

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

- a. **Application Date:** 13 February 2021
- b. **Date Received:** 19 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 (Under Honorable Conditions). The applicant requests an upgrade to Honorable.

(2) The applicant seeks relief contending they were diagnosed with an adjustment disorder and was not given the right treatment. They were later diagnosed with depression then later it was change to bipolar I with depression. They were given a General (Under Honorable Conditions) discharge off of conditions they were going through based their bipolar disorder.

**b. Board Type and Decision:** Following a records review conducted on 11 May 2025, the Board unanimously determined by a 5-0 vote that the applicant's characterization of service was inequitable. This decision was based on the applicant's length of service, the circumstances surrounding the discharge, and the presence of behavioral health factors that mitigated the misconduct, which included repeated instances of disrespect, disobeying lawful orders, AWOL, and making false official statements. As a result, the Board granted relief by upgrading the characterization of service to Honorable, changing the separation authority to AR 635-200, paragraph 14-12a, and revising the narrative reason for separation to Misconduct (Minor Infractions) with a corresponding separation code of JKN. The Board found the RE code to be proper and equitable and voted to leave it unchanged. Details are located in "Board Discussion and Determination. Board member names may be provided upon request.

**3. DISCHARGE DETAILS:**

**a. Reason / Authority / Codes / Characterization:** Misconduct (Serious Offense) / Army Regulation 635-200, Paragraph 14-12C / JKQ / RE-3 / General (Under Honorable Conditions)

**b. Date of Discharge:** 23 May 2018

**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 4 May 2018

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

- disrespectful in deportment toward a warrant officer
- disobeyed a noncommissioned officer (NCO) on multiple occasions
- made false official statements on multiple occasions
- failed to report on multiple occasions

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

(4) **Legal Consultation Date:** 4 May 2018

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

**(6) Separation Decision Date / Characterization:** 16 May 2018 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 22 March 2016 / 3 years, 23 weeks

**b. Age at Enlistment / Education / GT Score:** 19 / HS Diploma / 110

**c. Highest Grade Achieved / MOS / Total Service:** E-3 / 91D10, Tactical Power Generation Specialist / 2 years, 2 months, 2 days

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

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

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

**g. Performance Ratings:** NA

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

**(1)** Seven DA Forms 4856 (Developmental Counseling Form) dated 18 October 2017 through 13 February 2018 reflects the applicant received counseling for multiple acts of misconduct to include failure to obey orders, lying to an NCO, failure to report on multiple occasions, disrespecting an NCO, and leaving work without authorization. The applicant agreed with the information, provided no remarks, and signed the counseling forms.

**(2)** A DA Form 3822 (Report of Mental Status Evaluation) dated 21 March 2018, reflects the purpose of the evaluation if for misconduct administrative separation evaluation. The applicant has no duty limitations due to behavioral health reasons, meets medical retention standards and is cleared for administrative action. Section IV (Diagnoses) reflect "Adjustment Disorder with mixed anxiety and depressed mood." The behavioral health provider comments the applicant does not have a behavioral health condition that warrants disposition through medical channels and is cleared by Behavioral Health for administrative separation.

**(3)** Two DA Forms 4856 (Developmental Counseling Form) dated 9 April 2018 and 13 April 2018 reflects the applicant received event-oriented counseling for failure to report and for being absent without leave from 11 April 2018 through 13 April 2018. The applicant agreed with the information, provided no remarks, and signed the counseling forms.

**(4)** A Behavioral Health Command Discharge Summary dated 17 April 2018 reflects the applicant was admitted to psychiatric/psychology from 13 April 2018 to 17 April 2018. The Discharge Diagnoses reflects Adjustment Disorder with anxious/depressed mood, Problems related to employment, and Cannabis abuse/dependence.

**(5)** A DD Form 2808 (Report of Medical Evaluation) dated 18 April 2018 reflects the examining physician marked "Normal" for all items examined; the applicant is qualified for service with no physical profile restrictions, and lists a diagnosis of Depression with comments, the applicant has received inpatient behavioral health, recommend applicant continue to follow

up with Behavioral Health. Item 78 (Recommendations) the examining physician comments the applicant is fit for duty and the physical is completed for chapter separation.

(6) A memorandum, Headquarters Support Company, 204th Military Intelligence Battalion, Combat Aviation Brigade, 1st Armored Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 4 May 2018, reflects the applicant's company commander notified them of their intent to separate them under the provisions of Army Regulation 635-200, paragraph 14-12c, for misconduct described above in paragraph 3c2. The company commander recommended the applicant's characterization of service as General (Under Honorable Conditions). On the same date, the applicant acknowledged the basis for the separation and of the right available to them.

(7) On 4 May 2018, the applicant completed their election of rights signing they have been advised by their consulting counsel of the basis for the contemplated action to separate them for Commission of a Serious Offense and its effects; of the rights available to them, and of the effect 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 a result of issuance of a discharge less than honorable, they may be ineligible for many or all benefits as a veteran under both Federal and State laws. They elected to not submit statements on their behalf and waived consulting counsel.

(8) A memorandum, Headquarters Support Company, 204th Military Intelligence Battalion, Combat Aviation Brigade, 1st Armored Division, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 7 May 2018, the applicant's company commander submitted a request to separate them prior to their expiration term of service. The commander states –

- the applicant received nonjudicial punishment under the provisions of Article 15, UCMJ on 13 December 2017 and their punishment consisted of extra duty and restriction for 10 days and an oral reprimand
- they do not consider it feasible or appropriate to accomplish other disposition as the applicant has no desire or motivation to be in the Army
- the applicant continues to have occurrences of failure to report, continues to disrespectful towards superiors and has explicitly expressed on several occasions they do not want to be in the Army
- the separation is in the best interest of both the U.S. Army and the Soldier

(9) A memorandum, Headquarters, 204th Military Intelligence Battalion, Combat Aviation Brigade, 1st Armored Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 8 May 2018, the applicant's battalion commander submitted a request to separate them prior to their expiration term of service. They recommended the applicant's service be characterized as General (Under Honorable Conditions). The commander states the separation is in the best interest of both the U.S. Army and the Soldier.

(10) A memorandum, Headquarters, Combat Aviation Brigade, 1st Armored Division, subject: Correction of Election of Rights Regarding Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], 15 May 2018, reflects the memorandum serves as a correction to the election of right for the applicant regarding the filing of an unrestricted report of sexual assault within 24 months of initiation of separation action. There was no evidence of an unrestricted report of sexual assault on file. The applicant stated they had not filed an unrestricted report of sexual assault. The applicant was advised of their

right to file an unrestricted report of sexual assault. The applicant stated they were not a victim of sexual assault and they do not want to file an unrestricted report of sexual assault at this time.

(11) A memorandum, Combat Aviation Brigade, 1st Armored Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], 16 May 2018, reflects the brigade judge advocate thoroughly reviewed the administrative separation of the applicant and states the separation packet is legally sufficient.

(12) A memorandum, Headquarters, Combat Aviation Brigade, 1st Armored Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 16 May 2018, the separation authority reviewed the separation packet of the applicant and after careful consideration of all matters, directed the applicant be separated from the Army prior to the expiration of their current term of service. They directed the applicant's service be characterized as General (Under Honorable Conditions). After reviewing the rehabilitative transfers requirement, they determined the requirements do not apply to this action. The commander state the applicant has not filed an unrestricted report of sexual assault within 24 months of initiation of this separation action.

i. **Lost Time / Mode of Return:** NA

j. **Behavioral Health Condition(s):** Evidence listed in this paragraph is provided to the Army Review Boards Agency Medical Staff for review.

(1) **Applicant provided:** Department of Veterans Affairs (VA) medical records reflecting a diagnosis of Major Depressive Disorder and Service Treatment Records reflecting behavioral health treatment and screenings.

(2) **AMHRR Listed:** DA Form 3822 (Report of Mental Status Evaluation) reflecting a diagnosis of Adjustment Disorder with mixed anxiety and depressed mood and a Behavioral Health Command Discharge Summary reflecting diagnoses of Adjustment Disorder with anxious/depressed mood, Problems related to employment, and Cannabis Abuse/Dependence

#### 5. **APPLICANT-PROVIDED EVIDENCE:**

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- Service Treatment Record excerpt
- VA Medical Record excerpts
- VA Summary of Benefits Letter

6. **POST SERVICE ACCOMPLISHMENTS:** None submitted with application.

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

a. Title 10, U.S. Code, Section 1553, (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, Title 10 U.S. Code, Section 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance

provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

**b.** Multiple Department of Defense (DoD) Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

**(1)** Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to 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 DoD Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) dated 19 December 2016, 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. This regulation provided the authority and general provisions governing the separation of Soldiers before expiration term of service or fulfillment of active duty obligation to meet the needs of the Army and its Soldiers.

(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 14 (Separation for Misconduct) establishes policy and prescribes procedures for separating personnel for misconduct because of minor disciplinary infractions, a pattern of misconduct, commission of a serious offense, conviction by civil authorities, desertion, and absence 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. 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 14-12c (Commission of a Service Offense), stated a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

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

f. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DoD Instruction 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. 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 DoD Instruction 1332.28.

b. A review of the available evidence provides the applicant multiple occurrences of event oriented counselings for acts of misconduct and nonjudicial punishment under the provisions of Article 15, UCMJ and was involuntarily discharged. The DD Form 214 provides the applicant was discharged with a character of service of General (Under Honorable Conditions) for misconduct (serious offense). They completed 2 years, 2 months, and 2 days of net active service and did not complete their first full term of service of their 3-year, 23-week enlistment agreement.

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 Adjustment Disorder with mixed anxiety and depressed mood, Problems related to employment, and Cannabis abuse/dependence. The applicant provided service medical records reflecting treatment and diagnoses of behavioral health conditions. The applicant also provided a VA medical records reflecting a diagnosis of Major Depressive Disorder and Service Treatment Records reflecting behavioral health treatment and screenings.

e. Published DoD 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: Adjustment Disorder, Unspecified Mood Disorder, Cannabis Abuse, Alcohol Use Disorder, Bipolar Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** Adjustment Disorder, Unspecified Mood Disorder, Cannabis Abuse, Alcohol Use Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that it is more likely than not the documented decompensation after his father's illness and passing along with his NCO's suicide and subsequent development of a mood disorder complicating his psychiatric status influenced the basis for separation.

(4) Does the condition or experience outweigh the discharge? **Yes.** The Board concurred with the opinion of the Board's Medical Advisor, a voting member. As a result, the ADRB applied liberal consideration and found that the applicant's Adjustment Disorder, Unspecified Mood Disorder, Cannabis Abuse, Alcohol Use Disorder outweighed the repeated instances of disrespect, disobeying lawful orders, AWOL, and making false official statements for the aforementioned reason(s).

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant contends in effect their mental health conditions mitigated the misconduct that led to being discharged, they were diagnosed with an adjustment disorder and was not given the right treatment. They were later diagnosed with depression and later it was change to bipolar I with depression. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the information outlined in paragraph 9a (3-4) of this document.

d. The Board determined that the characterization of service was inequitable based on the applicant's length of service, the circumstances surrounding the discharge, and the presence of behavioral health factors outweigh the applicant misconduct outlined in paragraph 9a (3-4) of this document. As a result, the Board granted relief by upgrading the characterization of service to Honorable, changing the separation authority to AR 635-200, paragraph 14-12a, and revising the narrative reason for separation to Misconduct (Minor Infractions) with a corresponding separation code of JKN. The Board found the RE code to be proper and equitable and voted to leave it unchanged.

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

**AR20210009026**

**e. Rationale for Decision:**

(1) The Board voted to upgrade the applicant's characterization of service to Honorable, concluding that the applicant's length of service, the circumstances surrounding the discharge, and the presence of behavioral health factors outweighed the misconduct, which included repeated instances of disrespect, disobeying lawful orders, AWOL, and making false official statements. As a result, the previous characterization was deemed no longer appropriate.

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

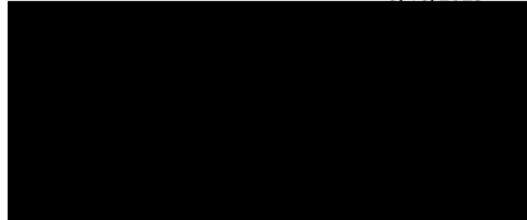
(3) The RE code will not change, as the mitigating conditions are also service limiting.

**10. BOARD ACTION DIRECTED:**

- e. Issue a New DD-214: Yes**
- f. Change Characterization to: Honorable**
- g. Change Reason / SPD code to: Misconduct (Minor Infractions)/JKN**
- h. Change RE Code to: No Change**
- i. Change Authority to: AR 635-200, paragraph 14-12a**

**Authenticating Official:**

9/18/2025



**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