

1. Applicant's Name: [REDACTED]**a. Application Date:** 4 June 2021**b. Date Received:** 4 June 2021**c. Counsel:****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, in effect, the applicant's general (under honorable conditions) discharge was improper because the applicant was not given a fair chance to properly submit all rebuttal matters. The applicant believes the discharge of general (under honorable conditions) will prevent the applicant from accomplishing career goals.

c. Board Type and Decision: In a records review conducted on 23 February 2026, and by a 2-1 vote, the Board majority determined that the characterization of service was inequitable based on the applicant's prior period of honorable service, length and quality of service outweighing the applicant's adultery and fraternization charges. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. 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: Unacceptable Conduct / AR 600-8-24, Chapter 4-2B / JNC / General (Under Honorable Conditions)

b. Date of Discharge: 18 March 2021

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 8 October 2019

(2) Basis for Separation: The applicant was informed to show cause for retention on active duty under the provisions of AR 600-8-24, paragraphs 4-2b for misconduct, moral, or professional dereliction, conduct unbecoming of an officer and for receiving adverse information filed in the Army Military Human Resource Record (AMHRR) in accordance with AR 27-10, due to the following reasons:

(a) Conduct unbecoming of an officer as indicated by engaging in extramarital sexual conduct with Sergeant (SGT) E.M., a married man.

(b) Conduct unbecoming of an officer as indicated by fraternizing with SGT E.M., a Soldier under your supervision.

(3) Board of Inquiry (BOI) Date: NA

(4) Legal Consultation Date: 8 October 2019 / 21 July 2020

(5) GOSCA Recommendation Date / Characterization: On 24 July 2020, the GOSCA recommended approval of the applicant's resignation/discharge and that the applicant be separated from the Army with a General (Under Honorable Conditions) discharge.

(6) DA Board of Review for Eliminations: The Department of the Army Ad Hoc Review Board reviewed the Resignation in Lieu of Elimination tendered by the applicant and on 3 March 2021, accepted the resignation. The applicant was discharged with a General (Under Honorable Conditions) characterization of service. The elimination is based on misconduct and moral or professional dereliction (AR 600-8-24, Chapter 4-2b).

(7) DASA Review Board Decision Date / Characterization: 3 March 2021

4. SERVICE DETAILS:

a. Date / Period of Appointment: 28 August 2016 / Indef

b. Age at Appointment / Education: 22 / bachelor's degree

c. Highest Grade Achieved / AOC / Total Service: O-3 / 42B, Human Resources Officer / 4 years, 7 months, 27 days

d. Prior Service / Characterizations: ARNG, 29 January 2013 – 9 May 2014 / HD

e. Overseas Service / Combat Service: Korea / None

f. Awards and Decorations: ARCOM, AAM-2, NDSM, GWOTSM, KDSM, ASR, OSR

g. Performance Ratings: 15 December 2017 - 27 July 2018 / Highly Qualified
28 July 2018 - 23 June 2019 / Highly Qualified
24 June 2019 - 13 August 2020 / Highly Qualified
14 August 2020 - 18 March 2021 / Highly Qualified

h. Disciplinary Action(s) / Evidentiary Record:

(1) Officer Record Brief (ORB), 20 March 2021, reflects the applicant was flagged for Involuntary Separation/Discharge (BA) effective 8 October 2019.

(2) DA Form 1574 (Report of Proceedings by Investigating Officer/Board of Officers) dated 20 August 2019, indicates the investigating officer determined:

- The applicant's marital status was divorced as of 28 November 2018 and was not married to anyone else at the time.
- SGT M. had filed for divorce on 10 January 2019 and divorce was finalized on 14 May 2019.
- The applicant and SGT M. worked together in 2018. The investigating officer, through the preponderance of the evidence, indicated a sexual relationship and a child was conceived during 2018.
- The applicant did engage in an inappropriate relationship with SGT M.

(3) General Officer Article 15 dated 4 November 2019, for between on or about 1 November 2017 and on or about 30 December 2018, violated a lawful general regulation, to wit:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210010503

AR 600-20, paragraph 4-14c, dated 6 November 2014, by wrongfully having a prohibited personal relationship with SGT E.M.; punishment imposed was written reprimand.

(4) Letter of Reprimand dated 25 November 2019, reflects the applicant was reprimanded for fraternizing with Sergeant (SGT) E.L.M.; between on or about 1 November 2017 and on or about 30 December 2018, the applicant had a prohibited personal relationship with SGT E.L.M. while the applicant was the Officer in Charge of the 53rd Movement Control Battalion Rear Detachment S-1.

(5) US Army Support Activity, Joint Base Langley-Eustis, Orders Number 070-0002 dated 11 March 2021, reflect the applicant was to be reassigned to the U.S. Army Transition Point and discharged on 18 March 2021 from the Regular Army.

(6) The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) indicates the applicant had completed the first full term of service. The applicant was discharged under the authority of AR 600-8-24, with a narrative reason of Unacceptable Conduct. The DD Form 214 was not authenticated with the applicant's electronic signature.

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:** None

5. APPLICANT-PROVIDED EVIDENCE: Two DD Forms 293 (Application for the Review of Discharge); Self-Authored Statement (same statement written/typed); Certificate Program Acceptance Letter; DNA Paternity Test Certificate

6. POST SERVICE ACCOMPLISHMENTS: Enrolled in a master's level Behavior Analysis Certification course.

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

a. 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.

b. 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.

c. 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.

d. 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.

e. 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; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

f. Army Regulation 600-8-24 (Officer Transfers and Discharges) sets forth the basic authority for the separation of commissioned and warrant officers.

(1) Chapter 1 prescribes the officer transfers from active duty (AD) to the Reserve Component (RC) and discharge functions for all officers on AD for 30 days or more. It provides

principles of support, standards of service, and policies to support office transfers and discharges.

(a) Paragraph 1-23 provides the authorized types of characterization of service or description of separation.

(b) Paragraph 1-23a, states an officer will normally receive an honorable characterization of service when the quality of the officer's service has met the standards of acceptable conduct and performance of duty, or the final revocation of a security clearance under DODI 5200.02 and AR 380-67 for reasons that do not involve acts of misconduct for an officer.

(c) Paragraph 1-23b, states an officer will normally receive a general (under honorable conditions) characterization of service when the officer's military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge. A separation under general (under honorable conditions) normally appropriate when an officer: Submits an unqualified resignation; Separated based on misconduct; discharged for physical disability resulting from intentional misconduct or neglect; and, for final revocation of a security clearance.

(2) Chapter 4 outlines the policy and procedure for the elimination of officers from the active Army for substandard performance of duty.

(a) Paragraph 4-2b, prescribes for the elimination of an officer for misconduct, moral or professional dereliction, or in the interests of national security.

(b) Paragraph 4-20a (previously 4-24a), states an officer identified for elimination may, at any time during or prior to the final action in the elimination case elect one of the following options: (1) Submit a resignation in lieu of elimination; (2) request a discharge in lieu of elimination; and (3) Apply for retirement in lieu of elimination if otherwise eligible

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 "BNC" as the appropriate code to assign commissioned officers who are discharged under the provisions of Army Regulation 600-8-24, Chapter 4-2b, unacceptable conduct.

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 AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant submitted a Resignation in Lieu of Elimination (RILO) request and the action was based on the following specific reasons or elimination: on misconduct and moral or professional dereliction (AR 600-8-24, paragraph 4-2b). The applicant's acknowledged the separation authority approval of the RILO with a general (under honorable conditions) characterization of service on 4 March 2021.

c. The applicant's AMHRR includes partial facts and circumstances concerning the leading to the discharge from the Army. The applicant's AMHRR includes a properly constituted DD Form 214 for the period ending 18 March 2021, which was not authenticated by the applicant's electronic signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 600-8-24, Chapter 4, paragraph 4-2b, by reason of

Unacceptable Conduct, with a characterization of service of General (Under Honorable Conditions).

d. The applicant contends the applicant's general (under honorable conditions) discharge was improper because the applicant was not given a fair chance to properly submit all rebuttal matters. The DNA Paternity Test Certificate provided by the applicant was submitted as rebuttal matters and discussed with the applicant's legal counsel on 21 November 2019; the applicant acknowledged the effective date of separation was no later than 14 days after notification. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

e. The applicant contends obtaining completing career goals is hindered due to the general (under honorable conditions) characterization of service. The Army Discharge Review Board has the authority to consider post-service factors when reviewing discharge recharacterization requests. However, no law or regulation permits upgrading an unfavorable discharge solely due to time passed or good conduct in civilian life. The Board evaluates each case individually to determine whether post-service achievements indicate previous in-service misconduct was an anomaly rather than a reflection of the applicant's overall character.

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: **N/A**

c. Response to Contentions:

(1) The applicant's general (under honorable conditions) discharge was improper because the applicant was not given a fair chance to properly submit all rebuttal matters. The Board considered this contention and voted to upgrade the characterization of service due to the applicant's prior period of honorable service, length and quality of service outweighing the applicant's adultery and fraternization charges.

(2) Completing career goals is hindered due to the general (under honorable conditions) characterization of service. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's prior period of honorable service, length and quality of service outweighing the applicant's adultery and fraternization charges.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210010503**

d. The Board majority determined that the characterization of service was inequitable based on the applicant's prior period of honorable service, length and quality of service outweighing the applicant's adultery and fraternization charges. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable.

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 majority voted to change the applicant's characterization of service to Honorable because the applicant's prior period of honorable service, length and quality of service outweighing the applicant's adultery and fraternization charges. Thus, the prior characterization is no longer appropriate.

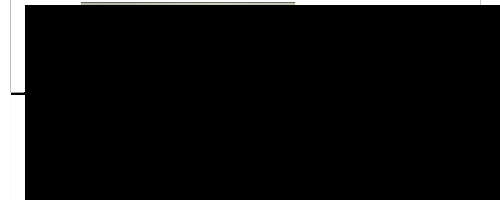
(3) The Board voted not to change the applicant's reason for discharge or accompanying SPD code, as the reason the applicant was discharged was still both proper and equitable.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD Code to: No Change
- d. Change Authority to: No Change

Authenticating Official:

3/10/2026

**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
UOTHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs