

**1. Applicant's Name:** [REDACTED]

- a. **Application Date:** 7 December 2020
- b. **Date Received:** 14 December 2020
- c. **Counsel:** None

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

a. **Applicant's Requests and Issues:** The current characterization of service for the period under review is General (Under Honorable Conditions). The applicant requests an upgrade to Honorable and a narrative reason change, along with upgrading their separation and reentry codes.

b. The applicant seeks relief contending, their discharge is unjust due to their undiagnosed posttraumatic stress disorder (PTSD) and traumatic brain injury (TBI), while serving in the U.S. Army.

c. **Board Type and Decision:** In a records review conducted on 10 January 2024, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's PTSD mitigating the FTRs and DUI. The Board determined the non-mitigated misconduct of failing to properly store an airsoft rifle was not severe enough to warrant the current discharge. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to 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.

**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:** 19 July 2010

**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 8 June 2010

**(2) Basis for Separation:**

- On 1 February 2010, the applicant violated a lawful general regulation for failing to follow the storage requirements of privately owned weapons other than firearms by storing an Airsoft rifle in their barracks room
- On 23 February 2010, they failed to go to their appointed place of duty
- On 28 February 2010, the applicant was arrested for driving a motor vehicle while under the influence of alcohol
- On 18 March 2010, they failed to go to their appointed place of duty
- On 15 May 2010, they failed to go to their appointed place of duty

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

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

**(5) Administrative Separation Board:** NA

**(6) Separation Decision Date / Characterization:** 28 June 2010 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 25 July 2007 / 3 years, 19 weeks

**b. Age at Enlistment / Education / GT Score:** 19 / High School Diploma / 87

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 11C1P Indirect Fire Infantry / 2 years, 8 months

**d. Prior Service / Characterizations:** NA

**e. Overseas Service / Combat Service:** SWA / Iraq (5 December 2008 – 4 December 2009)

**f. Awards and Decorations:** ARCOM, NDSM, GWOTSM, ICM-CS-2, ASR, OSR, CIB, PB

**g. Performance Ratings:** NA

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

**(1)** On 15 May 2007, the applicant enlisted in the United States Army Reserve's Delayed Entry Program; on 25 July 2007, they enlisted in the Regular Army for 3 years and 19 weeks, as a PFC.

**(2)** Two Developmental Counseling Forms provides the applicant was counseled by their Squad Leader on the following:

**(a)** On 1 February 2010, a health and welfare inspection was conducted in the barracks and found an airsoft rifle along with BB rounds, which is illegal in the barracks. There was damage done to the barracks hallway, in which the fire extinguisher glass cases were broken, and specific types of BB's related to the type the applicant owns, were found around the damaged property. The applicant was recommended for UCMJ actions; they agreed and did not submit a statement on their behalf.

**(b)** On 26 February 2010, the applicant failed to follow an order to be present for first formation and physical training (PT) as directed by a Noncommissioned Officer (NCO) on 23 February 2010. The applicant was directed to report to their squad leader no later than 0545 every morning during the work week; however, the applicant did not. They were counseled on being separated for misconduct; the applicant agreed and did not submit a statement on their behalf.

**(3)** On 28 February 2010, at 0236 hours the applicant was arrested for driving under the influence (DUI), Fort Bragg, NC; the officer observed the applicant traveling (North) on Bragg Blvd, failing to obey a traffic control officer by making a right hand turn onto Honeycutt at the ACP posted at the intersection. A traffic stop was initiated. Upon approach of the vehicle, the officer detected an odor of alcohol emitting from the applicant, as a result, the standardized field

sobriety tests were conducted, which warranted further action. The applicant was transported to the Provost Marshal Office (PMO) and administered an intoximeter test (.12 percent AC). They were issued two citations, a suspension of post driving privileges letter, and advised of their mandatory court appearance. They were further processed and released to their unit and their vehicle towed.

