

**1. Applicant's Name:** [REDACTED]**a. Application Date:** 1 October 2021**b. Date Received:** 13 October 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.

**b.** The applicant seeks relief contending, in effect, the applicant did not pass the push up event during the Army physical fitness test (APFT), however, the applicant did pass the remainder of the APFT. The applicant believes their character of discharge was too harsh due to the fact that the applicant was an exemplary soldier other than failing the APFT by being short four push-ups. The applicant was the platoon's top unit trainer as well as a technical inspector for the RQ-78 Shadow System. The applicant exceeded expectations at their job and the leadership could count on the applicant day in and day out. After the applicant had secured a civilian job, the applicant was given an opportunity to take another APFT and successfully passed it. When asked what the applicant wanted to do, the applicant accepted the chapter to move forward with their civilian career, however, the applicant requested an honorable discharge with letters of recommendation from leadership and those who worked alongside the applicant. There have been no other derogatory actions, remarks, or disciplinary action taken against the applicant.

**c. Board Type and Decision:** In a Telephonic Personal Appearance Hearing conducted on 18 November 2024, and by a 4-1 vote, the Board determined that the characterization of service was inequitable based on the applicant's length and quality of service, and post service accomplishments. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

*Please see Section 10 of this document for more details regarding the Board's decision.*

**3. DISCHARGE DETAILS:**

**a. Reason / Authority / Codes / Characterization:** Physical Standards / AR 635-200, Chapter 13-2E / JFT / RE-3 / General (Under Honorable Conditions)

**b. Date of Discharge:** 21 May 2015**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 27 April 2015

**(2) Basis for Separation:** The applicant was informed of the following reasons: On 23 February 2015, the applicant failed to achieve course standards while enrolled in the noncommissioned officer education system course (NCOES).

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

**(4) Legal Consultation Date:** 27 April 2015

**(5) Administrative Separation Board:** NA

**(6) Separation Decision Date / Characterization:** 1 May 2015 / General, Under Honorable Conditions

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 7 November 2011 / 6 years

**b. Age at Enlistment / Education / GT Score:** 18 / High School Graduate / 115

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 15E10, Unmanned Aircraft Systems Repairer / 3 years, 6 months, and 15 days

**d. Prior Service / Characterizations:** None

**e. Overseas Service / Combat Service:** Hawaii / None

**f. Awards and Decorations:** AGCM, NDSM, GWOTSM, ASR

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:**

**(1)** The applicant provided their APFT scorecard, that shows the applicant scored 55 points in the push-up event on 12 and 23 February 2015 which reflects a failed APFT.

**(2)** Memorandum, subject: Notification of Dismissal from the Warrior Leader Course (WLC) and Right to Appeal, 23 February 2015, indicates the applicant was dismissed from WLC for failing to pass the APFT evaluation and retest. The applicant acknowledged receipt on 23 February 2015 and elected not to appeal the request for dismissal.

**(3)** Two character references, 28 April 2015, states the applicant was one of the most knowledgeable maintainers they have ever met within the unmanned aerial systems community. Responsibilities given to the applicant were normally allocated to a staff sergeant or higher. The applicant's abilities as an unmanned aerial systems repairer were undeniable. The applicant had never received any kind of discipline, and had never been in trouble, or any kind of altercation.

**(4)** Memorandum for Record, subject: Separation Under AR 635-200, Chapter 13, Unsatisfactory Performance (Applicant), 30 April 2015, states the battalion commander initially offered to recommend that the separation be suspended for a period of 90 days to allow the applicant to show improvement in physical fitness and to pass the APFT. However, after meeting with the applicant, the applicant informed the battalion commander that the applicant elected to accept the separation presented in the notification on 22 April 2015.

**(5)** The applicant provided Memorandum for Commander, 29th Engineer Battalion, 3d Brigade Combat Team, 25th Infantry Division, subject: Separation Under AR 635-200, Chapter 13, Unsatisfactory Performance (Applicant), 30 April 2015, that shows the battalion commander recommended the applicant be discharged with an honorable characterization of service.

(6) The applicant's Enlisted Record Brief, 22 May 2015, shows the applicant was flagged for APFT failure (JA), effective 23 February 2015; and was ineligible for reenlistment due to physical readiness (9E).

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

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

(1) **Applicant provided:** None

(2) **AMHRR Listed:** None

*The ARBA's medical advisor reviewed DoD and VA medical records.*

**5. APPLICANT-PROVIDED EVIDENCE:** DD Form 293; DD Form 214 (Certificate of Release or Discharge from Active Duty); partial case separation file (including DA Form 705 (APFT Scorecard); letter of recommendation; and self-authored letter.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant obtained a civilian job, working in computer networking and is pursuing a degree. The applicant also volunteers in his community, working for Habitat for Humanity.

**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. AR 350-1 (Army Training and Leader Development), prescribes policies, procedures, and responsibilities for developing, managing, and conducting Army training and leader development. It states in:

(1) Paragraph 1-24 (Army physical fitness training), all Soldiers must attain a score of at least 60 points on each test event or receive a "GO" on the alternate aerobic event. If a Soldier does not attain a minimum of 60 points in each event or a "GO" on an alternate aerobic event, the Soldier is an event failure. When a Soldier fails one or more events, the Soldier is a test failure.

