

1. Applicant's Name:

- a. **Application Date:** 18 February 2021
- b. **Date Received:** 22 February 2021
- 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 honorable (under conditions). The applicant requests an upgrade to honorable.

(2) The applicant seeks relief contending, it has been determined by Department of Veterans Affairs (VA) that they suffered from undiagnosed Post Traumatic Stress Disorder (PTSD) and Alcohol Dependency while serving in the U.S. Army, specifically during and after their tour in Operation Iraqi Freedom. They were deployed to Kirkuk, Iraq where they suffered traumatic experiences that they could not process nor could they properly cope with. This caused their mental/emotional decline that eventually led to them being discharged with a general (under honorable conditions) character of service.

(3) They were undiagnosed and suffered quietly while in the service. They did seek medical/mental health treatment on their own but still went undiagnosed. They believe if they had been diagnosed and treated they could have completed their term of service with an honorable discharge. They are now being properly treated for their PTSD with alcohol dependency by the VA. An honorable discharge upgrade will help them recoup the remainder of their GI Bill.

b. Board Type and Decision: In a records review conducted on 28 February 2025, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

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: 22 April 2011

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 25 March 2011

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

- on 20 June 2010, operated a vehicle while under the influence of alcohol
- on 28 July 2010, found sleeping in their office during duty hours
- on 9 October 2010, disobeyed a lawful command to not enter their vehicle, operated a vehicle while under the influence of alcohol and resisted arrest by fleeing the scene from a peace officer

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

(4) Legal Consultation Date: 25 March 2011

(5) Administrative Separation Board: NIF

(6) Separation Decision Date / Characterization: 7 April 2011 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 15 March 2008 / 3 Years, 23 weeks

b. Age at Enlistment / Education / GT Score: 19 / Test-Based Equivalent Diploma / 103

c. Highest Grade Achieved / MOS / Total Service: E-4 / 91C1O, Utilities Equipment Repairer / 3 years, 28 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Germany / NIF

f. Awards and Decorations: ARCOM, NDSM, GWTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Defense Finance and Accounting Service JUMPS Leave and Earnings Statement 1 February 2009 through January 2010 reflects the applicant received Hazardous Duty Pay from 10 January 2009 through 19 December 2009.

(2) A DA Form 4856 (Developmental Counseling Form) dated 16 July 2010, reflects the applicant received event oriented counseling for the revocation of driving privileges. The Key Points of Discussion reflects, on approximately 20 June 2010 the applicant received a citation from the Polizei for driving a vehicle while mentally impaired by alcohol consumption. [Note: page 2 of the form is not in evidence for review.]

(3) A DA Form 4856 (Developmental Counseling Form) dated 19 July 2010, reflects the applicant received event oriented counseling for disobeying a direct order. The Key Points of Discussion reflects, on 16 July 2010, the applicant was counseled in regard to their loss of driving privileges. On 19 July 2010, the applicant was witnessed getting out of their car, in direct violation of the guidelines they were given. The Plan of Action reflects the applicant is being recommended for nonjudicial punishment for their belligerence. The applicant disagreed with the information and commented they thought the noncommissioned officer (NCO) who was with them in their vehicle, was authorized as an escort, allowing them to drive their vehicle.

(4) A DA Form 4856 (Developmental Counseling Form) dated 28 July 2010, reflects the applicant received event oriented counseling for sleeping during duty hours. The applicant agreed with the information and signed the form.

(5) A DA Form 2627 (Record of Proceedings under Article 15, UCMJ) dated 31 August 2010, reflects the applicant received nonjudicial punishment for, in that they at or near Kaiserslautern, Germany, on or about 28 July 2010, were found sleeping in their shop during duty hours, such conduct being prejudicial to good order and discipline in the Armed Forces.

Their punishment consisted of a reduction in rank/grade from specialist/E-4 to private first class/E-3 and extra duty and restriction for 7 days. The applicant elected not to appeal.

(6) A DA Form 4856 (Developmental Counseling Form) dated 9 October 2010, reflects the applicant received event oriented counseling. The Key Points of Discussion reflects on 16 July 2010, the applicant was counseled in regard to their loss of driving privileges. On or about 9 October 2010 the applicant was pulled over by the Polizei under the suspicion drinking while driving and fled the scene. They were charged with Delayed entry, Resistance of Flight Breach or Arrest, and Escape, Assault, and Dishonorably Failing to Pay. [Note: page 2 in not in evidence for review.]

(7) A memorandum, Headquarters, 21st Theater Sustainment Command, subject: Administrative Reprimand, dated 25 October 2010, reflects the applicant was reprimanded in writing for driving under the influence of alcohol on 9 October 2010, in Landstuhl, Germany. The commanding general states, German Police conducted a traffic stop, detected on odor of alcohol and attempted to administer a breath test. The applicant fled the scene on foot, attempted to enter a United States installation, pushed a guard, and resisted apprehension by military police. Military Police the administered a breath test with the result of 0.066 grams of alcohol per 210 liters of breath. The legal limit for operating a vehicle on German roadways is 0.05 grams.

(8) On 28 December 2010, the commanding general determined the administrative reprimand is to be filed permanently in the applicant's Army Military Human Resource Record (AMHRR).

(9) A DA Form 2627 (Record of Proceedings under Article 15, UCMJ) dated 3 January 2011 reflects the applicant received nonjudicial punishment for, in that, at or near Kaiserslautern, Germany, on or about 9 October 2010, wrongfully operated a privately owned vehicle without a valid license; fled apprehension by running away from, an Armed Forces Policeman; and having received a lawful command from a commissioned officer to not enter their vehicle, did willfully disobeyed the same. The applicant's punishment consisted of a reduction in rank/grade from specialist/E-4 to private/E-1, forfeiture of \$733.00 pay per month for 2 months, and extra duty and restriction for 45 days. The applicant elected to appeal and submit additional matters; however, the applicant failed to submit matters. On 19 January 2011, the brigade commanded denied the applicant's appeal.

(10) A DA Form 4856 dated 20 January 2011, reflects the applicant received event oriented for missing accountability formation. [Note: page 2 of the form is not in evidence for review.]

(11) A Report of Behavioral Health Evaluation, undated, reflects the applicant has the mental capacity to understand and participate in the proceedings. The applicant has a diagnosis of Attention Deficit Hyperactivity Disorder (ADHD). The behavioral health provider marked –

- treatment at this time is not deemed to be necessary
- return to duty with no change in duty status
- psychiatrically cleared for any administrative action deemed appropriate by command

(12) A DD Form 2808 (Report of Medical Examination) dated 2 March 2011 reflects the applicant is qualified for service and chapter 14-12c. The examining physician record no physical profile limitations. Item 77 (Summary of Defects and Diagnoses) reflects anxiety – on

medication; alcohol abuse – Army Substance Abuse Program; ADHD – no medication; and left knee pain.

(13) A memorandum, Service Battery, 5th Battalion, 7th Air Defense Artillery, subject: Separation under Army Regulation 635-200, Paragraph 1412b, A Pattern of Misconduct, [Applicant], undated, reflects the applicant's company commander notifying the applicant of initiating action to separate them for A Pattern of Misconduct consisting of misconduct as described in above paragraph 3c(2). The company commander recommends their service be characterized as general (under honorable conditions). On 25 March 2011, the applicant acknowledged receipt of their separation notice and of the rights available to them.

(14) On 25 March 2011, the applicant's completed their Election of Rights acknowledged they have been advised by their consulting counsel of the basis for the contemplated action to separate them due to pattern of misconduct, and its effects; of the rights available to them; and of the effects of any action taken by them in waiving their rights. They understand they may expect to encounter substantial prejudice in civilian life if a general (under honorable conditions) discharge is issued to them. They further understand 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. They elected to submit statement on their own behalf. [Note: Statements in their behalf are not in evidence for review.]

(15) A memorandum, Service Battery, 5th Battalion, 7th Air Defense Artillery, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 1412b, A Pattern of Misconduct, [Applicant], dated 1 April 2011, reflects the applicant's company commander recommending the applicant be separated from the U.S. Army prior to expiration of their term of service. The company commander states they do not consider it feasible or appropriate to accomplish other disposition as the applicant has set a clear pattern of misconduct and this pattern would continue if they were to have a permanent change of station.

(16) A memorandum, 357th Air and Missile Defense Detachment, 21st Theater Sustainment Command, subject: Separation under Army Regulation 635-200, Paragraph 14-12b, A Pattern of Misconduct, [Applicant], dated 7 April 2011, the separation authority reviewed the separation proceedings pertaining to applicant, directed the applicant be separated from the service, with a characterization of service of General (Under Honorable Conditions).

(17) On 22 April 2011 the applicant was discharged accordingly. Their DD Form 214 (Certificate of Release or Discharge from Active Duty) provides completed 3 years and 28 days of net active service this period. Their DD Form 214 shows in:

- item 18 (Remarks) – in part,
 - CONTINUOUS HONORABLE ACTIVE SERVICE – 20080325-20091104
 - IMMEDIATE REENLISTMENT PERIOD – 20091105-20110422 [Note: the applicant's reenlistment documents are not in evidence for review]
 - MEMBER HAS COMPLETED FIRST FULL TERM OF SERVICE
 - [Note: there is no entry for service in Iraq or evidence in their AMHRR of service in Iraq]
- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 25 (Separation Authority) – Army Regulation 635-200, Paragraph 14-12b
- item 26 (Separation Code) – JKA
- 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):

(1) Applicant provided: VA Rating Decision reflecting a service connection for PTSD granted with an evaluation of 50-percent, effective 23 February 2018.