**(4)** On 4 March 2010, the applicant received a General Officer Memorandum of Reprimand (GOMOR), providing they were arrested for driving while impaired after being stopped for making a right turn onto Honeycutt Road at the Access Control Point. A breathalyzer test administered to them determined their blood alcohol content to be .12 percent, which is over the legal limit authorized to operate a motor vehicle in the State of North Carolina and on Fort Bragg. Their actions fell below the minimum standard expected of a Trooper in the U.S. Army and the expectation for their future duty performance should reflect the highest degree of professionalism. This reprimand was imposed as an administrative measure and not as punishment, with the intent to file a copy in their Official Military Personnel File (OMPF); however, any matters submitted in their rebuttal will be considered, within 7 days.

**(a)** On 10 March 2010, the applicant acknowledged receipt of the rebuttal opportunity and elected to submit statements/evidence which states, they went out with their partner to see their partner's parent at work; the parent owns a small bar near the base; the applicant consumed three beers and one shot, in the three hours and they decided to go back to their partner's place, while the partner stayed to get a ride with their parent.

**(1)** At around 0145 hours they left the bar at closing and decided to drive. At around 0210 hours, they made an illegal turn onto Honeycutt Road from Bragg Blvd and later pulled over by the control access point. The first officer came to the car asked if they had been drinking and they replied "no." A second officer came up to the car and asked them to blow into their face and asked if they had some drinks that night, and the applicant replied, "yes."

**(2)** The officer told them to get out of the car to blow into a handheld breathalyzer and they complied; two sobriety tests were conducted, and they were arrested but they were never read their rights. At the PMO they completed paperwork and underwent their final breathalyzer test. The applicant was very compliant and coherent. One of the officers who pulled them over, was disgruntled and especially inappropriate with how they presented themselves that night. The second officer who was working the case was extraordinarily quick and concise with trying to get them in and out of the PMO.

**(b)** The applicant understands the bad decision will affect their military career and their goal of becoming an NCO. They have always tried to step up and show their leadership potential ever since they were a kid; participated in Boy Scouts of America and after 9 years achieved Eagle Scout; they served 4 years in the Air Force JROTC, at the Air Force Academy. The inspiration for going into the military was their father who served 24 years in the U.S. Air Force. The applicant stated they did want to remain in the military and make it a career, wanting to show their true potential. They requested for the GOMOR to be filed locally and they are grateful they did not cause an accident or harm themselves.

**(c)** In April 2010, the commander directed the filing of the GOMOR in the applicant's OMPF.

**(5)** On 18 March 2010, the applicant was counseled for failing to follow an order to be present at 0545 for an Arms Room Detail, which was conveyed to the applicant by both their Platoon and Squad Leader.

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(a) At 0800 hours, When the applicant was awakened, they were clearly hungover and smelled strongly of alcohol. At 0930 hours, they were taken to the PMO, where they blew a .04 BAC. Their pass privileges were revoked, and they were placed under 24 hour supervision, to be monitored by the NCOs in their battalion. The applicant agreed and elected not to submit a statement on their behalf.

(b) At 0930 hours, a military police officer provides a sworn statement, intended to clarify and/or elaborate on certain aspects of this case not covered elsewhere by statements/documents; 1LT requested the officer administer a portable breath test to the applicant to determine their blood alcohol content (BAC); the first test results was .04 BAC and 0.03 BAC for the second test results.

(6) On 23 March 2010, the applicant accepted nonjudicial punishment (NJP) for failing to go to their appointed place of duty on 23 February and 18 March 2010, in violation of Article 86, UCMJ and for violating a lawful general regulation, failing to secure Airsoft rifle in the barracks on 1 February 2010, in violation of Article 92, UCMJ; they were reduced to PV2, forfeiture of \$411 pay per month for one month; restriction to the limits of the barracks, dining facility, place of duty, place of worship, and medical and dental facilities for 45 days; extra duty for 45 days. They elected not to appeal.