(2) Paragraph 3-9 (Physical fitness and height and weight requirements for military institutional training), states if a Soldier enrolled in a Noncommissioned Officer Education System (NCOES) course fails the APFT, the Soldier will be provided 1 retest 7 to 14 days after the failure.

e. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) provides the basic authority for the separation of enlisted personnel.

(1) Paragraph 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(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 13 contains the policy and outlines the procedures for separating individuals for unsatisfactory performance, and provides, in pertinent part, commanders will separate a member under this Chapter when, in the commander's judgment, the member will not develop sufficiently to participate satisfactorily in further training and/or become a satisfactory Soldier.

(5) Paragraph 13-2c (previously paragraph 13-2e) states in pertinent part, separation proceedings will be initiated for Soldiers without medical limitations that have two consecutive failures of the Army Physical Fitness Test. The reason for discharge will be shown as physical standards.

(6) Paragraph 13-8 stipulates the service of Soldiers separated because of unsatisfactory performance will be characterized as honorable or under honorable conditions as warranted by their military records.

(7) Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

f. 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 "JFT" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, in effect at the time, Chapter 13-2e, Physical standards.

g. 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 waivable. Eligibility: Ineligible unless a waiver is granted.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaivable 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 3 years, 6 months, and 15 days. The applicant failed two consecutive APFTs at the WLC. The applicant's DD Form 214 shows the applicant was discharged under the provisions of AR 635-200, Chapter 13, paragraph 13-2e, by reason of unsatisfactory performance with a characterization of service of general (under honorable conditions).

c. The applicant contends, in effect, the applicant did not pass the push up event during the APFT, however, the applicant did pass the remainder of the APFT.

(1) The applicant provided their APFT scorecard, that shows the applicant scored 55 points in the push-up event on 12 and 23 February 2015 which reflects a failed APFT.

(2) AR 350-1, states in:

(a) Paragraph 1-24 (Army physical fitness training) states all Soldiers must attain a score of at least 60 points on each test event or receive a "GO" on the alternate aerobic event. If a Soldier does not attain a minimum of 60 points in each event or a "GO" on an alternate aerobic event, the Soldier is an event failure. When a Soldier fails one or more events, the Soldier is a test failure.

(b) Paragraph 3-9 (Physical fitness and height and weight requirements for military institutional training), states if a Soldier enrolled in a NCOES course fails the APFT, the Soldier will be provided 1 retest 7 to 14 days after the failure.

(3) The applicant states on their application that they were given an opportunity to take another APFT and successfully passed it. When asked what the applicant wanted to do, the applicant accepted the chapter to move forward with their civilian career.

d. The applicant contends, in effect, their character of discharge was too harsh due to the fact that the applicant was an exemplary soldier other than failing the APFT by being short four push-ups. The applicant was the platoon's top unit trainer as well as a technical inspector for the RQ-78 Shadow System. The applicant exceeded expectations at their job and the leadership could count on the applicant day in and day out. There have been no other derogatory actions, remarks, or disciplinary action taken against the applicant.

(1) AR 635-200, paragraph 3-5, in pertinent part, stipulates there are circumstances in which the conduct or performance of duty reflected by a single incident provides the basis for a characterization.

(2) The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

e. 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. DOCUMENTS / TESTIMONY PRESENTED DURING PERSONAL APPEARANCE:** In addition to the evidence in the record, the Board carefully considered the additional document(s) and testimony presented by the applicant at the personal appearance hearing.

a. **The applicant submitted the following additional document(s):** None

b. **The applicant presented the following additional contention(s):** None

**Counsel / Witness(es) / Observer(s):** None

**10. 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? **No.** The Board's Medical Advisor reviewed DoD and VA medical records and found no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused, or mitigated a discharge.

(2) Did the condition exist, or experience occur during military service? **N/A**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**

(4) Does the condition or experience outweigh the discharge? **N/A**

b. **Prior Decisions Cited:** RR 2018

c. **Response to Contentions:**

(1) The applicant contends, in effect, the applicant did not pass the push up event during the APFT, however, the applicant did pass the remainder of the APFT. The Board acknowledged this contention during proceedings.

(2) The applicant contends, in effect, their character of discharge was too harsh due to the fact that the applicant was an exemplary soldier other than failing the APFT by being short four push-ups. The applicant was the platoon's top unit trainer as well as a technical inspector for the RQ-78 Shadow System. The applicant exceeded expectations at their job and the leadership could count on the applicant day in and day out. There have been no other derogatory actions, remarks, or disciplinary action taken against the applicant. This contention was considered during the board proceedings.

d. The Board determined that the characterization of service was inequitable based on the applicant's length and quality of service, and post service accomplishments. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable. The Board voted that a General (Under Honorable Conditions) discharge is too harsh for failed APFT, and the applicant has length and quality of service, overseas service, character letters and post service accomplishments.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code, as the reason the applicant was discharged was both proper and equitable.

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

**11. BOARD ACTION DIRECTED:**

a. **Issue a New DD-214 / Separation Order:** Yes

b. **Change Characterization to:** Honorable

c. **Change Reason / SPD Code to:** No Change

d. **Change RE Code to:** No Change

e. **Change Authority to:** No Change

**Authenticating Official:**

1/24/2025

