

**1. Applicant's Name:** [REDACTED]

- a. **Application Date:** 27 January 2021
- b. **Date Received:** 1 February 2021
- 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 Under Other than Honorable Conditions. The applicant requests an upgrade to Honorable.

b. The applicant seeks relief contending, their discharge was a result of injustice, as they were not afforded the rights to have their mental health assessed, following their Operation Iraqi Freedom (OIF) deployment (2004-2005). They served in a convoy security detail, which is what led to their going absent without leave (AWOL) due to their PTSD, Anxiety, and Depression. Their subordinates and superiors were not allowed to speak on their behalf at any time, upon their return, as they were confined to the barracks. Today, they have been able to adjust to civilian life, even with their service-connected disabilities, through counseling and treatment. They are a spouse and a parent to seven wonderful children. They are gainfully employed and receiving their 70% service-connected Veterans Affairs (VA) compensation. They are a VA homeowner and a Bronze Star Medal recipient requesting to have their discharge upgraded to Honorable.

c. **Board Type and Decision:** In a records review conducted on 22 March 2024, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's PTSD diagnosis which mitigates the AWOL misconduct, circumstances surrounding the misconduct, elapsed time since the misconduct, record of service and post service accomplishments. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN, and the reentry code to RE-3.

**3. DISCHARGE DETAILS:**

a. **Reason / Authority / Codes / Characterization:** In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / Under Other than Honorable Conditions

b. **Date of Discharge:** 13 March 2009

**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** NIF

(2) **Basis for Separation:** Pursuant to the applicant's request for voluntary discharge provision of AR 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

(3) **Recommended Characterization:** NIF

(4) **Legal Consultation Date:** 12 February 2009

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

**(6) Separation Decision Date / Characterization:** 6 March 2009 / Under Other than Honorable Conditions

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 8 July 2003 / 4 years

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

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 63H1O Tracked Vehicle Mech / 5 years, 4 months

**d. Prior Service / Characterizations:** None

**e. Overseas Service / Combat Service:** SWA / Iraq (22 August 2005 – 16 August 2006)

**f. Awards and Decorations:** BSM, NDSM, GWOTSM, ICM-CS-2, ASR, OSR

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:**

**(1)** On 7 April 2003, the applicant enlisted in the United States Army Reserve's Delayed Entry Program; on 8 July 2003, they enlisted in the Regular Army for 4 years as a PVT. On 28 January 2009, they were flagged, Suspend Favorable Personnel Actions (FLAG), for adverse action (AA).

**(2)** Two Personnel Actions provide the following status changes:

- 22 January 2007 / Present for Duty (PDY) to Absent Without Leave (AWOL)
- 21 February 2007 / AWOL to Dropped From Rolls (DFR)

**(3)** On 21 February 2007, the applicant was charged for having been AWOL from on or about 22 January – 20 February 2007. Charges were preferred.

**(4)** On 17 September 2007, the commander reported the applicant as a wanted deserter/absentee, completed an investigation, notified authorities, and sent letter(s) to their next of kin, when the applicant was reported AWOL (22 January) and DFR (21 February), to urge the applicant to return to military control.

**(5)** On 2 January 2009, the applicant was apprehended by civilian authorities and returned to their military control unit (Fort Campbell):

- 2 January 2009 / DFR to Confined by Civil Authorities (CCA)
- 5 January 2009 / CCA to PDY

**(6)** On 7 January 2009, the applicant waived their rights and provided a sworn statement which provided details listed below:

- Q: Why did you leave? A: I was on chargeable leave and chose not to come back.

- Q: Did you tell anyone you were leaving? A: No.
- Q: Did anyone tell you that you could go? A: No.
- Q: Were you granted a pass or leave? A: Yes. I went on leave for the holiday and deal with family issues.
- Q: Were you in contact with your Chain of Command while you were gone? A: Yes.
- Q: If yes, then who? What did they tell you? A: SGT informed [the applicant they was] AWOL.
- Q: Did they tell you to return to Fort Campbell? A: Yes, they instructed me to come back to Fort Campbell.
- Q: Where did you go during your absence and what did you do? A: I was in [city, state] and spent time in [other cities] doing handy work.
- Q: At any time during your absence, did you decide (even briefly) that you were not going to go back to HHC 101 BTB? A: Yes, I made the decision not to return back to the unit.
- Q: Where were you finally apprehended? A: In [city, state].
- Q: When were you apprehended? A: 1 January 2009.
- Q: Who apprehended you? A: City Police.
- Q: Why did they apprehend you and how long were you in jail? A: For the federal warrant which was discovered during a random check. In jail for 4 days.
- Q: Why did you absent yourself from the unit? A: After so much time on leave during 2006, I didn't want to return because of my family. [Their parent] needed help financially and I got so used to being around them. Grandparents look at [them] and [their] cousin for help because they live in a secluded area with no running water and a vehicle.

