

1. Applicant's Name: [REDACTED]

a. **Application Date:** 17 December 2020

b. **Date Received:** 19 January 2021

c. **Counsel:** None.

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

a. **Applicant Requests:** The current characterization of service for the period under review is under other than honorable conditions. The applicant requests an upgrade to honorable, separation code change, rank reinstatement, and a narrative reason change.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, they requested to be discharged due to a geographic hardship, they made their request via email and mail. They updated their mailing address with their unit, maintained their same phone number and they received no communication from their unit.

c. **Board Type and Decision:** In a records review conducted on 09 May 2025, and by a 5-0 vote, the Board determined that the reason for the applicant's separation was inequitable. The Board determined the characterization was too harsh for missing drill and the applicant has length and quality of service. Therefore, the Board decided to upgrade the discharge to General (Under Honorable Conditions) and did not change the narrative reason, SPD, or RE-Code. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

3. DISCHARGE DETAILS:

a. **Reason / Authority / Codes / Characterization:** Unsatisfactory Participation / NGR 600-200, Paragraph 6-35j / NA / RE-4 / Under Other Than Honorable Conditions.

b. **Date of Discharge:** 26 February 2016

c. **Separation Facts:** The applicant's Army Military Human Resource Record.

(1) **Date of Notification of Intent to Separate:** 7 August 2015

(2) **Basis for Separation:** Continuous and willful absence on the following dates: 7 – 8 February 2015, 01 May 2015, 11 – 12 July 2015.

(3) **Recommended Characterization:** General, under honorable conditions.

(4) **Legal Consultation Date:** The applicant failed to claim and return the acknowledgement, waiving their right to consult with counsel.

(5) **Administrative Separation Board:** The applicant failed to claim and return the acknowledgement, waiving their right to an administration separation board.

(6) **Separation Decision Date / Characterization:** 25 February 2016 / UOTHC

4. SERVICE DETAILS:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210007093

- a. **Date / Period of Enlistment:** 14 May 2014 / 6 years
- b. **Age at Enlistment / Education / GT Score:** 36 / Master's Degree / 124
- c. **Highest Grade Achieved / MOS / Total Service:** E-6 / 68W30 Health Care Specialist / 16 years, 9 months, 19 days.
- d. **Prior Service / Characterizations:** ARNG; 19971025 – 20031024 / Honorable
ARNG; 20031206 – 20121031 / Honorable
- e. **Overseas Service / Combat Service:** NIF
- f. **Awards and Decorations:** AAM, AR-COMP-ACHVMT-MDL, ARF-MER-SVC-MDL-4, INTL-DEF-SVC-MDL, HUM-SVC-MDL, ARMED-FCS-RES-MDL, AF-LG-SVC-AWD-3, ASR, ID-REENL-RBN-3, ID-SVC-RBN-2, 1D-EMER-DTY-RBN
- g. **Performance Ratings:** 20140514 – 20151217; Fair
- h. **Disciplinary Action(s) / Evidentiary Record:**

(1) A Report to Suspend Favorable Personnel Actions (FLAG) document indicates the applicant was flagged for adverse action on 12 July 2015.

(2) An NCO Evaluation Report during the rating period 20140514 – 20151217 indicates the applicant was rated "Needs in Improvement" in four areas and they did not participate with the platoon during monthly drill dates or NTC 2015.

(3) A Manageable loss Request document indicates the applicant stopped communicating with their unit and moved without updating their home of record.

- "unit attempted to contact SSG [applicant] on multiple occasions, has moved out of state and changed numbers with zero contact. Unit has sent certified mail to soldier member which makes it to Mississippi only to be returned"
- "Awol refused to answer phone calls and emails"
- Moved to Mississippi last contact with unit was May 2015.

(4) A Letter of Intent dated 24 September 2015 indicates the applicant had a balance of \$3,540.70 in OCIE equipment owed to The Idaho Army National Guard.

(5) United States Postal Service (USPS) certified mail document and a USPS Tracking document indicates the unit attempted to mail documents to the applicant on 7 October 2015. The documents were returned to the sender on 10 November 2015 after it was not claimed; reaching the maximum hold time at the post office.

(6) A Letter of Instructions – Unexcused Absence or Unsatisfactory Participation memorandum dated 13 January 2016 indicates the applicant was coded absent without authority after they missed 32 unit training assemblies (UTA) between 7 February 2015 – 10 January 2016.

(7) A Separation action- Unsatisfactory Participation memorandum dated 5 February 2016 indicates the applicant was properly notified using the administrative board notification procedure, allowing the use of an Under Other Than Honorable characterization of service. The applicant failed to claim and return the acknowledgment, waiving their right to consult with counsel and to an administrative separation board.

i. **Lost Time / Mode of Return:** Dates of AWOL period NIF.

j. **Behavioral Health Condition(s):** The following documents have been provided to the ARBA Medical Advisor, if applicable. See “**Board Discussion and Determination**” for Medical Advisor Details.

(1) **Applicant provided: None.**

(2) **AMHRR provided: None.**

5. **APPLICANT-PROVIDED EVIDENCE:** A DD form 293, DD Form 149, NB Form 22, a NTC Excusal document dated 6 August 2015, a NCO Evaluation Report, and a memorandum dated 4 August 2015 in support of their application.

6. **POST SERVICE ACCOMPLISHMENTS:** None submitted in support of their application.

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. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

c. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering

Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

d. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

e. 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.

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:

- 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.

- RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable. Eligibility: Ineligible unless a waiver is granted.
- RE-4 Applies to: Person separated from last period of service with a nonwaivable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

g. Army Regulation 635-200 provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation. It states:

(a) 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.

(b) 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.

(c) 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.

(d) A Bad Conduct discharge will only be given to a Soldier pursuant to an approved sentence of general or special court-martial. Enlisted service members and officers with less than six years of service are eligible for a Bad Conduct Discharge. Behaviors such as drug abuse, assault, theft, insubordination, and other actions that violate military law may be punished with a BCD.

(e) A Dishonorable discharge is the most severe type of discharge and will be given to a Soldier pursuant only to an approved sentence of general or special court-martial. The appellate review must be completed and affirmed sentence ordered duly executed. Behaviors such as fraud, desertion, treason, espionage, sexual Assault, and murder and other actions may be punished with a dishonorable discharge.

(2) Chapter 12 (previously Chapter 13), in affect at the time, provides in pertinent part, individuals can be separated for being an unsatisfactory participant. Soldier is subject to discharge for unsatisfactory participation when it is determined the Soldier is unqualified for further military service because: The Soldier is an unsatisfactory participant as prescribed by AR 135-91, chapter 4; Attempts to have the Soldier respond or comply with orders or correspondence.

(3) Paragraph 12-3, Characterization of service normally will be under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted under the guidelines in chapter 2, or uncharacterized if the Soldier is in entry-level status.

(4) 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. If Secretarial Authority is granted normally correct the record to show the following:

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

h. National Guard Regulation (NGR) 600-200 (Enlisted Personnel Management), establishes standards, policies, and procedures for the management of the Army National Guard (ARNG) and the Army National Guard of the United States (ARNGUS) enlisted Soldiers in the functional areas of: Classification and Reclassification; Personnel Management; Assignment and Transfer, including interstate transfer; Special Duty Assignment Pay; Enlisted Separations; and Command Sergeant Major Program.

(1) Chapter 6 sets the policies, standards, and procedures for the separation of enlisted Soldiers from the ARNG/ARNGUS.

(2) Paragraph 6-25, prescribes the discharge of Soldiers on active duty, (Title 10, USC) in AGR, IET, ADT, and ADOS status, as well as those ordered to active duty for contingency operations or under mobilization conditions, is governed by AR 635-200. All Outside Continental United States (OCONUS) training, including AT is conducted in Title 10 ADT status. Refer to AR 135-178 when considering enlisted Soldiers not on active duty and those on full-time National Guard duty (FTNGD) under Title 32 USC for discharge from the ARNG and as a Reserve of the Army.

(3) Paragraph 6-35j defers to AR 135-178, chapter 12 for unsatisfactory participation. Commanders may recommend retention of Soldiers who have accrued 9 or more unexcused absences within a one-year period. Submit requests with justification for retention to the State MPMO/G1. Include verification the notification requirements of AR 135-91 and paragraph 6-32 have been met.

8. SUMMARY OF FACT(S): Standard of Review. 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, narrative reason change, separation code change, and rank reinstatement. The applicant's NGB Form 22 indicates they received an under other than honorable conditions (UOTHC) discharge and rank reduction to E-1.

b. Based on the available evidence the applicant reenlisted in the Idaho Army National Guard for the Commissioned Officer Candidate program. The applicant dropped out of the program after two drills, missed unit training assemblies on several occasions and had limited communication with their unit prior to their NTC rotation.

c. The applicant contends they received no communication from their unit regarding their discharge. The evidence in the applicant's AMHRR shows the unit commander attempted to contact the applicant, and they mailed the discharge packet to the last known address via certified mail. The evidence of the record shows the applicant had failed to submit a reply. In accordance with AR 135-178, paragraph 3-12, this failure to submit a reply within 30 days of receipt of the notice constitutes a waiver of the right to respond. On 26 February 2016 the applicant was discharged under the provisions of NGR 200-300 with an under other than honorable conditions characterization of service. The applicant completed 1 year, 9 months, and 13 days of their contractual obligation.

d. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

9. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

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

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

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

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

b. Prior Decisions Cited: None.

c. Response to Contention(s):

(1) The applicant contends they requested to be discharged due to a geographic hardship, they made their request via email and mail. They updated their mailing address with their unit, maintained their same phone number and they received no communication from their unit. The Board considered this contention valid and the current characterization too harsh, thus, voted to upgrade it.

d. The Board carefully considered the applicant's request, supporting documents, evidence in the records, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. Based on a preponderance of evidence, the Board determined that the reason for the applicant's separation was inequitable. The Board thought the characterization was too harsh for missing drill and the applicant has length and quality of service and a prior Honorable period of service. Therefore, the Board decided to upgrade the discharge to General (Under Honorable Conditions) and did not change the narrative reason, SPD, and RE-Code.

e. Rationale for Decision:

(1) Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or not. In reaching its determination, the Board considers the applicant's petition, available records and any supporting documents included with the petition.

(2) The Board voted to change the applicant's characterization of service to General (Under Honorable Conditions) because the applicant's length and quality of service outweighed the applicant's misconduct of unsatisfactory participation. Thus, the prior characterization is no longer appropriate. This recommendation was forwarded to the NGB for approval.

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

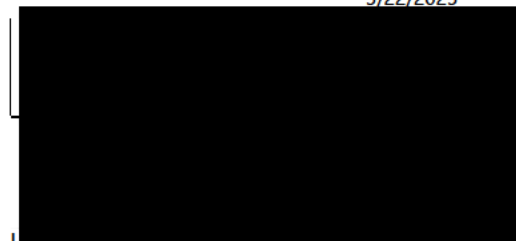
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New NGB Form 22: Yes**
- b. Change Characterization to: General (Under Honorable Conditions)**
- c. Change Reason / SPD code to: No Change**
- d. Change RE Code to: No Change**
- e. Change Authority to: No Change**

Authenticating Official:

5/22/2025



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
FTR – Failure to Report

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
UOTHHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs