

**1. Applicant's Name:**

- a. **Application Date:** 18 September 2020
- b. **Date Received:** 25 September 2020
- 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 Uncharacterized. The applicant requests an upgrade to Honorable, a change to their narrative reason, as well as changes to both of their separation and reentry codes.

b. The applicant seeks relief contending, they were born in the United States (U.S.) but they grew up overseas. The applicant came back to the U.S. in September 2006 and joined the Army in May 2007, at a young age. They wanted to serve their country so they met with a recruiter who recruited them as MOS 09L (Arabic); however, they did not have a high school diploma, nor did they speak English very well. The recruiter told the applicant not to worry because the Army needed people who spoke Arabic; thus, the recruiter processed the applicant's paperwork and signed them up.

(1) Couple of weeks after they arrived at Fort Jackson, SC for basic training, the applicant was interviewed by a civilian, who stated that they were going to conduct the applicant's Top Secret Security Clearance. The interviewer interviewed the applicant for over six hours. Most of their questions, the applicant did not understand and the interviewer was rude and unprofessional with the applicant. The interviewer informed the applicant that they had to answer all of the questions and to guess at the answers if they did not understand any question.

(2) The applicant was held over in Fort Jackson, SC for a few months awaiting the outcome of the interview. Then, the applicant was called to their company commander's office, at which time, the applicant was told that they were being discharged. The applicant did not know why they were being discharged. They applicant requested to continue their service, as they wanted to serve their country. Days later, the applicant was put on a plane and sent back to their hometown, [in the US]. The applicant requests their discharge character of service be changed to Honorable and their reentry code changed, in order for them rejoin the Army.

c. **Board Type and Decision:** In a records review conducted on 7 June 2024, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

**3. DISCHARGE DETAILS:**

a. **Reason / Authority / Codes / Characterization:** Erroneous Entry / AR 635-200, Chapter 7, Section III / JFC / RE-3 / Uncharacterized

b. **Date of Discharge:** 08 August 2007

c. **Separation Facts:**

- (1) Date of Notification of Intent to Separate:** NIF
- (2) Basis for Separation:** NIF
- (3) Recommended Characterization:** NIF
- (4) Legal Consultation Date:** NIF
- (5) Administrative Separation Board:** NA
- (6) Separation Decision Date / Characterization:** NIF

**4. SERVICE DETAILS:**

- a. Date / Period of Enlistment:** 16 May 2007 / 8 years
- b. Age at Enlistment / Education / GT Score:** 22 / NIF / NIF
- c. Highest Grade Achieved / MOS / Total Service:** E-4 / None / 2 months, 14 days
- d. Prior Service / Characterizations:** None
- e. Overseas Service / Combat Service:** None
- f. Awards and Decorations:** None
- g. Performance Ratings:** NA
- h. Disciplinary Action(s) / Evidentiary Record:**

**(1)** On 16 May 2007, the applicant enlisted in the United States Army Reserve for 8 years as a SPC.

**(2)** Notwithstanding the missing separation package, on 6 August 2007, their separation orders were issued. A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged accordingly on 8 August 2007, noting the following:

- Authority: AR 635-200, Chapter 7, Section III
- Narrative Reason: Erroneous Entry
- SPD Code: JFC
- Reentry Code: RE-3
- Service Characterization: Uncharacterized
- Total NET Active Service this Period: 2 months, 14 days
- Remarks: Member has not completed first full term of service.
- Lost Time: None
- Signature: Physically signed.

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

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

**(1) Applicant provided:** None

**(2) AMHRR Listed:** None

**5. APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge

**6. POST SERVICE ACCOMPLISHMENTS:** As indicated on their application, the applicant has obtained their master's degree.

**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), dated 25 September 2019, 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 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) An Under other-than-honorable-conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(4) A separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status. Unless the DCS, G-1, on a case-by-case basis, determines that characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty. This characterization is authorized when the Soldier is separated by reason of selected changes in service obligation, convenience of the Government, and Secretarial plenary authority. A Soldier is in an entry-level status (ELS) if the Soldier has not completed more than 180 days of creditable continuous active duty prior to the initiation of separation action.

(5) Chapter 7 provides the authority, criteria, and procedures for the separation of Soldiers because of erroneous enlistment, reenlistment, or extension of enlistment, defective enlistment agreement, or fraudulent entry. A defective enlistment agreement exists when the Soldier is eligible for enlistment in the Army but does not meet the prerequisite for the option for which enlisted. A Soldier discharged under this chapter will be awarded an honorable character of service unless an entry level separation is required under Chapter 3, section II of this regulation.

(6) 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.

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 "JFC" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 7, Section III, Erroneous Entry.

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 waivable and nonwaivable 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, a change to their narrative reason, as well as changes to both of their separation and reentry codes. The applicant's Army Military Human Resources Record (AMHRR), the issues, and

documents submitted with the application were carefully reviewed.

**b.** A review of the available evidence provides the applicant enlisted in the USAR as a SPC and served on continuous active duty for 74 days in an entry level status (ELS) at Fort Jackson, SC prior to having been separated under the provisions of AR 635-200, Chapter 7-3, Erroneous Entry, with an Uncharacterized discharge.

**c.** 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? **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.** Response to Contention(s): The applicant seeks relief contending, they were born in the United States (U.S.) but they grew up overseas. The applicant came back to the U.S. in September 2006 and joined the Army in May 2007, at a young age. They wanted to serve their country so they met with a recruiter who recruited them as MOS 09L (Arabic); however, they did not have a high school diploma, nor did they speak English very well. The recruiter told the applicant not to worry because the Army needed people who spoke Arabic; thus, the recruiter processed the applicant's paperwork and signed them up.

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requested to continue their service, as they wanted to serve their country. Days later, the applicant was put on a plane and sent back to their hometown, [in the US]. The applicant requests their discharge character of service be changed to Honorable and their reentry code changed, in order for them to rejoin the Army.

c. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the issues before the Board. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

d. Rationale for Decision:

(1) The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The Board found insufficient evidence of in-service mitigating factors. The applicant could not obtain a security clearance. Based on a preponderance of evidence, the Board determined that the reason for the applicant's separation and the character of service the applicant received upon separation were proper and equitable and does not warrant an upgrade.

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

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

**10. BOARD ACTION DIRECTED:**

- a. **Issue a New DD-214 / Separation Order:** No
- b. **Change Characterization to:** No change
- c. **Change Reason / SPD code to:** No change
- d. **Change RE Code to:** No change
- e. **Change Authority to:** No change

**Authenticating Official:**

1/14/2025

X

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Presiding Officer, COL, U.S. ARMY  
Army Discharge Review Board

Legend:  
AWOL – Absent Without Leave

## ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

**AR20210005448**

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