

1. Applicant's Name: [REDACTED]**a. Application Date:** 18 December 2020**b. Date Received:** 28 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 under honorable conditions (general). The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, their time in service was honorable for over 8 years in the USAR. They received multiple awards, and their current characterization of service is not warranted, and it should be upgraded to reflect an honorable discharge.

b. Board Type and Decision: In a records review conducted on 2 October 2024, and by a 5-0 vote, the board determined that the characterization of service was inequitable based on the applicant's in service factors (length, quality). Accordingly, the board voted to grant relief in the form of an upgrade to the characterization of service to honorable.

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: Failure to Obtain a Family Care Plan / AR 135-178, Chapter 6-5 / NIF / General, under honorable conditions.

b. Date of Discharge: 18 April 2018**c. Separation Facts:** Provided by the applicant.**(1) Date of Notification of Intent to Separate:** 26 October 2017**(2) Basis for Separation:** Inability to obtain a family care plan.**(3) Recommended Characterization:** General, under honorable conditions.**(4) Legal Consultation Date:** Waived 26 November 2017.**(5) Administrative Separation Board:** Waived 26 November 2017.**(6) Separation Decision Date / Characterization:** 18 April 2018 / GD**4. SERVICE DETAILS:****a. Date / Period of Enlistment:** 20151006 / 6 years**b. Age at Enlistment / Education / GT Score:** 25 / master's degree / 117

c. Highest Grade Achieved / MOS / Total Service: E-5 / 27F10 Psychological Operations Specialist / NIF

d. Prior Service / Characterizations: USAR; 20091006 – NIF / NIF
Army; 20100111 – 20100604 / Honorable

e. Overseas Service / Combat Service: None.

f. Awards and Decorations: AAM, NDSM, ARCAM-2, ASR.

g. Performance Ratings: 20160531 – 20170530; Not Qualified
20150601 – 20160530; Qualified

h. Disciplinary Action(s) / Evidentiary Record:

(1) On 6 January 2017 the applicant received a General Officer Memorandum of Reprimand (GOMOR).

(2) A Developmental Counseling Form dated 21 August 2017 provides the applicant counseled by their commander regarding establishing a Family Care Plan, they were authorized 60 days to establish a plan with a suspense date of 21 October 2017.

(3) On 26 October 2017 the applicant's immediate commander notified them of their intent to separate them under the provisions of AR 125-178, Chapter 6-5. The commander recommended a General, under honorable conditions characterization of service. The applicant acknowledged the commander's notification and basis for separation, they waived the administrative separation board and completed their election of rights indicating they understood the prejudices that may occur in receiving a characterization of service of less than honorable. The applicant submitted a statement requesting an Honorable discharge.

(4) On 21 December 2017 the applicant was counseled by their commander due to their failure to obtain an approved Family Care Plan.

(5) Orders 18-108-00070, provides the applicant was discharged from the United States Army Reserve with an under honorable conditions (general) discharge on 18 April 2018.

i. Lost Time / Mode of Return: None.

j. Behavioral Health Condition(s): Major Depressive Disorder

(1) Applicant provided: VA rating decision letter.

(2) AMHRR Listed: None.

5. APPLICANT-PROVIDED EVIDENCE: A DD Form 293 (Record Review) application, separation packet, Personnel Qualification Record, USAR discharge orders, a Department of Veteran Affairs Rating Decision letter that indicates a 50 percent rating for Major Depressive Disorder, Chronological Statement of Retirement Points letter, and three Developmental Counseling Forms in support of their application.

6. POST SERVICE ACCOMPLISHMENTS: None submitted in support of their application.

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 135-178 sets forth the policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of Army National Guard and USAR enlisted Soldiers for a variety of reasons. The separation policies throughout the different Chapters in this regulation promote the readiness of the Army by providing an orderly means to judge the suitability of persons to serve on the basis of their conduct and their ability to meet required standards of duty performance and discipline. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, and convictions by civil authorities.

(1) The possible characterizations include an honorable, general (under honorable conditions), under other than honorable conditions, or uncharacterized if the Soldier is in entry-level status. However, the permissible range of characterization varies based on the reason for separation.

(2) The characterization is based upon the quality of the Soldier's service, including the reason for separation and determination in accordance with standards of acceptable personal conduct and performance of duty as found in the UCMJ, Army regulations, and the time-honored customs and traditions of the Army. The reasons for separation, including the specific circumstances that form the basis for the discharge are considered on the issue of characterization.

e. Army Regulation 135-178, Chapter 6–5. Involuntary separation due to parenthood. General, a soldier may be separated by reason of parenthood if, as a result thereof, it is determined under the guidance set forth in chapter 2, section I, of this regulation, the Soldier is unable satisfactorily to perform his or her duties or is unavailable for worldwide assignment or deployment if ordered to AT, AD, FTNGD, or ADT. Counseling's, commanders will ensure that, before recommending separation under this paragraph, the Soldier has been adequately counseled concerning deficiencies, and has been afforded the opportunity to overcome those deficiencies, as reflected in appropriate counseling or personnel records. See AR 600–20, paragraph 5–5, concerning a Soldier's responsibilities for care of Family members as related to military responsibilities.

f. Army Regulation 135-178, Chapter 6–9. Procedures a. For separations under paragraphs 6–5, 6–6, and 6–7, above, the notification procedure (chap 3, section II, of this regulation) will be used. c. For separation under paragraph 6–3, above, the MATP policy prescribed by chapter 1, section V, of this regulation, will govern whether the Soldier will be discharged from the Army, or retained in, or transferred/reassigned to the IRR.

g. Army Regulation 635-200, 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.

