

**1. Applicant's Name:**

- a. **Application Date:** 28 April 2021
- b. **Date Received:** 28 April 2021
- c. **Counsel:** None

**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. **Applicant's Requests and Issues:** The current characterization of service for period under review is under honorable conditions (general). The applicant requests an upgrade to honorable, and a narrative reason change.

(1) The applicant states in effect, they suffered from an undiagnosed, misdiagnosed, and untreated mental health condition, including post-traumatic stress disorder (PTSD). They were discharged for reasons related to their mental health conditions. They tried acupuncture, injections, mental and physical therapy to help them while they were deployed. They served and they love their country, they just became depressed and wanted to experience death after their experience.

(2) They are better and every day is a battle, but they manage to still lead as they have while in the Army. They were injured in a car accident while enroute to the airport to leave for Kuwait then to Iraq, they pushed through to support the mission. When the unit landed in Kuwait, they inventoried their equipment and became surprised after realizing they had left their IOTV. They were deployed without an IOTV and paid to have their equipment shipped out of pocket. They became depressed after seeing the steps taken to inventory and get their equipment for their safety. They were not scared, at the time, but things started to get deeper in their head about dying and battle.

(3) On a better note, during their first deployment experience; they deployed directly out of AIT. They grew as an unmanned aircraft systems repairer. They wish they took different steps the second time around, but they are healing mentally, and it would be an honor to be honorably discharged. They led soldiers in PT and made the PT test fun for them, they started off shooting a 23 and they grew to shoot as an expert. Furthermore, they began treatment with a CPT while deployed and they knew then how different they were. They were going through a lot in their head, they struggled with sleep, pain, anxiety, family deaths and thoughts of suicide. They held everything in too long, trying to be that "tough soldier." They know now that they probably should not have deployed that last time, but they thank God that they lived and made it through that experience as a Soldier. They have been speaking to a therapist, stretching, breathing, and praying.

b. **Board Type and Decision:** In a records review conducted on 14 March 2025, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

*Please see Section 9 of this document for more detail regarding the Board's decision.*

*(Board member names available upon request)*

**3. DISCHARGE DETAILS:**

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

**b. Date of Discharge:** 20 November 2018

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** NIF

**(2) Basis for Separation:** NIF

**(3) Recommended Characterization:** NIF

**(4) Legal Consultation Date:** NIF

**(5) Administrative Separation Board:** N/A

**(6) Separation Decision Date / Characterization:** 13 October 2018 / General, under honorable conditions.

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 19 May 2015 / 6 years.

**b. Age at Enlistment / Education / GT Score:** 20 / High School Diploma / 97

**c. Highest Grade Achieved / MOS / Total Service:** E-4 (Specialist) / 15E1- U5 Unmanned Aircraft Systems Repairer / 3 years, 6 months, 2 days.

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

**e. Overseas Service / Combat Service:** Kuwait; 20160803 – 20170302 / Iraq; 20180608 – 20181025.

**f. Awards and Decorations:** AAM, AGCM, NDSM, GWTSM, ASR, IRCM-CS

**g. Performance Ratings:** N/A

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

**(1)** An Enlistment/ Reenlistment Document provides the applicant enlisted in the Army at the pay grade of E-1 with an active duty obligation of 6 years on 11 May 2015.

**(2)** An Enlisted Record Brief (ERB) provides the applicant received a demotion to E-3 on 23 February 2018 and they were demoted to E-2 on 5 September 2018. The ERB also indicates that the applicant was flagged (Code B) for involuntary separation on 4 September 2018.

**(3)** A memorandum, 35th Combat Aviation Brigade, Task Force Trailblazer, Camp Taji, Iraq, subject: Separation under AR 635-200, Chapter 14-12b, A Pattern of Misconduct dated 13 October 2014 provides the appropriate authority approved the applicant's administrative separation and directed a General, under honorable conditions characterization of service.

(4) A Certificate of Release or Discharge from Active Duty (DD Form 214) provides the applicant was discharged accordingly on 20 November 2018.

- Authority: 635-200, Chapter 14-12b
- Narrative Reason: Pattern Of Misconduct
- Service Characterization: Under Honorable Conditions (General)
- Remarks: Member has not completed first full term of service
- Net Service: 3 years, 6 months, and 2 days
- Effective Date of Pay Grade: 5 September 2018

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

j. **Behavioral Health Condition(s):** PTSD and other mental health.

