

1. Applicant's Name: [REDACTED]

a. Application Date: 16 April 2021

b. Date Received: 16 April 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 general (under honorable conditions). The applicant requests an upgrade to honorable, and changes to the RE code and narrative reason.

b. The applicant seeks relief contending, in effect, the applicant's first spouse was both mentally and physically abusive to the applicant.

(1) Throughout the relationship the applicant ended up with two broken noses, to which the applicant had surgery to remove bone fragments on 30 May 2018, and multiple broken teeth had to have root canals and metal braces, as well as being stabbed in the applicant's left hand. An investigation was started in August 2017 for suspicion of domestic violence on both the applicant and their spouse after an incident at an off-post hotel. The applicant and spouse were divorced in March 2018. The investigation ended in April 2018.

(2) The Battalion Commander Lieutenant Colonel (LTC) S__ W__ brought the applicant and multiple leaders in to read the applicant's case. When LTC W__ asked the applicant for evidence proving the applicant was the victim of domestic abuse the applicant presented LTC W__ with evidence in many forms as well as the applicant brought forth a witness that seen the applicant the night the applicant was stabbed. The applicant was left with permanent scaring and damage. LTC W__ proceeded to give the applicant a FG Article 15 consisting of lying to an officer, which the applicant admitted to lying because the applicant was scared for the applicant's life and did not want to be killed by their then spouse.

(3) After the investigation and the Article 15, the applicant started to look into domestic violence and how the applicant was punished for something that happens in a high percentage of cases. Once the applicant's leadership found out about the applicant trying to prove their innocence and how the command handled the applicant's case wrong, they immediately began the chapter process. The applicant's battalion commander LTC W__ learned of this and tried to stop the chapter process, later telling the applicant that LTC W__ was deeply sorry for how LTC W__ handled the applicant's investigation and wrote a letter to keep the applicant in the Army. In the end, the applicant was chaptered for the same reason as in the Article 15, even though the applicant was a victim of extreme domestic violence.

(4) The applicant was well known for their hard work and dedication to the Army and received awards and promotions. The applicant had no mishaps, bad counselings, or disciplinary actions, until the investigation with the applicant's then spouse. Prior to entering the Army, the applicant attended Morgan Community College and Lamar Community College.

c. Board Type and Decision: In a records review conducted on 6 September 2024, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, the circumstances surrounding the discharge (Adjustment Disorder with Mixed Anxiety and Depressed Mood as the victim of Intimate Partner Violence), 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 the separation authority to AR 635-200, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF, and a change to the reentry eligibility (RE) code to 1.

*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 / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 20 November 2018

c. Separation Facts: The applicant's AMHRR contains the case separation file. However, the applicant provided partial documents which are described below in 3c (2) and (6).

(1) Date of Notification of Intent to Separate: 26 September 2018

(2) Basis for Separation: The applicant was informed of the following reasons:

- On or about 10 August 2017, the applicant made multiple false statements
- On or about 9 August 2017, the applicant caused a breach of the peace by wrongfully disrupting hotel guests
- On or about 9 August 2017, the applicant assaulted Specialist (SPC) C__ L. C__ by striking SPC C__ with the applicant's hand

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

(4) Legal Consultation Date: 2 October 2018

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 2 November 2018 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 8 June 2015 / 4 years

b. Age at Enlistment / Education / GT Score: 18 / High School Graduate / 114

c. Highest Grade Achieved / MOS / Total Service: E-4 / 88M10, Motor Transport Operator / 3 years, 5 months, and 13 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: AAM, NDSM, GWOTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) The applicant provided:

(a) Health Record shows the applicant was seen on 11 and 17 August, 16 and 30 October 2017, for trauma to a tooth. The applicant was diagnosed with lateral luxation injury with buccal plate fracture.

(b) Medical Record, 21 December 2017, states the applicant reported allegations of spouse abuse to the applicant's behavioral health therapist. The therapist deemed the applicant as credible.

(c) Medical Record, 28 December 2017, shows Social Worker M__T__, interviewed J__T__, one of the applicant's witnesses. T__ reported the applicant came to their house after the alleged incident because the applicant was still bleeding and crying. T__ reported "[Applicant] eyes were clawed like [the applicant's spouse] clawed [applicant's] eyes." "It looked like [applicant's spouse] tried to stab [applicant] but missed." T__ reported the applicant was very credible.

