

1. Applicant's Name: [REDACTED]**a. Application Date:** 10 May 2021**b. Date Received:** 10 May 2021**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant Requests: The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, their discharge was the result of inequitable and prejudicial treatment which arose after their marriage, which led to housing instability, financial hardship, and a pattern of minor disciplinary actions which were disproportionate to their actual misconduct. Following their marriage, the applicant was removed from the barracks and had their mal card deactivated before Basic Allowance for Housing (BAH) was initiated, leaving them without adequate housing or financial support. As a result, the applicant and their spouse were forced to sleep in their vehicle on post during winter conditions until a barracks noncommissioned officer (NCO) intervened and discreetly provided temporary lodging.

(1) The applicant further contends, shortly after this period of hardship, they began receiving multiple adverse counseling statements and write-ups, despite having no history of serious misconduct. The applicant states their primary offense was operating a vehicle without a valid driver's license after repeatedly failing the required test, and instead of being provide assistance or remediation, they were subjected to extra duty and escalating administrative action. The applicant asserts they were advised at the time their separation would result in an honorable characterization based on the minor nature of the offense, but this assurance was not honored.

(2) The applicant maintains their chain of command expressed disapproval of their marriage to an older individual and this disapproval contributed to the hostile environment and adverse treatment they experienced while assigned to the unit. They contend the cumulative impact of housing deprivation, financial instability, and repeated administrative actions created an unfair and punitive climate ultimately resulted in their separation. The applicant further requests relief so they may regain eligibility for GI Bill educational benefits, which are essential to their ability to support their three children as a single parent and pursue higher education to secure stable employment. The applicant also notes their spouse has since died by suicide, underscoring the need to secure a better life for their family.

c. Board Type and Decision: In a records review conducted on 9 February 2026, and by a 3-0 vote, the Board determined the discharge is inequitable because the applicant's Major Depressive Disorder outweighed the misconduct involving multiple failures to report, the loss of an identification card, and poor performance. 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. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Pattern of Misconduct / AR 635-200, Chapter 14-12B / JKA / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 13 March 2012

c. Separation Facts:

(1) Date of Notification of Intent to Separate: Undated

(2) Basis for Separation: On 20 October 2011, the applicant received a Company Grade Article 15 for failing to obey a lawful order. They also received numerous negative counseling for failing to report, disrespect to a noncommissioned officer, losing their identification card, and for poor performance.

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

(4) Legal Consultation Date: 9 February 2012 / The applicant waived legal and elected to provide a statement on their behalf; however, no such statement(s) were found in the record.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 29 February 2012 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 21 October 2009 / 3 years

b. Age at Enlistment / Education / GT Score: 19 / GED / 98

c. Highest Grade Achieved / MOS / Total Service: E-3 / 88H1O 00 Cargo Specialist / 2 years, 4 months, 23 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, GWOTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: The Enlisted Record Brief provides the applicant was flagged (Suspend Favorable Personnel Actions (FLAG)) on 11 January 2012, for field-initiated involuntary separation (BA).

(1) Between 19 January and 12 December 2011, the applicant received eight developmental counseling's for various acts of indiscipline to include poor performance, failing to obey, disrespect to a NCO, and several failures to report to prescribed duty.

(2) A Record of Proceedings Under Article 15, UCMJ, 20 October 2011, provides the applicant received nonjudicial punishment for disobeying a lawful order not to drive their vehicle without a valid driver's license, in which they failed to obey, on or about 3 September 2011, in violation of Article 92, UCMJ. Their punishment imposed a reduction to private (E-2); suspended forfeitures of \$383.00; and extra duty for 14 days.

i. **Lost Time / Mode of Return:** None

j. **Behavioral Health Condition(s):** The following documents have been provided to the ARBA Medical Advisor, if applicable. See **"Board Discussion and Determination"** for Medical Advisor Details.

(1) **Applicant provided:** None

(2) **AMHRR provided:** A Report of Mental Status Evaluation, 30 December 2011, reflects the applicant was diagnosed with Adjustment Disorder with disturbances in conduct; and borderline and antisocial personality features. There were no recommendations; however, the BH provider noted the applicant had at least two separate instances of maladaptive reaction to identifiable stressful life events and was psychiatrically cleared for separation proceedings.

5. **APPLICANT-PROVIDED EVIDENCE:** ACTS Online Application; Character Statement

6. **POST SERVICE ACCOMPLISHMENTS:** None provided with this application.

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

a. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

b. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions,

Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

c. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

d. Army Regulation 15-180 (Army Discharge Review Board), dated 25 September 2019, sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

e. Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for 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.

f. Army Regulation 635-200 provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation. It states:

(a) 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.

(b) 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.

(2) 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 14-12b (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.

(3) Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis. If Secretarial Authority is granted, it will normally correct the record to show the following:

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

g. 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 14-12B, Pattern of Misconduct.

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

a. The applicant requests an upgrade to honorable. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

(1) An authenticated DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged under the provisions of AR 635-200, Chapter 14-12B for pattern of misconduct with a general (under honorable conditions) characterization of service. Between January and October 2011, the applicant was counseled for various acts of indiscipline, such as failing to obey, poor performance, and failing to report. In October 2011, the applicant received NJP for failure to obey a lawful order (Article 92, UCMJ) for driving without a valid driver's license and was reduced to the private (E-2).

(2) The applicant requests relief contending their discharge resulted from inequitable and prejudicial treatment following their marriage, which led to housing instability, financial hardship, and a pattern of minor disciplinary actions disproportionate to their actual misconduct. They further contend the resulting characterization of service unjustly deprived them of access to GI Bill benefits needed to support their three children and pursue continued education, especially after the suicide of their spouse.

(3) In December 2011, the applicant completed a mental status evaluation and was diagnosed with Adjustment Disorder with disturbances in conduct, and borderline and antisocial personality features. There were no recommendations; however, the BH provider noted the applicant had at least two separate instances of maladaptive reaction to identifiable stressful life events and was psychiatrically cleared for separation proceedings. Additionally, they were also medical qualified for separation with no diagnoses/recommendations identified.

b. Chapter 14 establishes policy and prescribes procedures for members being separated 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.

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: Major Depressive DO (MDD). Note: diagnoses of Adjustment Disorder with disturbance of conduct and Adjustment Disorder with disturbance of emotions and conduct are subsumed under diagnosis of MDD. Personality Disorder Not Otherwise Specified (NOS) diagnosis is considered pre-existing and, thus, does not fall under the purview of liberal consideration.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found VA service connection for MDD establishes nexus with active 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 that the applicant has a mental health condition, MDD, which mitigates some of their misconduct. As there is an association between MDD, avoidant behavior, forgetfulness and impaired functioning, there is a nexus between this diagnosis, the applicant's multiple FTRs, their loss of an ID card and her poor performance. MDD does not mitigate failing to obey a lawful order, driving without a license on multiple occasions, or disrespecting an NCO as it does not affect one's ability to tell right from wrong and act in accordance with the right.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opinion, the Board determined that the applicant's Major Depressive Disorder outweighed the misconduct related to multiple failures to report, the loss of an identification card, and poor performance.

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant requests relief contending their discharge resulted from inequitable and prejudicial treatment following their marriage, which led to housing instability, financial hardship, and a pattern of minor disciplinary actions disproportionate to their actual misconduct. They further contend the resulting characterization of service unjustly deprived them of access to GI Bill benefits needed to support their three children and pursue continued education, especially after the suicide of their spouse. A close friend provided a character statement in support, stating they personally witnessed the applicant and their spouse being targeted and treated differently after they were married, including increased surveillance and repeated disciplinary actions not imposed on other married Soldiers. The close friend further attests leadership failed to provide support or fair treatment, contributing to the applicant's distress. The Board considered this contention and acknowledged the applicant's concerns regarding inequitable treatment and the hardships described. However, the Board determined these issues did not warrant a change in the characterization of service, and noted that eligibility for GI Bill benefits falls outside the purview of the Army Discharge Review Board.

d. The Board determined the discharge is inequitable because the applicant's Major Depressive Disorder outweighed the misconduct involving multiple failures to report, the loss of an identification card, and poor performance. 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 reenry code is proper and equitable and voted not to change it.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210010464****e. Rationale for Decision:**

(1) Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or not. In reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Major Depressive Disorder outweighed the misconduct involving multiple failures to report, the loss of an identification card, and poor performance

(3) The Board voted to change the applicant's reason for discharge Minor Misconduct with accompanying SPD code of JKN, under the same pretexts.

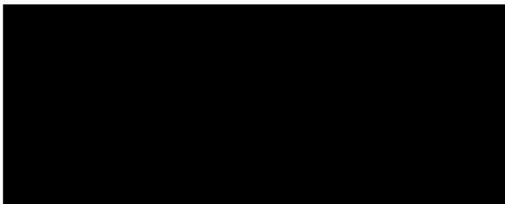
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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: AR 635-200**

Authenticating Official:

2/19/2026

**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
FTR – Failure to Report

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