

**1. Applicant's Name:**

- a. **Application Date:** 25 September 2020
- b. **Date Received:** 29 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 General (Under Honorable Conditions). The applicant requests an upgrade to Honorable.

b. The applicant seeks relief contending, although they did make a few very minor mistakes, the discharge granted to them at 19 years old, may have been unjust. The applicant is now 27 years old and realizing how traumatic the weight of a General (Under Honorable Conditions) discharge holds, as they are moving further in life. After fully realizing that their discharge was due to misconduct, the applicant is here to state that if they did perform in such manner, it was indeed minor, and not willful. During their short time in the military, it was very hard adapting which caused them to be under an ample amount of stress. Even under the stress, and pressure, they can assure that they performed at their very best. They had only one incident where the applicant opined could have been viewed as misconduct, otherwise their performance in the military was very honorable and of their very best. Their current discharge gives the impression that the applicant is a person of misconduct and unsatisfactory performance and they are the complete opposite.

(1) The applicant is a graduate of Rutgers University, where they completed their Bachelor's degree in Criminal Justice. There, they graduated with honors and is a member of two honor societies. Further, the applicant is an employee of the New Jersey Superior Court, where they perform at an all-time best. They have plans to attend law school in the near future as their ultimate goal is to become a lawyer. All of their accomplishments since being released from the Army in 2012, shows that the behavior they may have acted in while they served, was due to extreme stress and immaturity, considering they were just 18 and 19 years old. The discharge granted to them does not justify minor incidents, therefore the applicant is pleading for an upgrade to avoid any roadblocks in the future, because of an incident that occurred when they were young. Attached with this request are letters from former battle buddies expressing the great person the applicant was, while serving alongside them, and individuals they currently work with.

(2) Upon recently reading the applicant's military records, they realized that there are a few counseling statements in their file, two of which are believed to have been from leaving their ID out in their room and not being fully prepared for duty. The applicant is not saying they were complete perfect, however, an open ID, a not put together ACH, and a small altercation, should not be something to follow them for the applicant's entire life. They truly apologize for all that caused them to be pleading for an upgrade, and if they were a bit wise at ages 18 and 19, they can promise they would have been perfect, as these were all lessons learned at a young age.

(3) Lastly, they had the opportunity to remain in the military, receive a counseling, and move companies. It was the applicant who begged and begged for a

meeting with the Colonel due to their open door policy and was granted a discharge instead. The applicant can remember this very night like it was yesterday. COL advised them that if the applicant went home, their discharge would be a General (Under Honorable Conditions), therefore their best option would be to go with the first option of switching companies and maybe things would get better. Due to their youth and missing their family the most, the applicant went with the discharge not knowing exactly what they were getting themselves into. They mentioned that to state, if their behavior was good enough to remain in the military, why was it not enough to receive an Honorable discharge? Had they known what they know now, the applicant would have surely moved companies and completed their term. Unfortunately, things did not go that way, consequently an upgrade is the only avenue they can seek at this point.

**c. Board Type and Decision:** In telephonic personal appearance conducted on 10 June 2024, and by a 3-2 vote, the Board denied the request upon finding the separation was both proper and equitable.  
*Please see Section 10 of this document for more detail regarding the Board's decision.*

### 3. DISCHARGE DETAILS:

**a. Reason / Authority / Codes / Characterization:** Unsatisfactory Performance / AR 635-200, Chapter 13 / JHJ / RE-3 / General (Under Honorable Conditions)

**b. Date of Discharge:** 27 July 2012

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 24 July 2012

**(2) Basis for Separation:** Unsatisfactory Performance, as they were disrespectful to a noncommissioned officer (NCO) and derelict in the performance of [their] duties.

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

**(4) Legal Consultation Date:** On 20 July 2012, they waived their rights to counsel.

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

**(6) Separation Decision Date / Characterization:** 24 July 2012 / General (Under Honorable Conditions)

### 4. SERVICE DETAILS:

**a. Date / Period of Enlistment:** 1 November 2011 / 3 years, 34 weeks

**b. Age at Enlistment / Education / GT Score:** 18 / High School Diploma / 95

**c. Highest Grade Achieved / MOS / Total Service:** E-2 / None / 8 months, 27 days

- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** None
- f. **Awards and Decorations:** NDSM
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:**

(1) On 1 November 2011, the applicant enlisted in the Regular Army for 3 years and 34 weeks as a PV2. The Enlisted Record Brief provides on 24 May 2012, the applicant was flagged, Suspend Favorable Personnel Actions (FLAG), for field-initiated involuntary separation (BA).

(2) The applicant has received four developmental counseling's for not having the ACH assembled prior to formation (23 March 2012) [which indicated the applicant refused to sign; however, their signature is present and a note from SGT as a witness to them having signed]; having left their ID card in their barracks room (3 May); failure to complete their plan of action (8 May), and notification of their impending separation (10 July). The applicant agreed and did not provide any remarks.

(3) On 14 May 2012, two sworn statements from SSG and SGT, provides the applicant refused to train by not assuming the prone position, while conducting warrior tasks and battle drills. SGT explained to the applicant they were going to give away the squad's position if they did not get in the prone position and the applicant continued to move the rocks kneeling on their knees. After SGT informed SSG, SSG came over and told the applicant to get down, and yelled at the applicant; however, they would not comply. The same instructions being repeated loudly, caught the attention of SFC and once they arrived over, the applicant assumed the prone position.

(4) A self-authored sworn statement, dated 15 May 2012, provides on 12 May, the applicant did not lay down when SSG and SGT told them to because the applicant was trying to move rocks, on their knees, when SGT came over and told them to get in the prone position. The applicant told them that the rocks were uncomfortable and they were moving them. SGT went and told SSG something, then SSG came over there and told the applicant to lay down and the applicant told SSG the same thing, as they were moving rocks. SSG pushed the applicant down, forcing them into the prone position, yelling and telling the applicant they were p\*ssing SSG off. The applicant told SSG that they would press charges for SSG putting their hands on the applicant. After the applicant moved the rocks, then they laid in the prone position and the whole thing was over, until they received the next map tracking point, which is when SSG told 1SG and 1SG took action from there.

(5) The applicant completed a medical assessment, history, and exam for separation at Raymond W Bliss Army Health Center (RWBAHC), Fort Huachuca, AZ, providing the following:

- (a) Their history, block 29, explanation of "yes" answers indicates:
  - 10d, e, g, h: Breath hard during walking and even harder running

- 21/22: Surgery on right breast to remove lump at Beth Israel Hospital, Newark, NJ

(b) Their history, block 30a, the examiner's comments provides:

- 10d, e, g, h: We have thoroughly evaluated these complaints since the Soldier arrived at Fort Huachuca – no findings of any cardiopulmonary pathology
- 21/22: Illegible

(c) The applicant was seen for their medical examination and determined to be qualified for service; there were no follow-ups or recommendations listed by the provider.

(6) On 18 May 2012, the applicant completed their mental status evaluation at Behavioral Health Services (RWBAHC), Fort Huachuca, AZ, providing the applicant was fit for full duty (including deployment), could understand, and participate in administrative proceedings, and could appreciate the difference between right and wrong. There were no diagnoses or recommendations listed by the provider.

(7) On 24 July 2012, the company commander notified the applicant of their intent to initiate separation proceedings under the provisions of AR 635-200, Chapter 13, Unsatisfactory Performance, for having been disrespectful to an NCO and derelict in the performance of their duties; they recommended a General (Under Honorable Conditions) characterization of service. The applicant acknowledged receipt of the notice, waived their right to legal counsel, and elected not to submit a statement on their behalf.

(a) Defense counsel endorsed their elections, acknowledging the applicant was counseled on the possible effects of their separation, the rights available to them, and the effect of waiving their rights to counsel.

(b) The same day, the battalion commander concurred with their recommendation. The separation approval authority approved the discharge, with a General (Under Honorable Conditions) characterization of service.

(8) On 25 July 2012, they were issued separation orders. A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged accordingly on 27 July 2012, with 1 year, 3 months, and 16 days of total service. The applicant was unable to electronically sign and did not complete their first full term of service.

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; Four Developmental Counseling Forms

a. On 20 June 2018, the applicant earned their Associate Degree in Criminal Justice from Essex County College.

b. On 17 May 2020, the applicant earned their Bachelor's Degree in Criminal Justice from Rutgers University.

c. On 24 September 2020, on a Career Progression Eligibility Form for Support Staff Level 2 to Level 3, provides the applicant has demonstrated proficiency in the following competencies:

(1) Customer Service Skills (Advanced) – ability to display a sensitivity to customer needs and to seek customer feedback; skill in contributing to a customer-friendly service environment and in identifying ways to improve customer service; initiative in responding to customer needs and expectations

(2) Team/Courtroom Communication Skills – ability to communicate effectively and in a manner suitable to a professional environment; ability to understand and respond appropriately to verbal direction and to teach and provide feedback to co-workers