(7) On 28 January 2009, they were flagged, Suspend Favorable Personnel Actions (FLAG), for adverse action (AA). On 3 February 2009, the applicant was charged for desertion from 22 January 2007 to 2 January 2009, when they were apprehended by civil authorities. The charge was preferred.

(8) On 12 February 2009, after consulting with counsel, the applicant voluntarily requested discharge for the good of the service in lieu of trial by court-martial under the provisions of Army Regulations 635-200, chapter 10, discharge in lieu of trial by court-martial. In their request, they affirmed no one had subjected them to coercion, and counsel had advised them of the implications of their request. The applicant further acknowledged they were guilty of the charge against them or a lesser one and elected to submit a statement on their behalf.

(a) The same day, defense counsel recommended approval of the Chapter 10 discharge request, to the trial counsel, indicating the applicant had six months remaining on their enlistment, awarded a Bronze Star Medal because they were the command's convoy security in Iraq, and stayed home to help their grandparents, both of whom have high blood pressure and diabetes. Their grandparents have no transportation, no running water, and only speaks a native American language. The grandfather has been diagnosed with cancer and the applicant needs to get back to their family, including two children of their own, a 23 month old and a seven month old.

(b) On 20 February 2009, a Community Health Representative, Navajo Nation Outreach Program, provided they completed a home visit, with the applicant's grandparents who reside in a secluded area. They require travel on the main dirt road, due to their chronic health problems, for their medication and to attend scheduled appointments, it is required that a close family member is available to do chores for them, like chopping firewood, hauling water for livestock, and for personal use, cooking, washing dishes and laundry, also ensuring they. Due

to no phone service or no reliable transportation, the grandparents are closely monitored by the filed staff. During the home visit, the representative observed the applicant's dependability and care towards tending to their grandparents.

(c) On 23 February 2009, in a self-authored support statement, the applicant provides they are requesting their Chapter 10 involuntary discharge request be approved, with a characterization of General (Under Honorable Conditions). Their grandparent's health has steadily declined since they joined the Army. When they took leave, the applicant would take care of them the best they could. Prior to their deployment, the applicant and their fiancé took care of their grandparents. During their deployment, their fiancé moved back home, to live with their parents, expecting their first child, which was due in March 2007, and could no longer care for the applicant's grandparents. The applicant's parents cared for the grandparents but due to their work schedules, it became very difficult for them to find the necessary time to take care of the grandparents for medical appointments and care for them during the day.

(d) After returning from their first deployment, the applicant took block leave and returned home, to visit their expecting fiancé and grandparents. They noticed their grandparents' medical and living conditions were not getting better. Their grandfather was diagnosed with pancreatitis, diabetes, and is almost blind in one eye. Their grandmother has diabetes and arthritis. They were living alone in a mountainous area, with no water, telephone service, or transportation and their medical problems required weekly doctor appointments. Although there are community health representatives in the local area, they are likely not to visit their grandparents more than once a month because they live in a remote area.

(e) While on leave, they dedicated all their time towards caring for their grandparents. They returned to their unit from block leave in September 2006 and continued to keep in touch with their grandparents, as well as supported them financially. They took Christmas leave to care for their grandparents and made a decision that would ultimately ruin their military career, but it was something they felt they had to do. Instead of returning to their unit, the applicant decided to remain with their grandparents. They worked as a construction laborer for temporary employment, in order to support themselves, their fiancé, and grandparents. They were fully responsible for providing them with transportation, food, clothing, and caring for them during the day. They also needed translation very often because they do not speak English fluently.

