1. Applicant's Name:

a. Application Date: 12 October 2020

b. Date Received: 20 October 2020

c. Counsel: None

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

### a. Applicant's Requests and Issues:

- (1) The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable, a change in their separation code, reentry code, and the narrative reason for separation.
- (2) The applicant seeks relief stating while they were stationed at Camp Casey, South Korea in 2008 they were diagnosed by military doctors as Alcohol Dependency and was told it was a disease. The drinking age in South Korea was 18 years old where they had access to alcohol which resulted in getting in alcohol related trouble. They sought therapy and found out they were in deep depression and was prescribed medication for anxiety and depression. The medication soon stopped working and they began to self-medicate with alcohol.
- (3) They were referred to and attended Alcohol Substance Abuse Program (ASAP); however, they were discharged from the U.S. Army before they finished the program. After they were discharged and returned home, they were arrested for driving under the influence and had to complete a substance abuse class. Today they are doing better, and their doctor has them on a combination of medication to keep their anxiety and depression under control. They are asking for their characterization of service be upgraded to honorable due to their mental state at the time of their discharge from the U.S. Army. They plan to use the Montgomery GI Bill to further their education and obtain a career in Cybersecurity.
- **b. Board Type and Decision:** In a records review conducted on 28 February 2024, and by a 5-0 vote, the board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation and determined that the characterization of service was inequitable based on the applicant PTSD diagnosis mitigating some of the applicant's pattern of misconduct. Therefore, the board voted to grant relief in the form of an upgrade of the characterization of service to honorable and changed to the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The board determined the RE code was proper and equitable 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: Pattern of Misconduct / Army Regulation 635-200, Paragraph 14-12B / JKA / RE-3 / General (Under Honorable Conditions)
  - b. Date of Discharge: 19 December 2009

#### c. Separation Facts:

- (1) Date of Notification of Intent to Separate: 16 November 2009
- **(2) Basis for Separation:** multiple negative counseling statements, a Field Grade Article 15, a Company Grade Article 15, and a violation of Republic of Korea law by damaging private property.
  - (3) Recommended Characterization: General (Under Honorable Conditions)
  - (4) Legal Consultation Date: 17 November 2009
  - (5) Administrative Separation Board: NA
- **(6) Separation Decision Date / Characterization:** 2 December 2009 / General (Under Honorable Conditions)

#### 4. SERVICE DETAILS:

- a. Date / Period of Enlistment: 7 January 2008 / 3 years, 21 weeks
- b. Age at Enlistment / Education / GT Score: 18 / Less than HS Graduate / 104
- **c. Highest Grade Achieved / MOS / Total Service:** E-2 / 91K1O, Armament Repairer / 1 year, 11 months, 13 days.
  - d. Prior Service / Characterizations: None
  - e. Overseas Service / Combat Service: South Korea / None
  - f. Awards and Decorations: NDSM, GWTSM, KDSM, ASR, OSR
  - g. Performance Ratings: NA
  - h. Disciplinary Action(s) / Evidentiary Record:
- (1) A DA Forms 4856 (Developmental Counseling Form), dated 1 December 2008, reflects the applicant received developmental counseling to discuss underage drinking, stating the applicant has been briefed numerous times about the drinking age limit in South Korea is 21 years of age. On 29 November 2008, the applicant was seen drinking and they admitted to drinking an alcohol beverage. They were informed this incident will be referred to the company chain of command for action, this action may include punishment under the Uniform Code of Military Justice (UCMJ).
- (2) A DA Form 2627 (Record of Proceedings under Article 15, UCMJ), dated 28 April 2009, reflects the applicant received nonjudicial punishment for, on or about 29 November 2008, wrongfully consuming alcoholic beverages while being under the legal drinking age of 21 years old, and violated a lawful general order to wit: 2nd Infantry Division Policy Letter #8, by wrongfully consuming alcohol so that their Blood Alcohol Content exceeded the 0.10 limit. Their punishment consisted of extra duty and restriction for 14 days. The applicant elected not to appeal.

- (3) Five DA Forms 4856, dated 14 May 2009 through 28 July 2009, reflects the applicant received event oriented counseling for acts of misconduct for multiple occurrences of failure to report and underage drinking.
- (4) A DA Form 2627, dated 2 September 2009, reflects the applicant received nonjudicial punishment for, on or about 9 May 2009, violated a lawful general order to wit: 2nd Infantry Division Policy Letter #8 by wrongfully consuming alcoholic beverages while being under the legal drinking age of 21 years old, and by wrongfully consuming alcohol so that their Blood Alcohol Content exceeded the 0.10 limit, and assaulted Private First Class H\_\_\_\_ by punching them several times with a closed fist. Their punishment consisted of a reduction in rank/grade of private two/E-2 to private/E-1, forfeiture of \$600.00 pay for 2 months, and extra duty and restriction for 45 days. The applicant elected not to appeal.
- **(5)** A DA Form 3822 (Report of Mental Status Evaluation) dated 19 August 2009, reflects the applicant received a mental status evaluation as they are being considered for discharge because of a pattern of misconduct.
- (a) In Section III (Impression) reflects the applicant has the mental capacity to understand and participate in the proceedings, was mentally responsible, and meets the retention requirements.
- **(b)** The remarks reflect the applicant does not meet the criteria for traumatic brain injury or post-traumatic stress disorder after screening. The results of the evaluation show the applicant is responsible for their behavior, has the ability to distinguish right from wrong, and possesses sufficient mental capacity to participate in administrative proceedings. There is no psychiatric reason to preclude a separation under the provisions of Army Regulation 635-200, paragraph 14-12b, a pattern of misconduct.
- **(6)** A DD Form 2808 (Report of Medical Examination), undated, reflects the applicant is qualified for service with no physical profile limitations. Item 77 (Summary of Defects and Diagnoses) reflects bilateral wrist pain, bilateral knee pain, and fungal lesion.
- (7) A memorandum, Bravo Company, 302nd Brigade Support Battalion, 1st Heavy Brigade Combat Team, subject: Separation under Army Regulation 635-200, Chapter 14, Paragraph 12b, Patterns of Misconduct [Applicant], dated 16 November 2009, notified the applicant of initiating actions to separate them for a Pattern of Misconduct as described above in paragraph 3c (2). On the same day the applicant acknowledged the basis for the separation and of the rights available to them.
- (8) On 17 November 2009, the applicant completed their election of rights signing they had been advised by counsel of the basis for their separation and its effects and of the rights available to them. They understood that as the result of issuance of a discharge under other than Honorable conditions, they may be ineligible for many or all benefits as a veteran under both federal and state laws and that they may expect to encounter substantial prejudice in civilian life. They elected to submit a statement on their behalf stating —
- (a) They want to apologize for their misconduct surrounding the unfortunate events that has led to the initiation of administrative separation. They regret their failure to control their drinking problem which has effectively doused their dreams.
- **(b)** They are asking to be allowed to remain in the U.S. Army and so they may later be discharged honorably as this will allow them to pursue an education and gainful employment. Although there is no excuse for their conduct, they humbly ask that they be allowed to attend

ASAP. They are sincere in their expression of regret, their willingness to participate in ASAP, and their desire to contribute positively to humanity by earning a degree in molecular studies.