(3) Information Organization Skills (Advanced) – skill in planning and scheduling time, and in prioritizing multiple tasks; ability to perceive and understand issues from a team perspective

(4) Data Control Skills – ability to perform mathematical, accounting, and bookkeeping functions according to procedures and guidelines; ability to check the accuracy of and correct own work

(5) Job Knowledge/Skills – ability to answer questions, follow procedures, and locate resources to perform job effectively

d. Two character letters provide the following: Ms. D. has known the applicant nearly four years, as they met the applicant in September 2016, in one of their Criminal Justice classes at Rutgers University. They had a group presentation to work on and since then they became friends and had the pleasure of becoming one of their part time employees here at Allied Universal Security. Having the applicant in their group for that one class showed them the responsible and dedicated person the applicant is. Not only responsible and dedicated to that one class but to their future goals as well. The applicant is also extremely organized, never misses a deadline and never forgets an assignment.

(1) During the year of 2016, they were going through personal and economic issues and the applicant proved to them once again the caring and loyal person the applicant really was and still is. The applicant helped them out by speaking to their manager and getting them to work at the applicant's job site, Deutsche Bank. They can confirm that the applicant is not only their employee but someone who they can highly trust and count on when needed for personal or work related issues. When I first started working at Deutsche Bank, the applicant explained to me what to do and showed them around the job site.

(2) They are the applicant's supervisor since the applicant resigned their full time position here, to be an employee at the courts, in which their position was handed to them. The applicant's patience, being detail oriented, their professionalism, and extreme competence, helped them do their job tasks. Whenever the applicant is needed at work,

without a doubt they are always there to help them and their coworkers with anything. The applicant is a good candidate for any job and will achieve any goals the applicant sets their mind to achieve. Therefore, they truly believe the applicant deserves what they are applying for.

e. Mr. R. has known the applicant for over eight years, having first met while they were stationed in AIT together in February 2012. The applicant was easily approachable, always smiled, and a great people person, which is what ultimately extended their friendship to this very day. They are and have always been successful in everything the applicant does, even if they struggle. In AIT, they were a great battle buddy and was able to get along with everyone. The applicant was very active in class, always answered questions, and passed every exam. I was not aware of any incident they had in the military, until the applicant mentioned to them recently what counseling statements they had received during AIT, which was a complete surprise to know that they received a General (Under Honorable Conditions) discharge. Today, the applicant is employed at New Jersey Superior Court, has two degrees, while attempting to pursue their third, and still portrays the same great personality they met the applicant with. In summary, they truly believe that the applicant deserves the upgrade they are applying for and with this upgrade, the applicant's opportunities are definitely endless.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant has earned their associates and bachelors in Criminal Justice, currently working at the New Jersey Superior Court and has demonstrated great proficiency in their profession as a Judiciary Clerk 2, while pursuing Judiciary Clerk 3.

**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 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)** Chapter 13 contains the policy and outlines the procedures for separating individuals for unsatisfactory performance, and provides, in pertinent part, the 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. Army policy states that a general, under honorable conditions discharge is normally considered appropriate; however, an honorable discharge may be granted in meritorious cases.

**(5)** 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 "JHJ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 13, Unsatisfactory Performance.

**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 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 at age 18, in the Regular Army as PV2, completed basic training, and was in AIT. They served for 6 months and 13 days prior to having been flagged for involuntary separation. Their company commander initiated separation proceedings under the provision of AR 635-200, Chapter 13, Unsatisfactory Performance, for having been disrespectful to a NCO and derelict in the performance of their duties, with a General (Under Honorable Conditions) characterization of service. The applicant waived their right to defense counsel and counsel endorsed their elections, acknowledging the applicant was counseled on the possible effects of their separation, the rights available to them, and the effect of waiving their rights.

(1) The completed both a medical examination and a mental status evaluation, determining they were both qualified for service and separation and no diagnoses or recommendations were listed.

(2) They served 8 months and 27 days of their 3 year, 34 week contractual obligation.

c. Chapter 13 contains the policy and outlines the procedures for separating individuals for unsatisfactory performance, and provides, in pertinent part, the 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. Army policy states that a general, under honorable conditions discharge is normally considered appropriate; however, an honorable discharge may be granted in meritorious cases.

d. Published Department of Defense guidance indicates the guidance is not intended to interfere or impeded on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether its 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):** N/A

b. **The applicant presented the following additional contention(s):** Applicant provided oral argument and statements in support of the contentions provided in written submissions and in support of previously submitted documentary evidence.

c. **Counsel / Witness(es) / Observer(s):** N/A

**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. Response to Contention(s): The applicant seeks relief contending, although they did make a few very minor mistakes, the discharge granted to them at 19 years old, may have been unjust. The applicant is now 27 years old and realizing how traumatic the weight of a General (Under Honorable Conditions) discharge hold, as they are moving further in life. After fully realizing that their discharge was due to misconduct, the applicant is here to state that if they did perform in such manor, it was indeed minor, and not willful. During their short time in the military, it was very hard adapting which caused them to be under an ample amount of stress. Even under the stress, and pressure, they can assure that they performed at their very best. They had only one incident where the applicant opined could have been viewed as misconduct, otherwise their performance in the military was very honorable and of their very best. Their current discharge gives the impression that the applicant is a person of misconduct and unsatisfactory performance and they are the complete opposite.

The Board considered this contention and determined that the discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process. Therefore, the applicant's discharge was proper and equitable as the applicant's misconduct fell below that level of meritorious service warranted for an upgrade to Honorable discharge.

(1) The applicant contends they are a graduate of Rutgers University, where they completed their Bachelor's degree in Criminal Justice. There, they graduated with honors and is a member of two honor societies. Further, the applicant is an employee of the New Jersey Superior Court, where they perform at an all-time best. They have plans to attend law school in the near future as their ultimate goal is to become a lawyer. All of their accomplishments since being released from the Army in 2012, shows that the behavior they may have acted in while they served, was due to extreme stress and immaturity, considering they were just 18 and 19 years old. The discharge granted to them does not justify minor incidents, therefore the applicant is pleading for an upgrade to avoid any roadblocks in the future, because of an incident that occurred when they were young. Attached with this request are letters from former battle buddies expressing the great person the applicant was, while serving alongside them, and individuals they currently work with.

The Board considered this contention and determined that the applicant's youth and immaturity did not outweigh the seriousness of the applicant's misconduct. The Board

also determined that there is insufficient evidence in the applicant's official record or provided by the applicant that the applicant was not provided sufficient access to BH resources to address extreme stress. Therefore, no change is warranted.

(2) The applicant contends, upon recently reading the applicant's military records, they realized that there are a few counseling statements in their file, two of which are believed to have been from leaving their ID out in their room and not being fully prepared for duty. The applicant is not saying they were complete perfect, however, an open ID, a not put together ACH, and a small altercation, should not be something to follow them for the applicant's entire life. They truly apologize for all that caused them to be pleading for an upgrade, and if they were a bit wise at ages 18 and 19, they can promise they would have been perfect, as these were all lessons learned at a young age.

The Board considered this contention during board proceedings along with the totality of the applicant's service record.

(3) The applicant contends, they had the opportunity to remain in the military, receive a counseling, and move companies. It was the applicant who begged and begged for a meeting with the Colonel due to their open door policy and was granted a discharge instead. The applicant can remember this very night like it was yesterday. COL advised them that if the applicant went home, their discharge would be a General (Under Honorable Conditions), therefore their best option would be to go with the first option of switching companies and maybe things would get better. Due to their youth and missing their family the most, the applicant went with the discharge not knowing exactly what they were getting themselves into. They mentioned that to state, if their behavior was good enough to remain in the military, why was it not enough to receive an Honorable discharge? Had they known what they know now, the applicant would have surely moved companies and completed their term. Unfortunately, things did not go that way, consequently an upgrade is the only avenue they can seek at this point. The Board considered this contention during board proceedings along with the totality of the applicant's service record.

(4) A battle buddy and current colleague contends the applicant deserves an upgrade as their opportunities are endless; they are extremely organized, never misses a deadline, and never forgets an assignment; helped when the colleague was facing personal and economic issues, by getting them a job at their previous place of employment; the applicant is patient and their detail oriented professionalism makes them extremely competent in their job, even helping their supervisor with their tasks; the applicant was easily approachable, always smiled, and was a great people person. The Board considered this contention during board proceedings along with the totality of the applicant's service record.

c. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. The applicant has exhausted all available appeal options available with ADRB. However, the applicant may still apply to the Army Board for Correction of Military Records. 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 voted not to change the applicant's characterization of service based on the following reasons. 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 factors to mitigate the applicant's misconduct. 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 based on the following reasons: Applicant did not take responsibility for their disrespect toward an NCO, Applicant's commander explained to the applicant the possible negative impacts of a General Discharge on the applicant's career, yet the applicant still chose to accept the General Discharge. The Applicant had no Length, Quality, Combat or medical mitigation.

**(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.

**11. 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:**

7/5/2024

**X**

---

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

**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