicant's disrespectfulness toward the applicant's NCO and the applicant's inability to maintain proper military bearing. Of note, the applicant had a psychotic break prior to joining the military which might lead one to believe the applicant fraudulently enlisted. However, in this situation, this is not the case. The applicant suffers from anosognosia which affects between 50-98% of people with Schizophrenia. Anosognosia is an inability to recognize the presence of a mental illness and is due to frontal lobe damage caused by Schizophrenia. It is the leading cause of treatment non-adherence in serious mental illness.

(4) Does the condition or experience outweigh the discharge? **Yes.**

b. Response to Contention(s):

(1) The applicant through counsel contends, in effect, the applicant's discharge was caused by the onset of schizophrenia during the last several months of service. This condition has persisted since that time; the applicant received a 70 percent service-connected disability rating for the condition and has engaged in long-standing, successful treatment. The onset of the schizophrenia explains and mitigates the impact of the conduct that led to the discharge. The Board determined that this contention was valid and voted to upgrade the characterization of service due to Disorganized Schizophrenia mitigating the applicant's Failure to Report, attempts to go Absent Without Leave, the applicant's disrespectfulness toward the applicant's NCO and the applicant's inability to maintain proper military bearing misconduct.

(2) The applicant through counsel contends, in effect, the quality of the applicant's service before the onset of schizophrenia and successful management of the condition since discharge more than outweighs the negative impact of the misconduct. The applicant served honorably from 10 October 2012 until 17 March 2014, earning three medals and promotion to private first class. The Board determined that this contention was valid and voted to upgrade the characterization of service due to Disorganized Schizophrenia mitigating the applicant's Failure to Report, attempts to go Absent Without Leave, the applicant's disrespectfulness toward the applicant's NCO and the applicant's inability to maintain proper military bearing misconduct.

(3) The applicant through counsel contends an upgrade would allow the applicant to become eligible for benefits. 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 Disorganized Schizophrenia mitigating the applicant's Failure to Report, attempts to go Absent Without Leave, the applicant's disrespectfulness toward the applicant's NCO and the applicant's inability to maintain proper military bearing misconduct.

c. The Board, based on the applicant's length and quality of service, and the circumstances surrounding the discharge (Disorganized Schizophrenia), determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the RE Code was proper and equitable and voted not to change it.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Disorganized Schizophrenia mitigated the applicant's misconduct of the applicant's Failure to Report, attempts to go Absent Without Leave, the applicant's disrespectfulness toward the applicant's NCO and the applicant's inability to maintain proper military bearing. 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.

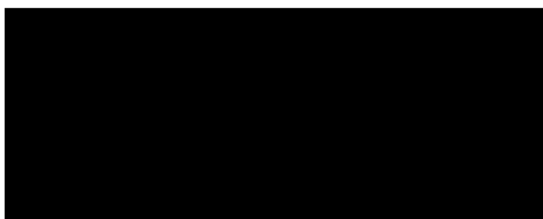
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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:

7/31/2024



ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210005212

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