(1) **Applicant provided:** An appointment information letter that indicates they were scheduled to see a PsyD provider, and an email thread indicating that they requested to speak to a PTSD counselor.

(2) **AMHRR Listed:** NIF

**5. APPLICANT-PROVIDED EVIDENCE:** An online DD Form 293 (Record Review) application, AAM, two COA's, AF Form 102, copy of their birth certificate, screen capture of college transcripts data, two email threads, two screen captures of text messages, Matters for Consideration memorandum dated 2 October 2018 from a Senior Defense Counsel, screen capture of a Killeen Police Department incident report, four letters of recommendation, a timeline of events word document, USPS tracking results, and a Veteran Evaluation Services appointment information letter in support of their application.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant pursued higher education and made the President's List, and they started speaking to a therapist.

## **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. Multiple Department of Defense 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), 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.

d. Army Regulation 635-200 provides the basic authority for the separation of enlisted personnel provides the authorized types of characterization of service or description of separation.

(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) An Under other-than-honorable-conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(4) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent 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. A soldier subject to this discharge under this regulation will be considered and processed for discharge even though he/she has filed an appeal or has stated his/her intention to do so. Paragraph 14-12c, states 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 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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12b, pattern of misconduct.

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 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:

- 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.
- 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.

- 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.

**8. SUMMARY OF FACT(S):** 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 DD Form 214 provides the applicant received a General (under honorable conditions) characterization of service, rather than an under other than honorable conditions (UOTHC) discharge, which is normally considered appropriate for a soldier discharged for misconduct.

**b.** Based on the available evidence the applicant enlisted in the army at the age of 20, they deployed twice (Kuwait and Iraq). While in Iraq they received their second rank demotion, and they were flagged for involuntary separation. The applicant was in Iraq for three months when they were flagged for separation.

**c.** A Review of the record provides administrative irregularity occurred in the proper retention of official records, specifically, the AMHRR is void of the applicant's entire separation packet, due to the lack of evidence, we are unable to provide all the specific facts and circumstances surrounding the applicant's involuntary separation. Notwithstanding the lack of evidence, the applicant's AMHRR does contain a properly constituted DD Form 214, which was not authenticated by the applicant's signature. The DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, CH 14-12b, by reason of pattern of misconduct with a general, under honorable conditions characterization of service on 20 November 2018.

**d.** 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.

**e.** Published Department of Defense 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/experiences: PTSD, Acute Reaction to Stress.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is 70 percent service connected for PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge?  
**Unknown.** The Board's Medical Advisor applied liberal consideration and opined that a review of the available information reflects the applicant has a behavior health condition that potentially mitigates their misconduct. The applicant is 70 percent service connection for PTSD and has an additional potentially mitigating diagnosis of Acute Stress Reaction. However, the file is void of a basis of separation. Thus, an informed opinion regarding mitigation is not possible.

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

b. Prior Decisions Cited: None.

c. Response to Contention(s):

(1) The applicant contends they suffered from an untreated mental health condition, including PTSD and they were discharged for reasons relating to those conditions. The Board considered this contention, and found evidence of PTSD that would potentially allow for mitigation of some misconduct; however, there is insufficient evidence to reasonably determine the misconduct that led to the applicant's discharge. This lack of clarity for the basis of separation means medical mitigation is unable to be applied.

d. The Board determined that the discharge is, at this time, proper and equitable, considering the current evidence of record. However, the applicant may request a personal appearance hearing to address the 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 because, despite applying liberal consideration of all the evidence before the Board, and the applicant's service connection for PTSD, the basis of separation could not be determined. The Board found insufficient documentation in the applicant's file to form a basis of separation. The Board recommended that the applicant submit their separation file and further evidence to prove the discharge was either improper or inequitable. The current discharge is consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process.

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

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

# ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210010746

## 10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: No
- b. Change Characterization to: No Change
- c. Change Reason / SPD code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

## Authenticating Official:

3/18/2025

X

Presiding Officer, COL, U.S. ARMY

Army Discharge Review Board

### 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