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. The applicant's USAR Separation Orders provides the applicant received an under honorable conditions (general) discharge.

b. Based on the available evidence the applicant enlisted in the USAR on 6 October 2009, they completed AIT on 4 June 2018 and reenlisted in the USAR on 6 October 2015 for six years. The applicant was counseled regarding the Family Care Plan requirements on 21 August 2017, they were given 60 days to obtain a plan and failed to do so. The applicant provided in a statement that they were not able to obtain a Family Care Plan and that they would not be able to obtain one in the foreseen future.

c. The applicant was notified of the Intent to separate them, for failure to obtain a Family Care Plan, they waived the administrative separation board and waived consulting with counsel. Separation orders indicate they were discharged under the provisions of Army Regulation 135-178, with an under honorable conditions (general) characterization of service on 18 April 2018.

d. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impeded 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 experienced IPV in-service with ongoing exposure to the abuser. Post-service connected for MDD with likely trauma disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** The applicant experienced IPV in-service with ongoing exposure to the abuser.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given the IPV, constant contact with the perpetrator, and resulting increasing distress driving a need to keep her children safe, the basis is mitigated. Regarding the conduct listed in the NCOER, IPV and related symptoms can result in difficulty with military bearing and interacting with others. While it is unknown if her GTC use was secondary to a need to escape, provide safety, or work around financial abuse, this is a possibility for consideration. In terms of the GOMAR, having an inappropriate relationship while married to an abuser is not uncommon as some victims are driven to seek safety and comfort. Even though the spouse was deployed, abuse is more than physical, and the threat/harm still present even while he was deployed. Additionally, Colorado does not have a designated age a child can be left alone although ages 10-12 are often referenced. Given this, the applicant did not violate state law when she left the 13-year-old alone. If the residence was on-post, then the applicant could have violated the guidelines which indicate the age of 17 is when a child can be left overnight. While the home's cleanliness was referenced, there is no indication Child Protective Services opened a case or substantiated any concerns for the 13 year-old's welfare. Accordingly, depending on the factors leaving the 13 year-old may not have been misconduct.

(4) Does the condition or experience outweigh the discharge? **Yes.** The board concurred with the opinion of the Board's Medical Advisor, a voting member. As a result, the ADRB applied liberal consideration and found that the applicant's MDD with likely trauma disorder outweighed the applicant's basis of separation – Failure to Obtain a Family Care Plan.

b. Response to Contention(s): The applicant contends their service was honorable for over eight years. The board determined that this contention was valid and voted to upgrade the applicant characterization to honorable.

c. The board determined the discharge is inequitable based on the applicant's length and quality of service outweighing the applicant basis of separation – Failure to Obtain a Family Care Plan. Therefore, the board voted to grant relief in the form of an upgrade of the characterization of service to honorable

d. Rationale for Decision:

(1) The board voted to change the applicant's characterization of service to honorable, based on the applicant's in service factors (length, quality), distress caused by trying to keep applicant children safe, and daily contact with perpetrator outweighed the applicant's misconduct – Failure to Obtain a Family Care Plan – basis for separation. Thus, the prior characterization is no longer appropriate.

(2) As there were no Reasons/SPD Codes/RE-codes listed on the applicant's discharge paperwork, due to being in the Army Reserve, no upgrade actions are required for these items.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

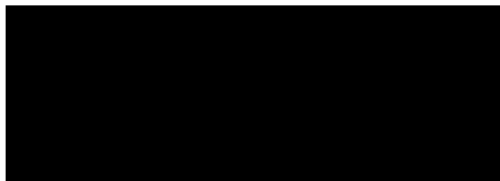
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10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Authority to: No Change

Authenticating Official:

6/15/2025



Legend:

AWOL – Absent Without Leave
AMHRR – Army Military Human
Resource Record
BCD – Bad Conduct Discharge
BH – Behavioral Health
CG – Company Grade Article 15
CID – Criminal Investigation
Division
ELS – Entry Level Status
FG – Field Grade Article 15

GD – General Discharge
HS – High School
HD – Honorable Discharge
IADT – Initial Active Duty Training
MP – Military Police
MST – Military Sexual Trauma
N/A – Not applicable
NCO – Noncommissioned Officer
NIF – Not in File
NOS – Not Otherwise Specified

OAD – Ordered to Active Duty
OBH (I) – Other Behavioral
Health (Issues)
OMPF – Official Military
Personnel File
PTSD – Post-Traumatic Stress
Disorder
RE – Re-entry
SCM – Summary Court Martial
SPCM – Special Court Martial

SPD – Separation Program
Designator
TBI – Traumatic Brain Injury
UNC – Uncharacterized
Discharge
UOTHHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs