

1. Applicant's Name: [REDACTED]**a. Application Date:** 9 September 2020**b. Date Received:** 2 November 2020**c. Counsel:** [REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:****a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is general (under honorable conditions). The applicant, through counsel, requests an upgrade of their characterization of service to honorable, change of narrative reason for discharge, and medically retirement or in the alternative, evaluate the applicant through the Integrated Disability Evaluation System (IDES).

(2) The applicant, through counsel seeks relief stating, the applicant has a Department of Veterans Affairs (VA) disability rating of 70-percent for Post-Traumatic Stress Disorder (PTSD) caused by their experience in Iraq, a combined rating of 100-percent and they receive individual unemployability compensation. They suffered from PTSD at the time of their discharge and the misconduct upon which their separation was based, minor disciplinary infractions, were related to PTSD.

(3) In accordance with the Secretary of Defense guidance, they respectfully request the Board to consider their PTSD was a causative factor in their misconduct. They were unfit for their duties of their rank and position at the time of their separation. Rather than administrative separation, medical disability evaluation would have been proper. Had they been properly diagnosed by military healthcare providers; they may have received earlier treatment and avoided an administrative separation. Therefore, they request consideration in the interest of justice. All incidents of misconduct were minor breaches of military discipline and were related to the applicant's undiagnosed PTSD.

(4) Counsel continues to argue the points –

- the Secretary of Defense dictated that the Board weigh the severity of the misconduct against the mitigating factor of PTSD.
- Clarifying Guidance requires balancing minor misconduct against the severe symptoms of PTSD.
- the applicant should be evaluated by the IDES.

(5) In conclusion, the applicant is exactly the type of Soldier that the Clarifying Guidance contemplated when it instructed Boards to weigh the misconduct with the mitigating factor of a mental health condition. In the applicant's case, the 70-percent disability rating from the VA indicates serious impairments in most aspects of their life. These symptoms severely limited their ability to conform to military discipline. Had their condition been diagnosed, their command would have properly referred them to the IDES. They respectfully requests the Board to either apply the initial or corrected VA disability rating for PTSD or refer them to the IDES.

b. Board Type and Decision: In a records review conducted on 28 February 2024, and by a 5-0 vote, the board determined that the characterization of service was inequitable based on the applicant's in-service mitigating factors (length, quality, combat) and PTSD diagnosis mitigate the pattern of misconduct: failure to follow lawful written orders, dereliction of duties, and failure to report place of duty. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Pattern of Misconduct / Army Regulation 635-200, Paragraph 14-12B / JKA / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 1 March 2011

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 10 January 2011

(2) Basis for Separation: on diverse occasions, failed to follow lawful written orders, were derelict in proper performance of their duties, and failed to report to their proper place of duty.

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

(4) Legal Consultation Date: 10 January 2011

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 3 February 2011 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 13 January 2009 / 6 years

b. Age at Enlistment / Education / GT Score: 20 / HS Graduate / 85

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92Y10, Unit Supply Specialist / 4 years, 8 months, 10 days.

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Korea, SWA / Iraq (2 September 2008 – 27 August 2009)

f. Awards and Decorations: ARCOM, AAM, AGCM, NDSM, GWTSM, ICM-CS, ASR, OSR-2

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) DA Forms 4856 (Developmental Counseling Form), dated 2 January 2010, reflects the applicant received event-oriented counseling for curfew violation and for not being on an approved pass for leaving post, nor did they notify their chain of command that they were traveling to Seoul, Republic of Korea. These were serious offenses punishable by the Uniform Code of Military Justice (UCMJ).

(2) A DA Form 2627 (Record of Proceedings under Article 15, UCMJ), dated 15 January 2010, reflects the applicant received nonjudicial punishment for, on or about 1 January 2011, failed to obey a lawful order, by wrongfully leaving Camp Humphreys area outside 50 mile radius without notifying their supervisor or an approved pass or leave and on or about 2 January 2010, wrongfully remained off-installation during curfew hours without an approved pass or leave. Their punishment consisted of extra duty and restriction for 14 days. The applicant elected not to appeal.

(3) DA Form 4856, dated 15 February 2010, reflects the applicant's commander informed the applicant that their pass privileges are being revoked. The commander states, on 14 February 2010, the applicant has been identified as having violated the commander's leave and pass policy and in violation of the U.S. Forces Korea Commander's curfew policy. The applicant has shown the lack of responsibility and adherence to discipline has the potential to put themselves and other Soldiers at risk. The applicant agree with the information and signed the form.

(4) A DA Form 2627, dated 1 March 2010, reflects the applicant received nonjudicial punishment, for on or about 14 February 2011, failed to obey a lawful order by wrongfully leaving Camp Humphreys area for more than 24 hours without an approved pass or leave and for, wrongfully remaining off-installation during curfew hours without an approved pass or leave. Their punishment consisted of a reduction in rank/grade from specialist/E-4 to private first class/E-3, forfeiture of \$961.00 pay for 2 months, extra duty and restriction for 45 days, and an oral admonishment. The applicant elected to appeal, and their appeal was denied on 4 March 2010.

(5) Five DA Forms 4856, dated 5 May 2010 through 8 July 2010, reflects the applicant counseling for losing their barracks room key, failed to be at their appointed place of duty, unsatisfactory duty performance, violated the Barracks Standing Operating Procedure Policy by playing loud music, having a visitor during non-visitor hours, and failure to conform and adhere to the simplest of Soldiering skills and task will be tolerated no further.

(6) A DA Form 2627-1 (Summarized Record of Proceedings under Article 15, UCMJ), dated 11 August 2010, reflects the applicant received nonjudicial punishment for, on or about 6 July 2010, failed to obey a lawful order by wrongfully having a member of the opposite sex in their room between 0200 and 1000 hours. Their punishment consisted of extra duty and restriction for 14 days. The applicant elected not to appeal.

(7) DA Form 2697 (Report of Medical Assessment) dated 6 December 2010, the applicant stated compared to their last medical assessment/physical examination, their overall health is the same. The applicant marked "NO" for the following items –

- item 11 – "Since your last medical assessment/physical examination, have you had any illness or injuries that caused you to miss duty for longer than 3 days?"
- item 12 – "Since your last medical assessment/physical examination, have you been seen by or been treated by a health care provider, admitted to a hospital, or had surgery?"

- item 13 – "Have you suffered from any injury or illness while on active duty for which you did not seek medical care?"
- item 14 – "Are you now taking any medication?"
- item 15 – "Do you have any conditions which currently limit your ability to work in your primary military specialty or require geographic or assignment limitations?"
- item 16 – "Do you have any dental problems?"
- Item 17 – "Do you have any other questions or concern about your health?"

(8) DA Form 2807-1 (Report of Medical History), dated 6 December 2010, reflects the applicant self-reported multiple medical and behavioral health issues, and indicated that they are "Currently in good health." Item 30 (Examiner's Summary and Elaboration of all Pertinent Data) the examiner commented on the applicant's self-reported conditions, to include the applicant's sleep disturbance, notes trouble with sleep at night. [Note: a review of the applicant's Army Military Human Resource Record (AMHRR) does not contain a mental status evaluation and medical examination at the time of the applicant's discharge from the U.S. Army].

(9) A DA Form 4856, dated 15 December 2010, reflects the applicant received notification of initiation of administrative separation.

(10) A memorandum, Bravo Company, 3rd Military Intelligence Battalion, subject: Separation under Army Regulation 635-200, Chapter 14-12b, A Pattern Misconduct, [Applicant], dated 10 January 2011, notified the applicant of initiating actions to separate them for a Pattern of Misconduct, for misconduct described in previous paragraph 3c (2). On that same day, the applicant acknowledged receipt of their separation notice.

(11) On 10 January 2011, the applicant completed their election of rights signing they had been advised by counsel of the basis for their separation and its effects and of the rights available to them. They elected to submit statement in their behalf, stating –

(a) They have made a lot of bad decisions that now question their ability to remain in the Army as a Soldier or even a future leader. Their bad decisions has taught that it takes good attributes to be a good leader in the U.S. Army and responsibility is on major attribute they have learned because they have not been responsible for their actions and decisions.

(b) There is every reason they can be separated out of the U.S. Army, but they are asking to be retained so they can one day have a chance to be a good leader and lead Soldiers in the right direction on and off duty. They are asking for a second chance to continue to serve their country and put this recent misconduct behind them and serve honorably.

(12) A memorandum: Bravo Company, 3rd Military Intelligence Battalion, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Chapter 14-12b, A Pattern of Misconduct, [Applicant], dated 10 January 2011, the applicant's company commander submitted the request to separate the applicant prior to their expiration term of service. The commander states the applicant's mental status evaluation and medical examination are attached. [Note: the applicant's mental status evaluation and medical examination are not in evidence for review]. The commander also states the applicant has demonstrated through misconduct that no other disposition would be in the best interest of the Army, as it would not produce a quality, Soldier.

(13) A memorandum, 501st Military Intelligence Brigade, subject: Separation under Army Regulation 635-200, Chapter 14-12b, A Pattern of Misconduct, [Applicant], 3 February 2011, the separation authority having reviewed the separation packet and after careful consideration of all matters, directed the applicant be separated from the Army prior to the

expiration of current term of service. The separation authority directed the applicant will be furnished a General (Under Honorable Conditions) discharge.

(14) On 1 March 2011, the applicant was discharged accordingly, the DD Form 214(Certificate of Release or Discharge from Active Duty) provides the applicant completed 4 years, 8 months, and 10 days of net active service this period and they complete their first full term of service; however, they did not complete their 6-year reenlistment service obligation. The DD Form 214 shows in –

- item 4a (Grade, Rate or Rank) – Specialist
- item 4b (Pay Grade) – E-4
- item 12i (Effective Date of Pay Grade) – 1 October 2010
- item 18 (Remarks) – in part,
 - Continuous Honorable Active Service – 22 June 2006 – 12 January 2009
 - Member has completed first full term of service.
- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 26 (Separation Code) – JKA [Pattern of Misconduct]
- item 27 (Reentry Code) – 3
- item 28 (Narrative Reason for Separation) – Pattern of Misconduct

(15) A DD Form 293 dated 5 November 2012 reflects the applicant's request to the Army Discharge Review Board stating there were not afforded appropriate counsel and did not understand UCMJ consequences as explained or not explained upon their discharge from the U.S. Army.

(16) On 3 April 2013, the Army Discharge Review Board, after carefully examining the applicant's record of service during the period of enlistment under review and considering the Discussion and Recommendation, the Board determined the discharge was both proper and equitable and voted to deny relief. The record confirms the applicant's discharge was appropriate because the quality of their service was not consistent with the Army's standards for acceptable personal conduct and performance of duty by military personnel. The applicant's service was marred by three Articles 15 for multiple violations of the UCMJ and numerous negative counseling statements.

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

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

(1) **Applicant provided:** VA Disability Benefits Questionnaires and Rating Decisions reflecting the applicant's evaluation of PTSD, also claimed as insomnia secondary to PTSD, with an increase disability rating of 70-percent.

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 149 (Application for Correction of Military Record under the Provisions of Title 10, U.S. Code, Section 1552)
- Counsel Letter, with enclosures
- Power of Attorney

- Army Review Boards Agency Letter, reflecting the applicant denial of their previous request for an upgrade of their character of service to honorable.
- excerpts of military service record
- VA Disability Benefits Questionnaires
- VA Rating Decisions
- 2014 Secretary of Defense Guidance [Hagel memo]
- 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo]

6. POST SERVICE ACCOMPLISHMENTS: none submitted with application.

7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):

a. Title 10, U.S. Code, Section 1553, (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, Title 10, U.S. Code, Section 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 (DoD) 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; Title 10, U.S. Code, Section 1553; and DoD Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), dated 6 September 2011, set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(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) A Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

(4) Chapter 1 (General Provisions) sets policies, standards, and procedures to ensure readiness and competency of the force while providing for the orderly administrative separation of Soldiers, it provides in pertinent part:

(a) When a separation is ordered, the approved proceedings will be sent to the commander who has the Soldier's records for separation processing. The original copy of the proceedings will be filed in the permanent part of the Soldiers official personnel record.

(b) Army leaders at all levels must be continually aware of their obligation to provide purpose, direction, and motivation to Soldiers. It is essential that Soldiers who falter, but have the potential to serve honorably and well, be given every opportunity to succeed. Except as otherwise indicated, commanders must make maximum use of counseling and rehabilitation before determining that a Soldier has no potential for further useful service and ensure it occurs

prior to initiating separation proceedings for reason to include Minor Disciplinary Infractions (14-12a) or a Pattern of Misconduct (14-12b).

(5) Chapter 14 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. Paragraph 14-12b (Pattern of Misconduct), stated, a pattern of misconduct consisting of one of the following – discreditable involvement with civil 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 UCMJ, Army regulations, the civil law, and time-honored customs and traditions of the Army.

(6) Paragraph 14-3 (Characterization of Service or Description of Separation) prescribed 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.

(7) Chapter 15 (Secretarial Plenary Authority), currently in effect, 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 "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 DoD Instructions 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.

g. Title 38, U.S. Code, Sections 1110 and 1131, permits the VA to award compensation for a medical condition which was incurred in or aggravated by active military service. The VA, however, is not required by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual's medical condition, although not considered medically unfitting for military service at the time of processing for separation, discharge, or retirement, may be sufficient to qualify the individual for VA benefits based on an evaluation by the agency.

8. SUMMARY OF FACT(S):

a. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

b. A review of the available evidence provides the applicant received event-oriented counseling on multiple acts of misconduct and nonjudicial punishment for possession of alcohol for their own use while under 21 years of age. The applicant's DD Form 214 indicates their discharge under the provisions of Army Regulation 635-200, paragraph 14-12b, by reason of a pattern of misconduct, with a characterization of service of general (under honorable conditions). They only completed 4 years, 8 months, and 10 days of net active service and completed their first full term of service; however, they did not complete their 6-year reenlistment service obligations.

c. Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is unlikely to succeed. 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.

d. The applicant did not provide nor does their Army Military Human Resource Record provide documentation of a diagnosis of PTSD during the applicant's military service.

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. 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: PTSD (100%SC).

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found VA service connection establishes applicant's diagnosis of PTSD began or occurred during military 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 BH condition, PTSD. As there is an association between PTSD, difficulty with authority figures, oppositionality and avoidant behavior, there is a nexus between his diagnosis of PTSD and his failure to follow lawful written orders, dereliction of duty and FTR.

(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 in-service mitigating factors (length, quality, combat) and PTSD diagnosis outweighed the basis for separation - failure to follow lawful written orders, dereliction of duties, and failure to report place of duty – for the aforementioned reasons.

b. Response to Contention(s):

(1) The applicant requests, through counsel, an upgrade of their characterization of service to honorable, change of narrative reason for discharge, and medically retirement or in the alternative, evaluate the applicant through the Integrated Disability Evaluation System (IDES). The board considered this contention during proceedings and determined that relief was warranted because the applicant's in-service mitigating factors (length, quality, combat) and PTSD diagnosis outweighed the basis for separation - failure to follow lawful written orders, dereliction of duties, and failure to report place of duty. Also, the applicant's requested change to the DD Form 214 does not fall within the purview of the ADRB. The applicant may apply to the Army Board for Correction of Military Records (ABCMR), using a DD Form 149 regarding this matter. A DD Form 149 may be obtained from a Veterans' Service Organization.

(2) The applicant contends while they were on active duty their depression worsen, it worsen to the point where they were drinking almost daily even though they were underage. The board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the information outlined above in paragraph 9b (4) and 9b 91).

(3) The applicant contends they have matured since then. They are now in the process of a career change into law enforcement. Upgrading their character of service to honorable will not only benefit them, but also their family and community. The board considered this contention but does not grant relief to gain employment or enhance employment opportunities.

c. The Board determined the discharge is inequitable with in-service mitigating factors (length, quality, combat) and PTSD diagnosis mitigating the basis for separation - failure to follow lawful written orders, dereliction of duties, and failure to report place of duty. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board voted and determined the reentry eligibility (RE) code was proper and equitable.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to honorable because, the applicant's in-service mitigating factors (length, quality, combat) and PTSD

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diagnosis outweigh the basis for separation - failure to follow lawful written orders, dereliction of duties, and failure to report place of duty. 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.

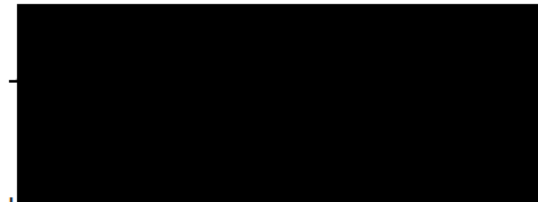
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214 / Separation Order:** 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, paragraph 14-12a

Authenticating Official:

3/12/2024



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