

**1. Applicant's Name:** [REDACTED]**a. Application Date:** 16 December 2020**b. Date Received:** 22 December 2020**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

**a. Applicant's Requests and Issues:** The current characterization of service for the period under review is General (Under Honorable Conditions). The applicant requests an upgrade to Honorable.

**b.** The applicant seeks relief contending, they would like the ability to use their education and other benefits.

**c. Board Type and Decision:** In a records review conducted on 28 February 2025, and by a 4-1 vote, the Board determined that the characterization of service was inequitable. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.  
*Please see Section 9 of this document for more detail regarding the Board's decision.*

**3. DISCHARGE DETAILS:**

**a. Reason / Authority / Codes / Characterization:** Pattern of Misconduct / AR 635-200, Chapter 14-12B / JKA / RE-3 / General (Under Honorable Conditions)

**b. Date of Discharge:** 28 February 2011

**c. Separation Facts:**

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

**(2) Basis for Separation:** They were barred for indebtedness in January 2009 and after nearly a year, they were still in debt with little to no progress.

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

**(4) Legal Consultation Date:** 7 February 2011

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

**(6) Separation Decision Date / Characterization:** 9 February 2011 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 8 July 2008 / 5 years

**b. Age at Enlistment / Education / GT Score:** 21 / High School Diploma / 97

**c. Highest Grade Achieved / MOS / Total Service:** E-3 (PFC) / 25U10 Signal Support Systems Specialist / 2 years, 7 months, and 21days

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

**e. Overseas Service / Combat Service:** None

**f. Awards and Decorations:** NDSM, ASR

**g. Performance Ratings:** NA

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

(1) On 8 July 2008, the applicant enlisted in the Regular Army (RA) for 5 years as a private, PVT (E-1). The Enlisted Record Brief provides they promoted to private second class, PV2 (E-2) on 8 January 2009; and on 1 July 2009, to private first class, PFC (E-3). On 14 December 2010, they were flagged, Suspend Favorable Personnel Actions (FLAG), for involuntary separation (BA). On 28 January 2010, a bar to reenlistment was initiated and approved, in which the applicant did not appeal.

(2) On 29 September 2010, the Financial Specialist/Family Advocacy Specialist provided a summary of the applicant's financial situation to their commander, which indicated \$6,475 was sent to collections (\$2,000 consists of medical bills prior to entering the Army), with the rest from various pay day loans, internet, and phone companies. They have just under \$25,000 of debt in good standing including their car, rings, furniture, and "predatory" loans. Twelve of the opened accounts that year came from the predatory lenders. They have pawned their rings for \$100, although the applicant was still paying for the pair, originally priced around \$3,000.

(a) One of the recent personal loans was for \$886 in May 2010 and financed at 81.94% IR (interest rate); another loan they renewed in August 2010, was just under \$600 and financed at 83.30% IR. When asked why they continue to get these loans, the applicant replied, "just to get by." They were paying \$170 a month for a TV from Aarons and was unsure how much remained. At the time, they were behind in their car insurance, water bill, electricity bill, rent, and some of the personal loans. The utilities were not disconnected because they had arranged to pay portions of the bill each month. With the personal loans, the applicant stopped the allotments when they thought they were deploying, in order to have "a little extra cash" and to travel home before they left.

(b) After reviewing their bank statements, the financial specialist noticed that the applicant spent too much on fast food and wants each month. They had to pay a \$258 warrant for library books and owed \$158 by 30 September but only had \$5.20 in their bank account. The specialist advised their financial situation was not any better from the beginning of the year because of the above and purchasing things they could not afford, like the SUV they planned to get in December or by the tax season. The applicant stated they were not stubborn as they had learned from the advice received; however, their actions did not reflect this. Lastly, they moved to a cheaper place and was paying \$150 less on rent, which was on an allotment, along with some of the personal loans, they had previously stopped.

(3) On 19 November 2010, the applicant had a mental status evaluation at Embedded Behavioral Health, Brooke Army Medical Center (BAMC), Fort Sam Houston, TX, which provided no BH diagnosis. They met the retention standards, was mentally responsible, able to distinguish right from wrong, and had the mental capacity to understand and participate in

administrative proceedings deemed appropriate by the command.

(4) Although undated, the company commander notified the applicant of their intent to initiate separation proceedings under the provisions of AR 635-200, Chapter 14-12B, Pattern of Misconduct, for the applicant having failed to report to their appointed place of duty on multiple occasions. The commander recommended a General (Under Honorable Conditions) characterization of service. On 3 January 2011, the applicant acknowledge receipt of their separation notice. On 7 February 2011, the applicant elected to consult with legal and declined to submit a statement on their behalf. Defense counsel acknowledged advising the applicant on the effects of the applicant's separation and the right available to them.

(5) On 9 and 11 February 2011, the separation approval authority approved the discharged, with a General (Under Honorable Conditions) characterization of service and their separation orders were issued. A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged accordingly, with 2 years, 8 months, and 2 days of total service. Their electronic was provided and the applicant has not completed their first full term of service.

i. **Lost Time / Mode of Return:** None

j. **Behavioral Health Condition(s):** None

(1) **Applicant provided:** None

(2) **AMHRR Listed:** None

**5. APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge; Certificate of Release or Discharge from Active Duty

**6. POST SERVICE ACCOMPLISHMENTS:** None provided with this 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. 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 (Active Duty Enlisted Administrative Separations), 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) Chapter 1 provides 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).

**(2)** Chapter 3 provides an Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

**(a)** 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.

**(b)** 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.

**(3)** 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. 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. 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.

**(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.

**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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14-12B, Pattern of Misconduct.

**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 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. 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 law is to promote justice, to assist in maintaining good orders and discipline in the Armed Forces. Article 134 (debt, dishonorably failing to pay) states in the subparagraph, the maximum punishment consists of bad conduct discharge, forfeiture of all pay and allowances, and confinement for six months.

h. 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 the 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. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

(1) The available evidence provides the applicant enlisted in the RA, promoted to PFC, and served for 2 years, 5 months and 6 days prior to being flagged for involuntary separation. Since January 2009, they have been barred for indebtedness and there has been little to no progress. Separation proceedings were initiated under the provisions of AR 635-200, Chapter 14-12B, Pattern of Misconduct, with a General (Under Honorable Conditions) characterization of service. They elected to consult with legal, declined to submit a statement on their behalf, and defense counsel advised them on the effects of their separation and on the rights available to them.

(2) The applicant worked with the Financial Specialist/Family Advocacy Specialist for nearly a year, with little to no improvement on their indebtedness, as the applicant continued to practice living outside of their means; that year alone, the applicant opened 12 new accounts, which most were from predatory lenders. Although they had established allotments for their rent, and some loans, they were behind on their insurance and their utility bills yet still making some payments. The applicant completed a mental status evaluation, which provided no mental diagnosis and psychiatrically cleared them for separation. They served 2 years, 7 months, and

21 days of their 5-year contractual obligation.

**b.** 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.

**c.** 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: Generalized Anxiety Disorder (GAD-50%SC).

**(2)** Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found VA service connection for GAD establishes nexus with active service.

**(3)** Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that there are no mitigating BH conditions. While the applicant has been service connected for GAD by the VA, this condition does not mitigate her offense of indebtedness as it does not affect one's ability to distinguish right from wrong and act in accordance with the right.

**(4)** Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opinion, the Board determined that the available evidence did not support a conclusion that the applicant's conditions outweighed the medically unmitigated list offenses.

**b.** Prior Decisions Cited: None

**c.** Response to Contention: The applicant seeks relief contending, they would like the ability to use their education and other benefits. The Board 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.

**d.** The Board determined that the characterization of service was inequitable. The Board found a General (Under Honorable Conditions) discharge was too harsh for the misconduct of indebtedness. The applicant can use further assistance with debt management training and may not have been taught how to manage finances from an early age. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them

**e. Rationale for Decision:**

**(1)** The Board voted 4-1 upgrade to upgrade the characterization of service to Honorable. The majority of the Board voted to upgrade the discharge based on the applicant's long-standing struggles with indebtedness and from an early age, the applicant may not have been taught how to manage finances. Additionally, the Board agreed with the Medical Advisor that the applicant should receive the medical assistance she needs for her 50% service connection for GAD. One board member voted the discharge was proper and equitable based on the applicant's inability to manage finances that can negatively impact the security clearance required of a 25U, Signal Support Specialist.

**(2)** 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.

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

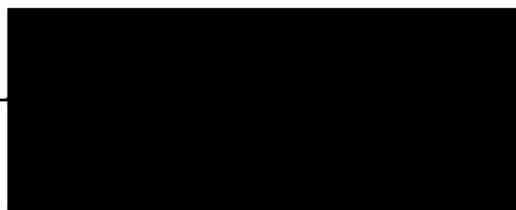


**10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: No change
- d. Change RE Code to: No change
- e. Change Authority to: No change

**Authenticating Official:**

3/6/2025



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