

1. Applicant's Name: [REDACTED]**a. Application Date:** 15 January 2021**b. Date Received:** 2 June 2021**c. Representative:** 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 Under Other Than Honorable Conditions. The applicant requests an upgrade to Honorable.

(2) The applicant seeks relief contending, after their last tour to Afghanistan they started to experience flashbacks and nightmares from their combat experience. They did some things they were not proud of while succumbing to alcohol abuse.

(3) After their discharge from the military they became overwhelmed with normal life because of their Post Traumatic Stress Disorder (PTSD). They began to self-medicate and had become a full blown drug addict and alcoholic until they were incarcerated. They then spent time in a Veteran Program and a PTSD organization which were vital to their recovery. They have since gone on to help other Combat Veterans to gain a sense of purpose and a chance to rebuild and save lives.

b. Board Type and Decision: In a records review conducted on 20 December 2024, and by a 5-0 vote, the Board determined the discharge is inequitable, therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to General, Under Honorable Conditions. No change to the Narrative Reason, SPD code, or reentry code.

3. DISCHARGE DETAILS:

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

b. Date of Discharge: 6 September 2013

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 12 July 2013

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

- on 1 February 2012, stole an army combat helmet, military property, of a value less than \$500.00, the property of the United States
- between on or about 1 November 2012 and on or about 11 December 2012, wrongfully used Oxycodone, a schedule II controlled substance without a valid prescription
- between on or about 21 November 2012 and on or about 11 December 2012, wrongfully used Oxycodone, a schedule II controlled substance without a valid prescription
- on 18 January 2013, absent from their unit until 24 March 2013

- on 19 March 2013, stole three ruck sacks, cold weather gear, and a sleep system, military property of an aggregate value in excess of \$500.00, the property of the United States

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

(4) Legal Consultation Date: 5 June 2013

(5) Administrative Separation Board: On 5 June 2013, the applicant waived consideration of their case by an administrative separation board.

(6) Separation Decision Date / Characterization: 25 July 2013 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 21 February 2008 / 6 years

b. Age at Enlistment / Education / GT Score: 28 / HS Graduate / 110

c. Highest Grade Achieved / MOS / Total Service: E-5 / 88M1P, Motor Transport Operator / 7 years, 6 months, 4 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan (2 August 2006 – 19 February 2007, 5 October 2007 – 6 June 2008, 5 June 2010 – 20 August 2010; and 13 March 2011 – 13 August 2011), Iraq (20 March 2009 – 23 July 2009)

f. Awards and Decorations: MSM, ARCOM-2, AAM-3, AGCM, NDSM, ACM-2CS, GWTSM, ICM-CS, ASR, NATOMDL-2,

g. Performance Ratings: 1 October 2009 – 30 September 2010 / Among the Best
1 October 2010 – 27 July 2011 / Fully Capable

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DA Form 2627 (Record of Proceedings under Article 15, Uniform Code of Military Justice (UCMJ)) dated 27 July 2011, reflects the applicant received nonjudicial punishment, in that they did, at or near Forward Operating Base, Sharana, Afghanistan, violated a lawful general order, to wit: General Order Number 1B, by wrongful possessing alcohol and wrongful consuming alcohol while present in the U.S. Central Command Area of Responsibility, on or about 14 July 2011, in violation of Article 92 (Failure to obey order, regulation), UCMJ. The applicant's punishment consisted of a reduction in rank/grade from sergeant/E-5 to specialist/E-4, forfeiture of \$1,115.50 pay for 2 months, and extra duty and restriction for 45 days. The applicant elected not to appeal.

(2) Three DA Forms 4187 (Personnel Action) dated 20 February 2013 and 25 March 2013, reflects the applicant's unit changed their duty status from present for duty to absence without leave, effective 18 January 2013; from absence without leave to dropped from roles, effective 17 February 2013; and from dropped from roles to present for duty effective 25 March 2013.

(3) A DD Form 616 (Report of Return of Absentee) dated 28 March 2013, reflects the applicant surrendered to military authorities on 25 March 2012.

(4) A DD Form 458 (Charge Sheet) dated 28 May 2013, reflects charges referred against the applicant as –

(a) Charge I – Violation of Article 86 (Absence without leave), UCMJ, did, at or near Fort Bragg, NC, on or about 18 January 2013, without authority, absent themselves from their unit and did remain so absent until on or about 24 March 2013.

(b) Charge II – Violation of Article 121 (Wrongful appropriation), with two Specifications, in that they did, at or near Fort Bragg, NC, on or about 1 February 2012, stole an army combat helmet, military property, of a value of less than \$500.00; and on or about 19 March 2013, stole three ruck sacks, cold weather gear, and a sleeping system, military property of an aggregate value in excess of \$500.00, the property of the United States.

(c) Charge III – Violation of Article 112 (Wrongful use, possession, etc. of controlled substances), with two Specifications, in that they did, at or near Fort Bragg, NC, between on or about 1 November 2012 and on or about 20 November 2012, and between on or about 21 November 2012 and on or about 11 December 2012, wrongfully used Oxycodone, a schedule II controlled substance.

(5) An Offer to Plead Guilty (Pretrial Agreement), United States of America verses [Applicant], dated 5 June 2013, the applicant, in a court-martial now pending, examined the charges preferred against them, and all the supporting evidence. After consulting with their detailed military counsel, and being fully advised that they have a legal and moral right to plead not guilty and to place the burden of proving their guilt beyond a reasonable doubt upon the government, they offer to plead to the charges preferred against them on 28 May 2013 –

- to the Charges and their Specifications – Guilty
- the offer to plead guilty provided their case is referred to a summary court-martial
- this offer to plead guilty is wholly voluntary, originated with them, and no person or persons have made any attempt to force or coerce them into making this offer to plead guilty
- their defense counsel has advised them of the meaning and effect of their guilty plea and they understand the meaning and effect thereof
- they unconditionally waive any right they have to an administrative separation board based on the misconduct to which they have plead guilty, even if they are to be separated under other than honorable conditions

(6) In the applicant's memorandum, subject: Waiver of Rights under Army Regulation 635-200 Administrative Board Procedures, dated 5 June 2013, reflects the applicant's acknowledgement that 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 effect; of the rights available to them, and of the effect of any action taken by them in waiving their rights. They waived consideration of their case by an administrative separation board, to include personal appearance before such board. They elected not to submit statements in their own behalf. They are making this request of their own free will and have not been subjected to any coercion whatsoever by any person. They understand they may expect to encounter substantial prejudice in civilian life if a general under honorable conditions is issued to them. They further understand that as a result of the 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.

(7) A memorandum, Group Support Battalion, 3rd Special Forces Group (Airborne), subject: Notification of Summary Court-Martial, dated 19 June 2013, reflects the applicant's notification of the initial session of their summary court-martial will convene on 20 June 2013 and of the rights available to them.

(8) A DD Form 2329 (Record of Trial by Summary Court-Martial) dated 20 June 2013, reflects at a preliminary proceeding held on 20 June 2013, the summary court-martial gave the applicant a copy of the charge sheet and of the rights available to them. At the trial proceeding, the applicant, after being given a reasonable time to decide did not object to trial by summary court-martial. The applicant was not represented by counsel. The applicant plead guilty to all charges and specifications. The applicant's sentence was adjudged and consisted of a reduction in rank/grade of private first class/E-3 to private/E-1 and 30 days confinement.

(9) A memorandum, Group Service Support Company, Group Support Battalion, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], undated, the applicant's company commander notified the applicant of their intent to separate them under the provisions of Army Regulation 635-200, Chapter 14-12c, Commission of a Serious Offense with a recommended characterization of service of general (under honorable conditions) for misconduct, as described above in paragraph 3c(2). On 12 July 2013, the applicant acknowledged the basis for the separation and of the rights available to them.

(10) A memorandum, Group Service Support Company, Group Support Battalion, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], undated, reflects the applicant's company commander submitted a request to separate them prior to their expiration term of service. The company commander states the applicant received a Field Grade Article 15 on 27 July 2011, as described above in paragraph 4h(1), and received a company grade Article 15, in violation of Article 92 (Failure to obey order, regulation), their punishment consisted of a reduction in rank/grade from specialist/E-4 to private first class/E-3, forfeiture of \$462.00, and extra duty and restriction for 14 days. The company commander states a report of mental status evaluation or psychiatric report is attached. [Note: report of mental status evaluation or psychiatric report are not in evidence for review.] The company commander does not consider it feasible or appropriate to accomplish other disposition as the applicant is unlikely to overcome deficiencies and be a viable member of the unit. Continued presence in the unit will reduce morale, readiness, and unit effectiveness. They clearly have no potential for useful service under the conditions of full mobilization. There is no note of any medical or other data meriting consideration in the overall evaluation to separate the applicant and in the determination as to the appropriate characterization of service.

(11) A memorandum, Headquarters, Group Support Battalion, 3rd Special Forces Group (Airborne), subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 16 July 2013, reflects the applicant's battalion commander submitted a request to separate them prior to their expiration term of service. The battalion commander recommended the applicant's service be characterized as General (Under Honorable Conditions).

(12) A memorandum, Headquarters, 3rd Special Forces Group (Airborne), subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 18 July 2013, reflects the applicant's group commander submitted a

request to separate them prior to their expiration term of service. The group commander recommended the applicant's service be characterized as General (Under Honorable Conditions).

(13) A memorandum, Headquarters, U.S. Army Special Forces Command (Airborne), subject: Separation of under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 25 July 2013, the separation authority states they have reviewed the administrative separation action and the waiver of consideration of their case by an administrative separation board. The separation authority accepted the waiver request and directed the applicant be separated from service with an Under Other Than Honorable Conditions discharge.

(14) Two DA Forms 4187 (Personnel Action) dated 20 June 2013 and 21 August 2013, reflects the applicant's unit changed their duty status from present for duty to confinement effective 20 June 2013 and from confinement to present for duty, effective 16 July 2013.

(15) On 6 September 2013, the applicant was discharged from the Regular Army. Their DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant completed 7 years, 6 months, and 4 days of net active service this period. They did complete their first full term of service. The DD Form 214 shows in:

- item 4a (Grade, Rate or Rank) – Private
- item 4b (Pay Grade) – E-1
- item 12i (Effective Date of Pay Grade) – 20 June 2013
- item 18 (Remarks) in part – MEMBER HAS COMPLETED FIRST FULL TERM OF SERVICE [Note: no entry for the applicant's CONTINUOUS HONORABLE ACTIVE SERVICE – 20060207 – 20080220]
- item 24 (Character of Service) – Under Other Than 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: 20 June 2013 – 15 July 2015 / Surrendered

j. Behavioral Health Condition(s): None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), with personal statement
- DD Form 214
- Information Sheet – Serving Somebody's Hero
- Veterans Court Advocacy & Mentoring for Peers Certificates
- Care & Counsel for Combat Trauma Certificate
- Camp Hope Certificate of Completion
- Suicide Alertness for Everyone Certificate
- Applied Suicide Intervention Skills Training Certificate
- Refuge Trauma & Counseling Center Letter
- PTSD Foundation of America Letter
- six 3rd Party Character Statement

6. POST SERVICE ACCOMPLISHMENTS: completed veteran support treatment/counseling programs and became a counselor and an assistant manager, enabling them to assist veterans to reintegrate into civilian communities.

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 DoD Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), dated 6 September 2011, 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 14 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record. Paragraph 14-12c (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 635-8 (Separation Processing and Documents) dated 17 October 2019, prescribed policy and procedures regarding separation documents, it states in the preparation of the DD Form 214 for soldiers who have previously reenlisted without being issued a DD Form 214 and are separated with any characterization of service except "Honorable," enter in item 18 (Remarks) "Continuous Honorable Active Service From (first day of service which DD Form 214 was not issued) until (date before commencement of current enlistment).

g. 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.

h. Army Regulation 600-85 (Army Substance Abuse Program (ASAP)) governs the program and identifies Army policy on alcohol and other drug abuse, and responsibilities. The ASAP is a command program that emphasizes readiness and personal responsibility. The ultimate decision regarding separation or retention of abusers is the responsibility of the Soldier's chain of command. Abuse of alcohol or the use of illicit drugs by military personnel is inconsistent with Army values and the standards of performance, discipline, and readiness necessary to accomplish the Army's mission. Unit commanders must intervene early and refer all Soldiers suspected or identified as alcohol and/or drug abusers to the ASAP. The unit commander should recommend enrollment based on the Soldier's potential for continued military service in terms of professional skills, behavior, and potential for advancement.

i. Manual for Courts-Martial, United States (2012 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 86 (Absence without leave), Article 112 (Wrongful use, possession, etc., of controlled substances), and Article 121 (Wrongful appropriation).

8. SUMMARY OF FACT(S):

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

b. The available evidence reflects charges were preferred against the applicant, waived consideration of their case by an administrative separation board, which plead guilty and found guilty of the charges preferred against them and was involuntarily discharge from the U.S. Army. The DD Form 214 provides the applicant was discharged with a character of service of Under Other Than Honorable Conditions for misconduct, (serious offense). They completed 7 years, 6 months, and 4 days of net active service this period and complete their first full term of service; however, they did not complete their 6-year contractual reenlistment 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 does not reflect documentation of a diagnosis of PTSD, nor did the applicant provide evidence of a diagnosis of PTSD, during their military service.

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: . In-service diagnoses included Adjustment Disorder and various Alcohol related disorders. Post-service, he is service connected for combat related PTSD.

(2) Did the condition exist, or experience occur during military service? **Yes.** In-service diagnoses included Adjustment Disorder and various Alcohol related disorders.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that given the trauma occurred prior to the misconduct and nexus between trauma and avoidance with substance use, the AWOL and drugs are mitigated. However, the larceny is not.

(4) Does the condition or experience outweigh the discharge? **No.** Based on liberally considering all the evidence before the Board, it was determined that the applicant's in service

connected Adjustment Disorder and the applicant's VA service connected PTSD outweighed the following portion of the basis of separation – AWOL and 2x wrongful use of Oxycodone. However, the remaining portions of the basis of separation – stealing military property (less than \$500) and stealing military property (more than \$500) - is not mitigated as none of the BH condition affect one's ability to distinguish between right and wrong and act in accordance with the right.

b. Prior Decisions Cited: None

c. Response to Contentions:

(1) The applicant contends after their last tour to Afghanistan they started to experience flashbacks and nightmares from their combat experience. They did some things they were not proud of while succumbing to alcohol abuse. The Board acknowledged this contention.

(2) The applicant contends after their discharge from the military they became overwhelmed with normal life because of their PTSD. They began to self-medicate and had become a full blown drug addict and alcoholic until they were incarcerated. They then spent time in a Veteran Programs and a PTSD organization which were vital to their recovery. The Board acknowledged this contention

(3) The applicant contends since their recovery they have gone on to help other Combat Veterans to gain a sense of purpose and a chance to rebuild and save lives. The Board acknowledged the applicant's post-service accomplishments.

d. The Board determined the discharge is inequitable, therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to General, Under Honorable Conditions. No change to the Narrative Reason, SPD code, or reentry code. However, the applicant may request a personal appearance hearing to address further 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 voted not to change the applicant's characterization of service based on liberally considering all the evidence before the Board, it was determined that the applicant's in service connected Adjustment Disorder and the applicant's VA service connected PTSD outweighed the following portions of the basis of separation – AWOL and 2x wrongful use of Oxycodone. However, the remaining portions of the basis of separation – stealing military property (less than \$500) and stealing military property (more than \$500) - is not mitigated as none of the BH conditions affect one's ability to understand the difference between right and wrong and act in accordance with the right. With partial medical mitigation, and in consideration of the applicant's length of service, to include combat, and quality, the Board voted to upgrade the discharge to General, Under Honorable Conditions. No change to the Narrative Reason, SPD code, or the reentry code.

(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.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

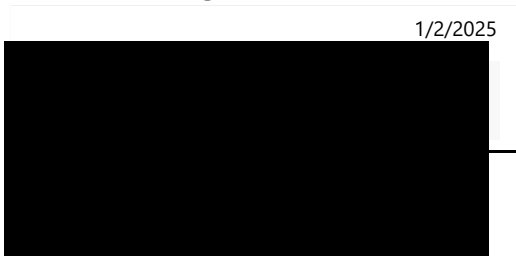
AR20210010319

(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: Yes
- b. Change Characterization to: General, Under Honorable Conditions
- c. Change Reason / SPD Code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

Authenticating Official:



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