- **(9)** A memorandum, Bravo Company, 302nd Brigade Support Battalion, 1st Heavy Brigade Combat Team, subject: Commander's Report Proposed Separation under Army Regulation 635-200, Chapter 14, Paragraph 12b, Patterns of Misconduct, [Applicant], undated, the applicant's company commander submitted the request to separate the applicant prior to their expiration term of service.
- (10) A memorandum, Headquarters, 1st Heavy Brigade Combat Team, subject: Separation under Army Regulation 635-200, Chapter 14, Paragraph 12b, dated 2 December 2009, the separation authority directed that the applicant be discharged and furnished a General (Under Honorable Conditions) Discharge Certificate.
- (11) On 19 December 2009, the applicant was discharged accordingly, the DD Form 214 (Certificate of Release or Discharge from Active Duty) provides the applicant completed 1 year, 11 months and 13 days of net active service this period and did not complete their first full term of service obligation of 3 years and 31 weeks. The DD Form 214 shows in
  - item 4a (Grade, Rate or Rank) Private
  - item 4b (Pay Grade) E-1
  - item 12i (Effective Date of Pay Grade) 2 September 2009
  - item 18 (Remarks) in part, Member has not completed first full term of service.
  - item 24 (Character of Service) General (Under Honorable Conditions)
  - item 26 (Separation Code) JKA [Pattern of Misconduct]
  - item 27 (Reentry Code) 3
  - item 28 (Narrative Reason for Separation) Pattern of Misconduct
  - i. Lost Time / Mode of Return: None
  - j. Behavioral Health Condition(s): None

#### 5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge or Dismissal from the Armed Forces of the United States)
- DD Form 4 (Enlistment Document)
- DA Forms 2627
- DD Form 2807-1 (Report of Medical History)
- DD Form 2808
- DA Form 3822
- Enlisted Record Briefs
- DD Form 214
- **6. Post Service Accomplishments:** none submitted with application.

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

**a.** Title 10, U.S. Code, Section 1553, (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, Title 10, U.S. Code, Section 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge

Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

- **b.** Multiple Department of Defense (DoD) Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].
- (1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.
- (2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.
- **c.** Army Regulation 15-180 (Army Discharge Review Board) sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and

composition of the Army Discharge Review Board under Public Law 95-126; Title 10, U.S. Code, Section 1553; and DoD Directive 1332.41 and Instruction 1332.28.

- **d.** Army Regulation 600-85 (Army Substance Abuse Program (ASAP)) governs the program and identifies Army policy on alcohol and other drug abuse, and responsibilities. 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.
- **e.** Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), dated 17 December 2009, set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.
- (1) An Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.
- **(2)** A General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.
- (3) A Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.
- (4) Chapter 1 (General Provisions) sets policies, standards, and procedures to ensure readiness and competency of the force while providing for the orderly administrative separation of Soldiers, it provides in pertinent part:
- (a) When a separation is ordered, the approved proceedings will be sent to the commander who has the Soldier's records for separation processing. The original copy of the proceedings will be filed in the permanent part of the Soldiers official personnel record.
- **(b)** Army leaders at all levels must be continually aware of their obligation to provide purpose, direction, and motivation to Soldiers. It is essential that Soldiers who falter, but have the potential to serve honorably and well, be given every opportunity to succeed. Except as otherwise indicated, commanders must make maximum use of counseling and rehabilitation before determining that a Soldier has no potential for further useful service and ensure it occurs prior to initiating separation proceedings for reason to include Minor Disciplinary Infractions (14-12a) or a Pattern of Misconduct (14-12b).
- (5) Chapter 14 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. Paragraph 14-12b (Pattern of Misconduct), stated, a pattern of misconduct consisting

of one of the following – discreditable involvement with civil or military authorities, or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the UCMJ, Army regulations, the civil law, and time-honored customs and traditions of the Army.

- **(6)** Paragraph 14-3 (Characterization of Service or Description of Separation) prescribed a discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.
- (7) Chapter 15 (Secretarial Plenary Authority), currently in effect, provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.
- **f.** Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12b, (Pattern of Misconduct).
- **g.** Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DoD Instructions 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes:
- (1) RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.
- **(2)** RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.
- (3) RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

### 8. SUMMARY OF FACT(S):

- **a.** The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.
- **b.** The applicant's AMHRR reflects the received multiple counseling for acts of misconduct and nonjudicial punishment under the provisions of Article 15, UCMJ on two occasions for wrongfully consuming alcohol while being under the legal drinking age. The applicant's

DD Form 214 indicates their discharge under the provisions of Army Regulation 635-200, paragraph 14-12b, by reason of a pattern of misconduct, with a characterization of service of general (under honorable conditions). They completed 1 year, 11 months and 13 days of net active service; however, they did not complete their 3-year, 31-week contractual enlistment agreement obligation.

- **c.** Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.
- **d.** The applicant's Army Military Human Resource Record does not provide documentation of a diagnosis of Alcohol Dependency during the applicant's military service, nor did the applicant provide evidence.
- **e.** Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

#### 9. BOARD DISCUSSION AND DETERMINATION:

- **a.** As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:
- (1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially mitigating diagnoses/experiences: Adjustment DO, unspecified; Adjustment DO with disturbance of emotions and conduct; Adjustment DO with anxiety and depressed mood; PTSD (70%SC).
- (2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found the diagnoses of Adjustment DO were made during military service. VA service connection for PTSD establishes it occurred or began during military service.
- (3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that that the applicant has a BH condition, PTSD, which mitigates some of his misconduct. As there is an association between PTSD and self-medication with alcohol, there is a nexus between his diagnosis of PTSD and his multiple incidents of underage drinking. PTSD does not mitigate his offenses of wrongfully assaulted PVT H. by punching them with closed fist or violation of ROK law by damaging private property given that PTSD does not affect one's ability to distinguish right from wrong and act in accordance with the right. [{Note-The applicant's various diagnoses of Adjustment DO are subsumed under the diagnosis of PTSD.]
- **(4)** Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the board determined that, while the applicant's PTSD mitigated the applicant's underage drinking, the applicant's

PTSD does not outweigh the applicant medically unmitigated offenses of wrongfully assaulting a Soldier, and damaging private property.

- **b.** Response to Contention(s):
- (1) The applicant requests an upgrade to honorable, a change in their separation code, reentry code, and the narrative reason for separation. The board considered this contention and determined that an upgrade to the applicant's characterization of service, narrative reason and separation code is warranted because the applicant PTSD partially mitigated some of the misconduct (underage drinking). However, the remaining pattern of misconduct (wrongfully assaulting a Soldier and damaging private property) is not mitigated because PTSD do not affect one's ability to distinguish right from wrong and act in accordance with the right.
- (2) The applicant contends stating they were stationed at Camp Casey, South Korea in 2008 they were diagnosed by military doctors as Alcohol Dependency. The applicant contends never being in any other trouble. The board considered this contention and the totality of the applicant's service record during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the information outlined above in paragraph 9a (3-4) and (b (1).
- (3) The applicant contends stating they sought therapy and found out they were in deep depression and was prescribed medication for anxiety and depression. The medication soon stopped working and they began to self-medicate with alcohol. The board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the information outlined above in paragraph 9a (3-4) and (b (1).
- (4) The applicant contends stating they were referred to and attended ASAP; however, they were discharged from the U.S. Army before they finished the program. The board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the information outlined above in paragraph 9a (3-4) and (b (1).
- (5) The applicant contends stating they plan to use the Montgomery GI Bill to further their education and obtain a career in Cybersecurity. The board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the post-9/11 or Montgomery GI Bill, healthcare, or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.
- **c.** The board determined the discharge is inequitable based on the applicant's PTSD partially mitigated some of the applicant's pattern of misconduct (underage drinking). Therefore, the board voted to grant partial relief in the form of an upgrade of the characterization of service to honorable and change 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. No change to the reentry code.

#### **d.** Rationale for Decision:

(1) The board voted to change the applicant's characterization of service because the applicant's PTSD partially mitigated some of the applicant's pattern of misconduct (underage drinking). Thus, the prior characterization is no longer appropriate. However, the remaining pattern of misconduct (wrongfully assaulting a Soldier and damaging private property) is not mitigated because PTSD does not affect one's ability to distinguish right from wrong and act in accordance with the right.

- (2) The board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.
- (3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

#### 10. BOARD ACTION DIRECTED:

a. Issue a New DD-214 / Separation Order: Yes

b. Change Characterization to: Honorable

c. Change Reason / SPD code to: Misconduct (Minor Infractions)/JKN

d. Change RE Code to: No Change

e. Change Authority to: AR 635-200, paragraph 14-12a

### **Authenticating Official:**



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

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 RF - 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