(7) On 6 and 13 May 2010, the Reports of Medical History and Examination, provides the applicant was qualified for separation with the Physician noting their history of shortness of breath; chronic cough; blurry vision; ringing of in their ears; burned and scratched retinas in Iraq; in physical therapy for their shoulder; constant back pain; E.R. visit for hemorrhoids; a period of unconsciousness from a circuit breaker in Iraq; every night they can only sleep a few hours; the Dr. indicates no profile with a pass on their last APFT (268); the applicant has not been seen for pulmonary issues and smoke a pack and a half of cigarettes a day for the last 2 years; intermittent tinnitus; they were qualified for service and awaiting their mental health appointment.

(8) On 17 May 2010, the applicant was counseled for failing to report to guard duty on 15 May 2010; they were contacted by the NCO on CQ where the applicant informed the NCO, they were unable to pull guard due to being out of state and with car trouble; they were recommended for a Field Grade Article 15; the applicant agreed and did not submit a statement on their behalf.

(9) On 20 May 2010, the applicant accepted nonjudicial punishment (NJP) for failure to report to place of duty on 15 May 2010, in violation of Article 86, UCMJ; they were reduced to PV1, suspended, to be automatically remitted if not vacated before 20 November 2010; forfeiture of \$723.00 pay per month for two months, suspended to be automatically remitted if not vacated before 20 November 2010; restriction to the limits of the barracks , dining facility, place of duty, place of worship, medical and dental facilities for 45 days; 24 days suspended, to be automatically remitted if not vacated before 20 November 2010; extra duty for 45 days. They elected not to appeal.

(10) On 8 June 2010, the company commander notified the applicant of their intent to separate them under provisions of AR 635-200, Chapter 14-12b, Patterns of Misconduct, for failing to go to their appointed place of duty on 23 February, 18 March, and 15 May; on or about 1 February, they violated a lawful general regulation for failing to follow the storage requirements of their privately owned weapons other than firearms by storing an Airsoft rifle in their barracks room; on 28 February 2010, they were arrested for driving a motor vehicle while under the influence of alcohol. They recommended the applicant received a characterization of service of General (Under Honorable Conditions).

The same day, the applicant acknowledged receipt of separation notice; however, their election of rights and whether or not they elected or waived defense counsel is missing from the record.

(11) Although undated, the battalion commander concurred, recommending a General (Under Honorable Conditions) characterization of service. On 28 June 2010, the separation approval authority approved the discharge with a General (Under Honorable Conditions) characterization of service. On 30 June 2010, their separation orders were issued.

(12) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharge accordingly on 19 July 2010, with of net service.

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

j. **Behavioral Health Condition(s):**

**(1) Applicant provided:**

(a) On 27 September 2021, the applicant provides a Veterans Affairs (VA) Summary of Benefits letter, which indicates they have a service-connected disability with a 100 percent rating; however, the letter does not include the diagnoses/disabilities for the applicant.

(b) On an undated printout, the applicant provides their Rated Disabilities from the VA.gov EBenefits website, which indicates the applicant's total combined disability rating is 90 percent; in effect, they are awarded 10 percent for Tinnitus; 50 percent for Migraine Headaches due to TBI; 0 percent for TBI with residual scar; 20 percent for Hemorrhoids; 0 percent for Bilateral Hearing Loss; 20 percent for right shoulder Degenerative Arthritis (previously rated as right should condition); 70 percent for PTSD with Depressive Disorder, NOS (also claimed as anxiety, sleep disturbances, and an undiagnosed illness manifested by social and cognitive functioning)

**(2) AMHRR Listed:** In June 2010, the applicant completed their Mental Status Evaluation with a Staff Psychologist at Department of Behavioral Health, Womack Army Medical Center (WAMC), Fort Bragg, NC, which provides the applicant was screened and diagnosed with alcohol abuse, with no treatment indicated; their behavior was normal, fully alert, fully oriented, with normal mood and a clear thinking process, with normal thought process an content; The applicant had the mental capacity to understand and participate in the proceedings; they were mentally responsible and meet the retention requirements of Chapter 3, AR 40-501. As a precaution, their recommendation was to order against the use of alcohol. The applicant was psychiatrically cleared for any administrative action deemed appropriate by the command; noted no TBIs or PTSD from military operations.