(d) Health Record, signed by Family Advocacy Program (FAP) Social Worker on 12 January 2018, states a referral source reported an incident on 27 June 2017. The applicant was headed butted two times by their spouse, which resulted in a broken nose. The applicant's spouse shoved the applicant's head against the passenger window multiple times throughout the incident and pulled the applicant's hair and yanked it multiple times, which resulted in the applicant having bold spots on the applicant's head. The applicant had a pain level of 10 out of 10 that lasted 2 weeks. When the applicant sought medical treatment on 28 June 2017, the applicant informed medical providers and the command that the applicant broke their nose on the car dashboard. The applicant's spouse denied the allegation against themselves to the FAP provider. The applicant was diagnosed with fracture of nasal bones.

(e) Health Record, signed by FAP Social Worker on 12 January 2018, states a referral source reported an incident on 8 August 2017. The applicant's spouse threw the applicant to the ground then head butted the applicant when the applicant got up, which resulted in the applicant breaking their tooth. The next day the applicant's spouse threw a Rumba at the applicant, and it hit the applicant on the back, behind the applicant's head. The applicant concurred with the referral source to the FAP provider and reported the applicant had a knot on the applicant's head as a result of the spouse throwing a Rumba. The applicant's spouse denied the allegation to the FAP provider and reported, "[Spouse] was drunk that day, but that's bullshit that [spouse] head-butted the [applicant] or broke [applicant's] tooth." The applicant's spouse reported the applicant elbowed the spouse on the spouse's face and wrestled the spouse to the ground and punched the spouse with a closed fist multiple times while the applicant put the spouse in a headlock. The applicant sought dental treatment on 11 August 2017 and was diagnosed with lateral laceration injury with buccal plate fracture.

(f) Health Record, signed by FAP Social Worker on 12 January 2018, states a referral source reported an incident on 1 September 2017. The applicant's spouse threw a knife at the applicant which cut the applicant's left wrist. The applicant's spouse then sliced the applicant's left ring finger to cut off the applicant's wedding ring. The applicant concurred with the referral source and reported to the FAP provider that the applicant's wounds were so deep that the applicant was able to see the applicant's muscle and fatty tissue. The FAP provider observed the scar on the applicant's left wrist and left ring finger. The applicant reported the applicant was extremely fearful and went to a friend's house 10 minutes after the incident. The applicant's

spouse denied the allegation to the FAP provider. A witness reported to the FAP provider that they saw the applicant right after the alleged incident. The witness reported, same as in subparagraph 4h(1)(c).

(g) U.S. Army Medical Department Activity, memorandum, Family Advocacy Case Review Committee Incident Determination, 17 January 2018, states the allegation was adult physical abuse. The applicant was identified as the sponsor-victim. The applicant and company commander was informed that the committee determined the incident met criteria for physical abuse and would be entered into a Department of Defense Central Registry database.

(h) FG Article 15, 9 April 2018, that shows:

- On or about 9 August 2017, the applicant caused a breach of the peace by wrongfully disrupting hotel guests, causing police to be called
- On or about 9 August 2017, the applicant assaulted SPC C__ L. C__ by striking SPC C__ with the applicant's hand
- On or about 10 August 2017, the applicant with intent to deceive, make to SPC Z__ B__ an official statement, to wit: the applicant had a purple mark around the applicant's eye from grease popping in it, which statement was totally false, and was then known by the applicant to be so false
- On or about 10 August 2017, the applicant with intent to deceive, make to SPC Z__ B__ an official statement, to wit: the applicant's spouse had entered a physical altercation with another male at the hotel and that the applicant attempted to pull the applicant's spouse off of the other person, which statement was totally false, and was then known by the applicant to be so false
- Punishment consisted of a reduction from E-4 to E-3; and extra duty and restriction for 45 days

(2) Two Developmental Counseling Forms, for being flagged for punishment phase (HA) and involuntary separation/field initiated (BA). Also, removal of the applicant's adverse action (AA) flag effective 9 April 2018.

(3) Report to Suspend Favorable Personnel Actions (Flag), 23 April 2018, shows the applicant was flagged for involuntary separation/field initiated (BA), effective 20 April 2018.

(4) The applicant provided Report of Medical History, 25 April 2017, the examining medical physician noted the applicant's medical conditions in the comments section: applicant has been treated in the Ban-Jones Army Community Hospital emergency room for multiple concerns; fractured right radial head in May 2018, has been cleared by ortho but is still being treated by occupational therapy; and nasal surgery to correct deviated septum in May 2018.