(2) AMHRR Listed: Report of Behavioral Health Evaluation as described in previous paragraph 4h(10).

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- DD Form 214
- VA Letter, with Rating Decision

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the 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 635-200 (Active Duty Enlisted Administrative Separations), dated 6 June 2005, 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.

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, 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 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.

g. Manual for Courts-Martial, United States (2008 Edition) stated, 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 order and discipline in the Armed Forces. Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows the maximum punishments include punitive discharge for violating the following, Article 90 (Willfully disobeying lawful order of superior commissioned officer), Article 92 (Failure to obey order, regulation), Article 95 (Resisting Apprehension), and Article 134 (Drunkenness – incapacitating oneself for performance of duties through prior indulgence in intoxicating liquor or drugs).

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):

a. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

b. A review of the available evidence provides the applicant received an GOMOR for driving under the influence of alcohol, received two occurrences of nonjudicial punishment for acts of misconduct, and was involuntarily separation for a pattern of misconduct. Their DD Form 214 provides they were discharged with a character of service of General (Under Honorable Conditions) for pattern of misconduct. They completed 3 years and 28 days of net active service this period and completed their first term of service; however, their reenlistment documents are not in evidence to determine their service 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 AMHRR reflects documentation of a diagnosis of ADHD; however, the behavioral health provider stated treatment at this time is not deemed to be necessary and psychiatrically cleared the applicant for administrative action. Their AMHRR does not reflect documentation of a diagnosis of PTSD or Alcohol Dependency during their military service. The applicant provided a VA Rating Decision reflecting a service connection for PTSD granted with an evaluation of 50-percent, effective 23 February 2018.

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: Dysthymic Disorder, Anxiety Disorder NOS, Social Phobia, PTSD (70%SC).

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found all BH diagnoses except for PTSD were made during service. VA service connection for PTSD establishes nexus with 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 the applicant has several BH conditions, PTSD, Dysthymic Disorder, Anxiety Disorder NOS and Social Phobia which mitigate some of his misconduct. As there is an association between these conditions, self-medication and difficulty with authority figures, there is a nexus between these conditions, his two incidents of DUI and his disobeying an order not to enter a vehicle. These conditions do not mitigate the offenses of resisting arrest, fleeing the scene, assault and dishonorably failing to pay as these conditions do not affect one's ability to distinguish right from wrong and act in accordance with the right. In the BH advisor's opinion, the totality of the applicant's misconduct outweighs any mitigation offered under liberal consideration.

(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 Contentions:

(1) The applicant contends it has been determined by the VA that they suffered from undiagnosed PTSD and Alcohol Dependency while serving in the U.S. Army, specifically during and after their tour in Operation Iraqi Freedom. The Board acknowledged this contention during proceedings.

(2) The applicant contends they were deployed to Kirkuk, Iraq where they suffered traumatic experiences that they could not process, nor could they properly cope with. This caused their mental/emotional decline that eventually led to them being discharged with a general (under honorable conditions) character of service.

The Board acknowledged and considered this contention during proceedings.

(3) The applicant contends they were undiagnosed and suffered quietly while in the service. They did seek medical/mental health treatment on their own but still went undiagnosed. The Board's Medical Advisor found all BH diagnoses except for PTSD were made during service. VA service connection for PTSD establishes nexus with service.

(4) The applicant contends they believe if they had been diagnosed and treated, they could have completed their term of service with an honorable discharge. They are now being properly treated for their PTSD with alcohol dependency by the VA. An honorable discharge upgrade will help them recoup the remainder of their GI Bill. The Board acknowledged this contention during proceedings and determined the totality of the applicant's offenses do not warrant an upgrade to Honorable discharge. The Board also 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 discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the issues before the Board. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

e. Rationale for Decision:

(1) The Board was unanimous in its decision that the current discharge is proper and equitable. The Board believed the multiple acts of misconduct outweigh any medical mitigation under liberal consideration. Board members also concurred that resisting arrest by an MP, fleeing the scene, and pushing a guard is misconduct that does not warrant an upgrade to Honorable discharge.

(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:** No
- b. Change Characterization to:** No change
- 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

X

Presiding Officer, COL, U.S. ARMY
Army Discharge Review Board

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