**5. APPLICANT-PROVIDED EVIDENCE:** DD Form 293 (Application for Correction of Military Record); VA Summary of Benefits Letter; Rated Disabilities VA.gov EBenefits Printout

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant is under the care of the VA treating their PTSD and TBI.

**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.

**(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 prescribes 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 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 14-12b, 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:

(1) RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

(2) RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable. Eligibility: Ineligible unless a waiver is granted.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaivable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

g. Manual for Courts-Martial (2008 Edition), United States, states 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 orders and discipline in the Armed Forces.

(1) Article 86 (failure to go to appointed place of duty) states in subparagraph, the maximum punishment consists of a forfeiture of two-thirds pay and allowances for 1 month, and confinement for 1 month.

(2) Article 92 (failure to obey order or regulation) states in subparagraph, the maximum punishment consists of dishonorable discharge, forfeiture of all pay and allowances, and confinement for 2 years.

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):** 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 and a narrative reason change, along with upgrading their separation and reentry codes. A review of the record provides administrative irregularity in the proper retention of records, specifically, the AMHRR is void of the applicant's election of rights and whether or not they elected to waive or consult with counsel.

(1) The record provides the applicant enlisted in the RA for 3 years as a PFC. They deployed in support of Iraqi Freedom, as an infantryman, for one year (December 2008 – November 2009) and was awarded Army Commendation Medal, Iraq Campaign Medal with two



Campaign Stars, and their Combat Infantry Badge. They served for 2 years, 7 months, and 7 days prior to their indiscipline and completed 2 years, 11 months, and 25 days of their 3 year, 19 weeks contractual obligation prior to their discharge.

b. Chapter 14 establishes policy and prescribes procedures for separating 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.

c. 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/experiences: the applicant was diagnosed in-service with Generalized Anxiety Disorder (GAD). Records indicate the applicant's asserted mTBI related to a MVA in which he fell asleep and hit his head. Post-service, the applicant is service connected for PTSD with notation of history of mTBI.

(2) Did the condition exist or experience occur during military service? **Yes.** The applicant was diagnosed in-service with Generalized Anxiety Disorder (GAD). Records indicate the applicant's asserted mTBI related to a MVA in which he fell asleep and hit his head.

(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 nexus between trauma and substance use and avoidance the DUI and FTRs are mitigated; failing to properly store an Airsoft rifle is not mitigated.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the available evidence did not support a conclusion that the applicant's PTSD outweighed the medically unmitigated offense of improperly storing an Airsoft rifle.

b. Response to Contention(s): The applicant submit copies of VA records and contends, their discharge is unjust due to their undiagnosed posttraumatic stress disorder (PTSD) and traumatic brain injury (TBI), while serving in the U.S. Army. The Board determined that this contention was valid and voted to upgrade the characterization of service due to PTSD mitigating the applicant's DUI and FTRs.

c. The Board determined the discharge is inequitable based on the applicant's PTSD mitigating the FTRs and DUI. The Board determined the non-mitigated misconduct of failing to

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properly store an airsoft rifle was not severe enough to warrant the current discharge. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to 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.

**d. Rationale for Decision:**

(1) The Board voted to change the applicant's characterization of service to Honorable because the Board determined the discharge is inequitable based on the applicant's PTSD mitigating the FTRs and DUI. The Board determined the non-mitigated misconduct of failing to properly store an airsoft rifle was not severe enough to warrant the current discharge.

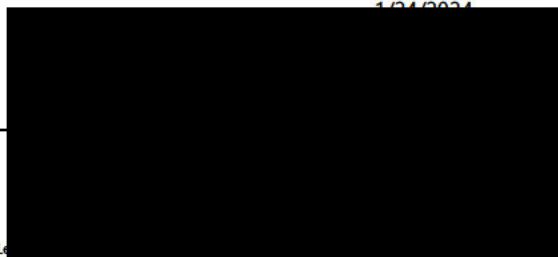
(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

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

**10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214: 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:**



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