(5) Report of Mental Status Evaluation, 4 May 2018, shows the applicant was like psychiatrically cleared for administrative separation. The applicant could understand and participate in administrative proceedings; and could appreciate the difference between right and wrong. The applicant had been screened for PTSD and mild TBI. The applicant did not have a behavioral health condition that warranted disposition through medical channels.

(6) The applicant provided:

(a) Medical Discharge Summary states the applicant was diagnosed with nasal airway obstruction, dynamic collapse. The applicant had the following procedures on 30 May 2018, open septorhinoplasty, nasal valve reconstruction, and inferior turbinate out fracture.

(b) 41st Transportation Company, memorandum, Separation under AR 635-200, Chapter 14-12b, Pattern of Misconduct, (Applicant), 26 September 2018, shows the commander-initiated action to separate the applicant with a general (under honorable conditions) characterization of service.

(c) 519th Military Police Battalion, memorandum, Separation under AR 635-200, Chapter 14-12b, Pattern of Misconduct, (Applicant), 26 September 2018, shows the battalion commander recommended to retain the applicant.

(d) U.S. Army Installation Management Command, memorandum, Separation under AR 635-200, Chapter 14-12b, Pattern of Misconduct, (Applicant), 26 September 2018, shows the separation authority directed the applicant be separated from the Army with a general (under honorable conditions) characterization of service.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: MSE as described in previous paragraph 4h.

The ARBA's medical advisor reviewed DoD and VA medical records.

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293; DD Form 214; self-authored letter; health and medical records; partial case separation file; six-character statements; two biographies; two college transcripts; high school diploma; driver's license; emergency medical technician certification; basic life support certification; and congressional request for assistance.

6. POST SERVICE ACCOMPLISHMENTS: The applicant was remarried to a soldier and received emergency medical technician and basic life support certifications. The applicant received a moral waiver for a pattern of misconduct chapter and enlisted in the Regular Army on 20 June 2023 for 4 years. The applicant is working on completing a Bachelor of Science in Health Care Administration at Purdue University Global.

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) 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) provides the basic authority for the separation of enlisted personnel.

(1) Paragraph 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(2) 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.

(3) 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.

(4) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

(5) Paragraph 14-3 prescribes 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.

(6) Paragraph 14-12b, addresses a pattern of misconduct consisting of either discreditable involvement with civilian 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 Uniform Code of Military Justice, Army Regulations, the civilian law and time-honored customs and traditions of the Army.

(7) 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 (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.

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 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): 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, and changes to the RE code and narrative reason. The applicant's AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's DD Form 214 shows the applicant served 3 years, 5 months, and 13 days. The applicant received an Article 15 for multiple false statements, breach of the peace by wrongfully disrupting hotel guests, and assault on SPC C__ (then spouse) by striking SPC C__ with the applicant's hand. The applicant's DD Form 214 shows the applicant was discharged on 20 November 2018 under the provisions of AR 635-200, Chapter 14, paragraph 14-12b, by reason of Pattern of Misconduct, with a characterization of service of general (under honorable conditions).

c. The applicant requests the narrative reason for the discharge to be changed. The applicant was separated under the provisions of Chapter 14, paragraph 14-12b, AR 635-200 with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Pattern of Misconduct," and the separation code is "JKA." Army Regulation 635-8 (Separation Processing and Documents) governs preparation of the DD Form 214, and dictates entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be exactly as listed in tables 2-2 or 2-3 of AR 635-5-1 (SPD Codes). The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

d. The applicant requests a reentry eligibility (RE) code change to rejoin the military service. Soldiers processed for separation are assigned reentry codes based on their service records or the reason for discharge. Based on Army Regulation 601-210, the applicant was appropriately assigned an RE code of "3." There is no basis upon which to grant a change to the reason or the RE code. An RE Code of "3" indicates the applicant requires a waiver before being allowed to reenlist. Recruiters can best advise a former service member as to the Army's needs at the time and are required to process waivers of reentry eligibility (RE) codes if appropriate.

e. The applicant contends, in effect, the applicant's first spouse was both mentally and physically abusive to the applicant. The applicant provided:

(1) U.S. Army Medical Department Activity, memorandum, Family Advocacy Case Review Committee Incident Determination, 17 January 2018, that states the allegation was adult physical abuse. The applicant was identified as the sponsor-victim. The applicant and company commander were informed that the committee determined the incident met criteria for physical abuse and would be entered into a Department of Defense Central Registry database.

(2) Health (dental) and medical records that shows the applicant's injuries that were sustained as a result of adult physical abuse by the applicant's previous spouse.

(3) Report of Medical History, 25 April 2017, the examining medical physician noted the applicant's medical conditions in the comments section: applicant has been treated in the Ban-Jones Army Community Hospital emergency room for multiple concerns; fractured right radial head in May 2018, has been cleared by ortho but is still being treated by occupational therapy; and nasal surgery to correct deviated septum in May 2018.

(4) Medical Discharge Summary states the applicant was diagnosed with nasal airway obstruction, dynamic collapse. The applicant had the following procedures on 30 May 2018, open septorhinoplasty, nasal valve reconstruction, and inferior turbinate out fracture.

f. The applicant contends the applicant was remarried to a soldier and received emergency medical technician and basic life support certifications. The applicant is working on completing a Bachelor of Science in Health Care Administration at Purdue University Global. Analyst notes, the applicant received a moral waiver for the pattern of misconduct chapter and enlisted in the Regular Army on 20 June 2023 for 4 years. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. No law or regulation provides for the upgrade of an unfavorable discharge based solely on the passage of time or good conduct in civilian life after leaving the service. The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character.

g. The third-party statements provided with the application states the applicant was the "go-to" soldier that accomplished anything that was assigned to the applicant. They highly recommend the applicant be granted the opportunity to return to active service. The applicant's former battalion commander, LTC W_____, states the applicant possesses the skillsets and drive to be a high performing soldier if given the opportunity. The applicant exudes qualities of a natural born leader, possessing confidence and resilience.

h. 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: the applicant was diagnosed with Adjustment Disorder with Mixed Anxiety and Depressed Mood in-service and identified as the victim of Intimate Partner Violence (IPV).

(2) Did the condition exist or experience occur during military service? **Yes.** The applicant was diagnosed with Adjustment Disorder with Mixed Anxiety and Depressed Mood in-service and identified as the victim of IPV.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that behavioral health and

Family Advocacy Program determined she was not the perpetrator; her significant other started and maintained the disturbance and any physical acts on her part were in self-defense. Regarding false statements, the statements align with a victim attempting to avoid further harm from their abuser by not disclosing the origins of injuries.

(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 Adjustment Disorder with Mixed Anxiety and Depressed Mood as the victim of Intimate Partner Violence outweighed the multiple false statements and assault in self-defense basis for separation for the aforementioned reason(s).

b. Response to Contention(s):

(1) The applicant contends, in effect, the applicant's first spouse was both mentally and physically abusive to the applicant. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's length and quality of service, the circumstances surrounding the discharge (Adjustment Disorder with Mixed Anxiety and Depressed Mood as the victim of Intimate Partner Violence), and post-service accomplishments.

(2) The applicant contends the applicant was remarried to a soldier and received emergency medical technician and basic life support certifications. The applicant is working on completing a Bachelor of Science in Health Care Administration at Purdue University Global. Analyst notes, the applicant received a moral waiver for the pattern of misconduct chapter and enlisted in the Regular Army on 20 June 2023 for 4 years. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's length and quality of service, the circumstances surrounding the discharge (Adjustment Disorder with Mixed Anxiety and Depressed Mood as the victim of Intimate Partner Violence), and post-service accomplishments.

c. The Board determined the discharge is inequitable based on the applicant's length and quality of service, the circumstances surrounding the discharge (Adjustment Disorder with Mixed Anxiety and Depressed Mood as the victim of Intimate Partner Violence), 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 the separation authority to AR 635-200, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF, and a change to the reentry eligibility (RE) code to 1.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Adjustment Disorder with Mixed Anxiety and Depressed Mood as the victim of Intimate Partner Violence mitigated the applicant's misconduct of multiple false statements and assault in self-defense. Thus, the prior characterization is no longer appropriate.

(2) The Board voted to change the reason for discharge to Secretarial Authority under the same rationale, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JFF.

(3) The Board voted to change the reentry code to RE-1.

11. BOARD ACTION DIRECTED:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE
AR20210008976

- a. Issue a New DD-214:** Yes
- b. Change Characterization to:** Honorable
- c. Change Reason / SPD Code to:** Secretarial Authority / JFF
- d. Change RE Code to:** RE-1
- e. Change Authority to:** AR 635-200

Authenticating Official:

7/8/2025



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