

1. Applicant's Name: [REDACTED]
- a. Application Date: 28 September 2020
- b. Date Received: 15 December 2020
- c. Counsel: [REDACTED]

2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:

a. **Applicant's Requests and Issues:** The current characterization of service for the period under review is under other than honorable conditions (UOTHC). The applicant requests an upgrade to honorable or general, separation code change and a narrative reason for separation change.

(1) The applicant states in effect through counsel their discharge was inequitable because their PTSD was a major mitigating factor for the misconduct. The applicant had no misconduct prior to the combat deployment which one of their soldiers was killed. When they returned from deployment, they started self-medicating to cope, they tested positive for cocaine and was sent to ASAP. They were diagnosed with depression and anxiety, as their mental health conditions continued, they went AWOL because they were unable to cope. The applicant is now diagnosed with PTSD, their misconduct was based on symptoms of their mental health conditions and mitigated by the conditions. Their discharge was inequitable because if they were serving today, they would be evaluated for PTSD and the military would have initiated a PTSD screening to determine whether PTSD was a mitigating factor. Their military service meets the criteria for an honorable or general discharge, they went without incident for 20 years, it was after their PTSD manifested when they engaged in misconduct. The applicant received many accolades during service and their discharge should be upgraded.

(2) While deployed the applicant was granted vacation and came back stateside for a brief break, one of their sergeants were moved to a different base and received a UCMJ for disrespecting a senior NCO. After receiving their punishment they were scheduled to return to the headquarters base as it was something the commander put in place for all UCMJ actions. For some reason the soldier was told to stay where they were to serve out their punishment. While they were on vacation the applicant talked to the soldier to check on them, when they landed in Kuwait one of the sergeant's close friends told them the sergeant was killed by a rocket that exploded over the compound. The applicant was devastated, after the memorial ceremony they openly blamed the commander and first sergeant.

(3) When they returned from deployment it was hard for them to wake up and do their job, they turned to drugs as a source of relief, they found someone who sold cocaine and it became a crutch. After failing drug tests the pressure got to them and they went AWOL, they lived 10 miles from base and no one from the unit ever came to check on them. Military police never showed up, the first sergeant they worked so hard for did not call to check on them. They were in a bad place in their life. When they heard the unit was preparing for deployment again, they reported to work and decided to take a Chapter 10 and exit the military.

b. **Board Type and Decision:** In a records review conducted on 9 February 2024, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's in-service diagnoses of Panic Disorder and Depression mitigate the basis of separation (AWOL, FTR, and wrongful use of cocaine) and the applicant has in-service factors (length, quality,

combat) and post service accomplishments that warrant a change to the narrative reason for separation. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed 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 determined the reentry code was proper and equitable based on the applicant's medical condition and voted not to change it.

Please see Section 9 of this document for more detail regarding the Board's decision.

(Board member names available upon request)

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: : In Lieu of Trial by Court-Martial / AR635-200, Chapter 10 / KFS / RE-4

b. Date of Discharge: 26 March 2007

c. Separation Facts:

(1) Date of Notification of Intent to Separate: The applicant was informed of the charges against them on 11 January 2007.

(2) Basis for Separation: The applicant was facing Trial by Special BCD Court martial for being AWOL from 16 December 2005 – 6 November 2006, failure to go to appointed place of duty (ASAP) 2 November 2005 and wrongfully used cocaine on or between 29 October 2005 – 31 October 2005; The applicant requested voluntary discharge under provision of AR 635-200, Chapter 10, in lieu of trial by court-martial.

(3) Recommended Characterization: Under Other Than Honorable Conditions

(4) Legal Consultation Date: 7 March 2007

(5) Administrative Separation Board: NIF

(6) Separation Decision Date / Characterization: 9 March 2007 / Under Other Than Honorable Conditions.

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 15 August 2001 / Indefinite

b. Age at Enlistment / Education / GT Score: 18 / Bachelor's Degree / 105

c. Highest Grade Achieved / MOS / Total Service: E-7 / 52D10 Power Generation Equipment Repairer / 21 years, 6 months, 12 days.

d. Prior Service / Characterizations: RA; 23 October 1984 – 14 August 2001 / HD

e. Overseas Service / Combat Service: Korea, Germany, Bosnia-Herzegovina, Southeast Asia / Iraq; 8 August 2004 – 24 July 2005.

f. Awards and Decorations: ARCOM-7, AAM-2, AGCM-7, NDSM-2, AFEM, ICM, GWOTSM, KDSM, MOVSM, NCOPDR-3, ASR, OSR-3, NATOMEDAL

g. Performance Ratings: September 1988 – August 1989; Successful
September 1989 – August 1990; Successful
September 1990 – August 1991; Successful
September 1991 – August 1992; Successful
September 1992 – August 1993; Successful
September 1993 – June 1994; Successful
July 1994 – November 1994; Successful
December 1994 – August 1995; Successful
September 1995 – August 1996; Successful
September 1996 – August 1997; Successful
September 1997 – May 1998; Successful
June 1998 – May 1999; Successful
June 1999 – March 2000; Successful
April 2000 – March 2001; Successful
April 2001 – October 2001; Successful
November 2001 – October 2002; Successful
November 2002 – October 2003; Successful
November 2003 – October 2004; Successful
November 2004 – September 2005; Successful

h. Disciplinary Action(s) / Evidentiary Record:

(1) An Enlistment/Reenlistment Document signed 15 August 2001 provides the applicant reenlisted indefinitely at the rank of Staff Sergeant (E-6); 5th reenlistment.

(2) A memorandum, subject: Confirmed urinalysis test results dated 4 October 2005 provides the applicant's immediate commander was notified by the Alcohol and Drug Control Office of the Army Substance Abuse Program regarding the applicant testing positive for cocaine from a urinalysis collected 20 September 2005.

(3) On 11 October 2005 the applicant's immediate commander enrolled them into the Alcohol and Drug Abuse Prevention and Control Program (ADAPCP).

(4) A Developmental Counseling Form dated 12 October 2005 provides the applicant was counseled to inform them they tested positive for cocaine after they were selected for a 10 percent company urinalysis. The applicant was command referred to ASAP for an evaluation and recommended for UCMJ action.

(5) A memorandum for commander subject: No-show for alcohol and drug counseling/medication appointment dated 2 November 2005 provides the applicant was referred to ASAP counseling and failed to report to complete their evaluation appointment.

(6) Record of Proceedings UCMJ signed 10 November 2005 provides the applicant received a NJP for violating Article 112a of the UCMJ; wrongfully used cocaine between 17 September – 20 September 2005. Punishment consisted of forfeiture of \$1729 pay for two months, extra duty and post restriction for 45 days.

- The 45 days of post restriction was vacated: the applicant had their second positive urinalysis within one month violating imposing commanders Article 15 punishment.

(7) On 17 November 2005, the applicant's immediate commander was notified regarding the applicant testing positive for cocaine from a urinalysis collected on 31 October 2005.

- Their commander was notified 8 December 2005, the applicant tested positive for cocaine a third time from a urinalysis collected on 15 November 2005.

(8) A Personnel Action Document provides the applicants duty status changed from present for duty (PDY) to absent without leave (AWOL) on 16 December 2005.

- Duty status changed from AWOL to DFR on 15 January 2006
- Duty status changed from DFR to PDY on 7 November 2006

(9) A DD Form 458 (Charge Sheet) provides that on 11 January 2007 the applicant was being charged for violating Articles 86, and 112a of the Uniform Code of Military Justice (UCMJ). On 16 December 2005 the applicant was absent without leave from their unit located at Fort Carson, Colorado and did so remain absent until 7 November 2006. The applicant failed to go at the time prescribed to their appointed place of duty (ASAP Evaluation) on 2 November 2005 and between 29 October – 31 October 2005 the applicant wrongfully used cocaine.

- The chain of command and Staff Judge Advocate recommended trial by Special BCD Court-Martial.
- On 8 February 2007, trial by Special Court-Martial was approved.

(10) On 7 March 2007 the applicant consulted with counsel and voluntary requested discharge in lieu of trial by court-martial. They did not submit any statements on their behalf.

(11) On 9 March 2007 the chain of command endorsed and concurred with the applicant's voluntary request to be discharged in Lieu of Trial by Court-martial. The appropriate authority approved the applicants voluntary request with an Under Other Than Honorable Conditions discharge and a reduction in rank to the lowest enlisted grade.

i. **Lost Time / Mode of Return:** AWOL: 16 December 2005 – 7 November 2006 / NIF

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

(1) **Applicant provided:** Depression, Anxiety, PTSD, Major depressive disorder.

(2) **AMHRR Listed:** The applicant was enrolled in the Army Substance Abuse Program.

5. APPLICANT-PROVIDED EVIDENCE: A DD Form 293 (Discharge Review) application, a 5-page self-authored letter, copy of their enlistment contract, DD Form 214, ERB, NCO evaluation reports from 1988 – 2005, Stars and Stripes article that provides a 2nd ID soldier was killed in a rocket attack in Iraq 18 May 2005, a copy of a UCMJ Record of Proceedings document, charge sheet, separation documents, Supplemental Guidance to Military Boards for correction of Military/Naval records considering discharge upgrade requests by veterans claiming PTSD memorandum 3 September 2014, Consideration of discharge upgrade requests pursuant to supplemental guidance to Military Boards for correction (PTSD, TBI) memorandum 24 February 2016, Clarifying guidance to military discharge review boards memorandum 25 August 2017, Understanding PTSD and substance use newsletter, An Examination of PTSD and criminal

responsibility among US servicemembers article, and four additional enclosures in support of their application.

- A character reference memorandum dated 5 June 2020 from the applicant's spouse (SGM in the army) provides the applicant lost a soldier to mortar attack while deployed to IRAQ. The soldier was the only fatality in the company and the applicant felt responsible for their death because he sent to the soldier to the nearby FOB. The stress of the fatality negatively impacted the applicant.
- An emergency care and treatment document dated 2 December 2005, shows a diagnosis for depression and anxiety.
- A three page psychiatric evaluation letter dated 12 May 2012, provides a diagnosis for PTSD, chronic major depressive disorder and stressors related to serving at the war zone.
- A department of Veteran Affairs letter dated 30 June 2020 shows a disability rating for post-traumatic stress disorder.

6. POST SERVICE ACCOMPLISHMENTS: The applicant sought treatment for their PTSD and has worked steadily as an operations manager for WMATA since 2012.

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) 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 10, Discharge in Lieu of Trial by Court Martial is applicable to members who had committed an offense or offenses for which the authorized punishment included a bad conduct or dishonorable discharge could submit a request for discharge for the good of the service. The request could be submitted at any time after the charges had been preferred.

Although an honorable or general was authorized, an under other than honorable conditions discharge was considered appropriate, unless the record was so meritorious it would warrant an honorable.

(a) After receiving legal counseling, the soldier may elect to submit a request for discharge in lieu of trial by court-martial. The soldier will sign a written request, certifying that they have been counseled, understands their rights, and may receive a discharge under other than honorable conditions.

(b) The following will accompany the request for discharge:

- A copy of the court-martial Charge Sheet (DD Form 458)
- Report of medical examination and mental status evaluation, if conducted
- A complete copy of all reports of investigation
- Any statement, documents, or other matter considered by the commanding officer in making their recommendation, including any information presented for consideration by the soldier or consulting counsel
- A statement of any reasonable ground for belief that the soldier is, or was at the time of misconduct, mentally defective, deranged, or abnormal. When appropriate, evaluation by a psychiatrist will be included.

(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 "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

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.

g. Manual for Courts-Martial (2005 Edition), United States, states military law consists of the statutes governing the military establishment and regulations issued there under, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good orders and discipline in the Armed Forces.

- Article 86 (absence without leave) states being absent for more than 30 days, the maximum punishment consists of a dishonorable discharge, forfeiture of all pay and allowances and confinement for 1 year.
- Article 112a (Wrongful Use, Possession, etc., of Controlled Substances) the wrongful use, possession, manufacture, or introduction of controlled substance, to include cocaine the maximum punishment consists of a dishonorable discharge, forfeiture of all pay and allowances, and confinement 5 years.

h. Army Regulation 630-10 (Absence, Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings) provides policies and procedures for reporting unauthorized absentees and deserters, the administering of absent without leave (AWOL) personnel and deserters, returning absentees and deserters to military control and the surrendering of military personnel to civilian law enforcement authorities. When a soldier returns from an absence that is or appears to be unauthorized, the unit commander informally investigates whether disciplinary action should be taken and if the soldier be charged with time lost. Classification of an absence is dependent upon such factors as the following:

- Order and instructions, written/oral, received before/during the absence
- Age, military experience, and general intelligence of the soldier
- Number and type of contact the soldier had with the military while absent

i. Army Regulation 600-85 (Army Substance Abuse Program (ASAP)) provides a comprehensive alcohol and drug abuse prevention and control policies, procedures, and responsibilities for Soldiers for ASAP services. The ASAP is a command program that emphasizes readiness and personal responsibility. The ultimate decision regarding separation or retention of abusers is the responsibility of the Soldier's chain of command. Abuse of alcohol or the use of illicit drugs by military personnel is inconsistent with Army values and the standards of performance, discipline, and readiness necessary to accomplish the Army's mission. Unit commanders must intervene early and refer all soldiers suspected or identified as alcohol and/or drug abusers to the ASAP.

