

1. Applicant's Name: [REDACTED]

- a. Application Date: 17 February 2021
- b. Date Received: 1 March 2021
- c. Counsel: NA

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 and a change of their separation code, reentry code and the narrative reason for separation.

(2) The applicant seeks relief contending their punishment was unjust. They got into a physical altercation with their spouse, and they were the one who reached out to the police. They were not charged or found guilty of any bad conduct. Their spouse at the time was charged but not prosecuted for Domestic Battery. Their chain of command proceeded with their separation even though they did not have a police report. They have multiple written statements speaking on their development and growth. They ask for their discharge be upgraded so that they have peace of mind and that their character isn't looked down upon by an unjust ruling, when they have been in good moral standing.

b. Board Type and Decision: In a records review conducted on 09 July 2025, and by a 5-0 vote, 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, paragraph 14- 12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it. Details are located in **BOARD DISCUSSION AND DETERMINATION**. Board member names may be requested.

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: 13 April 2020

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 2 March 2020

(2) Basis for Separation: wrongfully pushed their spouse into a door twice, kicked them in their stomach and pushed them multiple times on or about 11 December 2019.

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

(4) Legal Consultation Date: 10 March 2020

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 13 March 2020

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 26 February 2018 / 6 years

b. Age at Enlistment / Education / GT Score: 19 / HS Diploma / 100

c. Highest Grade Achieved / MOS / Total Service: E-4 / 68D1O, Operating Room Specialist / 2 years, 1 month, and 18 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) A DA Form 3822 (Report of Mental Status Evaluation) dated 20 December 2019 reflects the applicant has no duty limitations due to behavioral health reasons and meets behavioral health medical retention standards. Section IV (Diagnoses) reflects no behavioral health diagnosis. The behavioral health provider states the applicant MEETS the medical retention requirements and does not require a medical board for psychiatric purposes. The applicant is cleared for Separation for Misconduct.

(2) A DD Form 2808 (Report of Medical Examination) dated 27 January 2020, reflects the examining physician marked "Normal" for all items examined, except for item 37 (Body marks, scars, tattoos) and marked that the applicant "Is Qualified for Service." Item 78 (Summary of Medical Diagnoses) reflects Anxiety and Depression, shoulder pain and rash.

(3) A memorandum, Fort Riley Military Police Department, subject: Law Enforcement Report, dated 29 January 2020, reflects the applicant and their spouse as named subjects with the applicant's offense shown as Domestic Violence (Article 128b, Uniform Code of Military Justice (UCMJ), with the date of occurrence of 11 December 2019. The Report Summary states an investigation revealed the applicant and their spouse were involved in a physical altercation. They were apprehended and transported to the Fort Riley Military Police Department where they were advised of their legal rights, which they waived rendering a written statement admitting to the offenses. On 11 January 2020, Captain B_____, Staff Judge Advocate, opined probable cause existed to title the applicant with Domestic Violence (Article 128b, UCMJ).

(4) A memorandum, Medical Company, U.S. Army Medical Department Activity, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 2 March 2020, 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 3c(2). The company commander recommended the applicant's characterization of service as General (Under Honorable Conditions). On the same day, the applicant acknowledged the basis for the separation and of the right available to them.

(5) In the applicant's memorandum, subject: Election of Rights Regarding Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 10 March 2020, reflects the applicant acknowledged they have been advised by their consulting counsel of the basis for the contemplated action to separate them for Commission of Serious Offense, Army Regulation 635-200, paragraph 14-12c, 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 that 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 a result of the issuance of a discharge that is less than Honorable they may be ineligible for many or all benefits as a veteran under both Federal and State laws. They requested consulting counsel and elected to submit statements in their own behalf. [Note: statements in the applicant's behalf are not in evidence for review.]

(6) A memorandum, Irwin Army Community Hospital, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 2 March 2020, the applicant's company commander submitted a request to separate them prior to their expiration term of service. The commander states they do not consider it feasible or appropriate to accomplish other disposition as the applicant has demonstrated that any other disposition would be inappropriate. The separation is in the best interest of both the U.S. Army and the Soldier.

(7) A memorandum, Irwin Army Community Hospital, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 13 March 2020, 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.

(8) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 13 April 2020, with 2 years, 1 month and 18 days of net active service this period. The DD Form 214 shows in:

- item 18 (Remarks) – MEMBER HAS NOT COMPLETED FIRST FULL TERM OF SERVICE
- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 26 (Separation Code) – JKQ
- item 27 (Reentry Code) - 3
- item 28 (Narrative Reason for Separation) – Misconduct, (Serious Offense)

i. Lost Time / Mode of Return: NA

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: A DD Form 2808 (Report of Medical Examination) reflecting diagnoses of Anxiety and Depression.

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), with personal statement

- Six 3rd Party Statements
- DD Form 214

6. POST SERVICE ACCOMPLISHMENTS: None submitted with application.

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

a. Title 10, U.S. Code, Section 1553, (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, Title 10 U.S. Code, Section 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

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

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to 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 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 nonwaivable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

g. Manual for Courts-Martial, United States (2019 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 Article 128b (Assault).

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 was the named subject of a Law Enforcement Report in violation of Article 128b (Domestic Violence) 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, 1 month, and 18 days of net active service and did not completed their first full term of service of their 6-year enlistment 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. 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? **No.** The Board's Medical Advisor reviewed DoD and VA medical records and found no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused, or mitigated a discharge.

(2) Did the condition exist, or experience occur during military service? **N/A**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant seeks relief contending their punishment was unjust. They got into a physical altercation with their spouse, and they were the one who reached out to the police. They were not charged or found guilty of any bad conduct. Their spouse at the time was charged but not prosecuted for Domestic Battery. Their chain of command proceeded with their separation even though they did not have a police report. They have multiple written statements speaking on their development and growth. They ask for their discharge be upgraded so that they have peace of mind and that their character isn't looked down upon by an unjust ruling, when they have been in good moral standing. The Board considered this contention during their deliberations.

d. Based on a preponderance of evidence, the Board determined that the character and reason for the applicant's separation received upon separation were inequitable. The Board determined that both the applicant and spouse were found guilty of domestic violence. The applicant's wife testified that the applicant did not willfully kick her. Rather, the applicant kicked the spouse away in self-defense, and the applicant was in a seated position, thereby not exerting full force onto the spouse. Additionally, Board members found no other misconduct in the applicant's file and believed both the applicant and the spouse were at fault for not actively de-escalating the occurrence while led to a physical altercation. 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, paragraph 14- 12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

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e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's one-time domestic violence offense did not warrant less than an Honorable discharge. Both the applicant and the applicant's spouse were found to be at fault and both should have attempted to de-escalate the situation. Thus, the prior characterization is 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 current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214 / Separation Order:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD code to:** Misconduct (Minor Infractions)/JKN
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** No Change

Authenticating Official:

7/17/2025



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