(f) They was apprehended by the Gallop City Police Department and transported back to Fort Campbell, Kentucky. They had to leave their grandparents, fiancé, and their two children (23 and seven months old). Their fiancé was the sole provider with no financial support. Since their return to Fort Campbell, their stepfather was hospitalized for congestive heart failure and is less able to help care for the grandparents. The applicant is currently not receiving any pay and cannot get employment until they are discharged from the military.

(g) While they cannot excuse their actions by having been AWOL, they would like to plead their case and prove that they was an outstanding Soldier and although they made a mistake, their service warrants a General (Under Honorable Conditions) discharge. During their deployment to Iraq, they was assigned as a convoy security team specialist (CST). The applicant volunteered and put themselves in harm's way everyday to ensure the command group was always safe. Due to their leadership, commitment, and technical expertise, the applicant was awarded the Bronze Star Medal. The applicant distinguished through service, as an outstanding Soldier who demonstrated exceptional dedication and courage during the deployment. They accept whatever punishment is deemed appropriate, however, feel a Chapter 10, with a characterization of General (Under Honorable Conditions) is appropriate in their situation. It will be severe enough to impose punishment but will allow them to continue to care

for their family. Furthermore, despite their AWOL, their significant contributions to the Army during their deployment warrants a General (Under Honorable Conditions) discharge.

(9) Although undated, the staff judge advocate concurred with the chain of command, recommending the request be approved, with an Under Other than Honorable Conditions characterization of service. The same day, appropriate approval authority approved separation with a characterization of service of under other than honorable conditions.

(10) On 6 March 2009, the appropriate separation authority approved their voluntary discharge request and characterized their service as Under Other than Honorable Conditions, with a reduction to the lowest enlisted grade.

(11) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged accordingly on 13 March 2009, with 3 years, 8 months, and 23 days. The applicant has completed their first full term of service.

i. **Lost Time / Mode of Return:** 1 year, 11 months, 13 days

- AWOL (22 January 2007 – 2 January 2009) / Apprehended by Civil Authorities
- CCA (2 – 4 January 2009) / Returned to Military Control

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

(1) **Applicant provided:** Although the applicant marked PTSD and Other Mental Health (OBH) on their application, they only submitted a letter stating the VA considered their service Honorable for VA purposes and authorized the applicant healthcare; however, there is no rating decision letter or a list of their disabilities they are being compensated for.

(2) **AMHRR Listed:** None

#### 5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge)
- The Bronze Star Medal Award and Orders
- VA Ratings Summary
- VA Healthcare Letter
- Associate of Applied Science in Automotive Technology Degree from New Mexico University
- Certificate in Automotive Technology from New Mexico University
- Marriage Certificate
- Employment Offer Letter
- VA Certificate of Eligibility
- Property Deed

6. **POST SERVICE ACCOMPLISHMENTS:** The applicant is married with seven children, gainfully employed as a fleet maintenance mechanic at the Navajo Housing Authority. They have earned their associate degree in their field (Automotive Technology) and they are successfully being treated with the VA, as they are rated for 70% service-connected disability compensation.

#### 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 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. 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. 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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c, misconduct (serious offense).

**f.** Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waivable and nonwaivable separations. Table 3-1, defines reentry eligibility (RE) codes:

**(1)** RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

**(2)** RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable. Eligibility: Ineligible unless a waiver is granted.

**(3)** RE-4 Applies to: Person separated from last period of service with a nonwaivable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

**g.** Army Regulation 631-10 (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 charge with time lost.

**(1)** Classification of an absence is dependent upon such factors as the following:

- Order and instructions, written/oral, the Soldier received before/during absence
- Age, military experience, and general intelligence of the Soldier
- Number and type of contact the Soldier had with the military absent
- Complete or incomplete results of a court-martial decision if any

**(2)** An absence immediately following authorized leave is classified as AWOL. Should the absence subsequently be reclassified, the soldiers leave is corrected to reflect the reclassified absence, except if the absence is caused by the following:

- Mental incapacity
- Detention by civilian authorities
- Early departure of a mobile unit due to operational commitments

**h.** Manual for Courts-Martial (2008 Edition), United States, states military law consists of the statutes governing the military establishment and regulations issued thereunder, 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 laws is to promote justice, to assist in maintaining good orders and discipline in the Armed Forces. Article 85 (desertion) states in subparagraph, the maximum punishment consists of dishonorable discharge, forfeiture of all pay and allowances and confinement for two years.

**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. The available evidence provides the applicant enlisted in the RA for 4 years, promoted to PFC, and served a yearlong tour in support of Operation New Dawn (Iraq), as a result, they were awarded The Bronze Star Medal. They were flagged, Suspend Favorable Personnel Actions (FLAG), for adverse action (AA), for having been AWOL for 1 year, 11 months, 13 days. They were apprehended by civil authorities and returned to their military control unit (Fort Campbell). As a result of the charges and after consulting with defense counsel, the applicant requested to be voluntarily discharged in lieu of trial by court-martial, electing to submit a statement on their behalf. They were separated with an Under Other than Honorable Conditions characterization of service.

(1) In a self-authored support statement, the applicant provides they are requesting their Chapter 10 involuntary discharge request be approved, with a characterization of General (Under Honorable Conditions). The applicant accepts whatever punishment is deemed appropriate. However, a Chapter 10, with a characterization of General (Under Honorable Conditions) is appropriate in their situation. It will be severe enough to impose punishment but will allow them to continue to care for their family. Furthermore, despite having been AWOL, their significant contributions to the Army during their deployment warrants a General (Under Honorable Conditions) discharge.

(2) Defense counsel recommended approval of the Chapter 10 discharge request, to the trial counsel, indicating the applicant had six months remaining on their enlistment, won a Bronze Star Medal because they were the command's convoy security in Iraq, and stayed home to help their grandparents, both of whom have high blood pressure and diabetes. Their grandparents have no transportation, no running water, and only speaks a native American language. The grandfather has been diagnosed with cancer and the applicant needs to get back to their family, including two children of their own, a 23 month old and a seven month old.

(3) They completed 3 years, 6 months, and 14 days of their 4-year contractual obligation prior to the indiscipline which led to their discharge.

c. Army Regulation 635-200 states 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 discharge 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.

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? **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 diagnosis: The applicant is service connected for combat related PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The applicant asserts PTSD in-service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given the nexus between PTSD and avoidance, the basis 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 PTSD outweighed the AWOL basis for separation for the aforementioned reason(s).

b. Response to Contention(s): The applicant seeks relief contending, their discharge was a result of injustice, as they were not afforded the rights to have their mental health assessed following their Operation Iraqi Freedom (OIF) deployment (2004-2005). They served in a convoy security detail, which is what led to their going absent without leave (AWOL) due to their PTSD, Anxiety, and Depression. Their subordinates and superiors were not allowed to speak on their behalf at any time, upon their return, as they were confined to the barracks. Today, they have been able to adjust to civilian life, even with their service-connected disabilities, through counseling and treatment. They are a spouse and a parent to seven wonderful children. They are gainfully employed and receiving their 70% service-connected Veterans Affairs (VA) compensation. They are a VA homeowner and a Bronze Star Medal recipient. They request to have their discharge upgraded to Honorable. The Board considered this contention and determined the applicant's discharge was inequitable based on the applicant's PTSD diagnosis which mitigates the AWOL misconduct, circumstances surrounding the misconduct, elapsed time since the misconduct, record of service and post service accomplishments.

c. The Board determined the discharge is inequitable based on the applicant's PTSD diagnosis which mitigates the AWOL misconduct, circumstances surrounding the misconduct, elapsed time since the misconduct, record of service and post service accomplishments. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN, and the reentry code to RE-3.

d. Rationale for Decision:

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**

**AR20210007969**

(1) The Board voted to change the applicant's characterization of service to Honorable because applicant's PTSD diagnosis mitigates the AWOL misconduct in combination with circumstances surrounding the misconduct, elapsed time since the misconduct, record of service and post service accomplishments, the Board determined relief was warranted. Thus, the prior characterization is no longer appropriate.

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

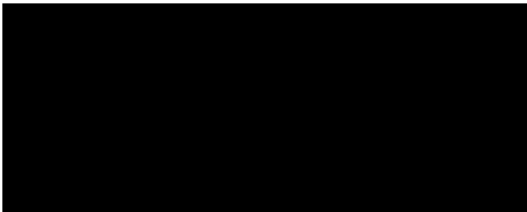
(3) The Board voted to change the RE code to RE-3.

**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:** RE-3
- e. **Change Authority to:** AR 635-200

**Authenticating Official:**

4/18/2024



**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