- The unit commander should recommend enrollment based on the soldier's potential for continued military service in terms of professional skills, behavior, and potential for advancement.
- Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

j. 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 that agency.

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 or general. The applicant's DD Form 214 provides that the applicant received a Under Other than Honorable (UOTH) characterization of service which is appropriate for a soldier who voluntary requests discharge in lieu of trial by court-martial.

b. Based on the available evidence, the applicant joined the Army at the age of 18, they advanced to the rank of E-7, reenlisted five times, received the Army Good Conduct Medal and the Army Commendation Medal 7 times. They deployed to Iraq for 11 months and returned July 2005. After serving 20 years in the army; two months after returning from deployment the applicant had their first infraction of misconduct when they tested positive for cocaine; they tested positive for cocaine 3 times within a two month time period. They were enrolled in ASAP and failed to complete evaluation due to failing to report to their appointment. Shortly after receiving a NJP the applicant was AWOL, they were absent without leave for 11 months before they returned to their unit, they were subsequently charged with violating article 86 and 112a of the UCMJ.

c. The applicant consulted with counsel, and voluntary requested to be discharged in lieu of trial by court martial. They did not submit a statement on their behalf. A medical and mental examination was not required for a voluntary request ILO trial by court-martial; however, they could have been requested by the applicant. The applicant's OMPF is void of evidence indicating whether they requested either examination.

d. Army Regulation 635-200 states a Chapter 10 is a voluntary discharge request in-lieu of trial by court martial. A discharge under other than honorable conditions normally is appropriate for a soldier who is discharged in lieu of trial by court-martial. However, the separation authority may direct a general discharge if such is merited by the soldier's overall record during the current enlistment. For soldiers who have completed entry-level status, characterization of service as honorable is not authorized unless the soldier's record is otherwise so meritorious that any other characterization clearly would be improper.

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: the applicant held in-service diagnoses of Panic Disorder and Depression. Post-service, the applicant is 50% service connected for PTSD.

(2) Did the condition exist, or experience occur during military service? **Yes.** The applicant held in-service diagnoses of Panic Disorder and Depression.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given the nexus between trauma, substance use, and avoidance, the basis for separation is mitigated.

(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 Panic Disorder, Depression and PTSD outweighed the AWOL, FTR, and wrongful use of cocaine basis for separation for the aforementioned reason(s).

b. Prior Decisions Cited: Denied; 14 January 2009.

c. Response to Contention(s):

(1) The applicant contends through counsel their discharge was inequitable because their PTSD was a mitigating factor for the misconduct. The Board considered this contention and determined it was valid and voted to upgrade the applicant's discharge.

(2) The applicant contends through counsel their discharge was inequitable because their service meets the criteria for an honorable or general discharge as they went without incident for over 20 years. The Board considered this contention and determined it was valid and voted to upgrade the applicant's discharge.

d. The Board determined the discharge is inequitable based on the applicant's in-service diagnoses of Panic Disorder and Depression mitigate the basis of separation (AWOL, FTR, and wrongful use of cocaine) and the applicant has in-service factors (length, quality, combat) and post service accomplishments that warrant a change to the narrative reason for separation. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed 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 determined the reentry code was proper and equitable based on the applicant's medical condition and voted not to change it.

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because Panic Disorder and Depression outweighed the basis of separation (AWOL, FTR, and wrongful use of cocaine). 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.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210006803

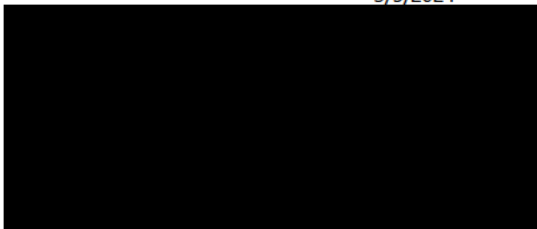
(3) The RE code will not change, based on the applicant's medical diagnosis the Board determined the reentry code was proper.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD Code to: Misconduct (Minor Infractions)/JKN
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200

Authenticating Official:

3/5/2024



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