

1. Applicant's Name: [REDACTED]

- a. Application Date: 13 May 2021
- b. Date Received: 17 May 2021
- 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 along with a separation program designator (SPD) code and a narrative reason change.

The applicant seeks relief contending, in effect, the reason for the discharge was due to inaccurate reasoning. The applicant contends the applicant was diagnosed with anxiety depression and post-traumatic stress disorder (PTSD). When the applicant notified the unit about what was going on in the applicant's personal life and the new diagnosis, which was also partially caused from the military, basically nothing was done, and they wanted the applicant to continue to drill. The applicant also contends a lieutenant from the unit began to make the applicant feel uncomfortable and the applicant tried to switch units, and no one tried to help. Once the applicant finally spoke to someone about what was going on, the applicant was told the discharge would be due to mental health issues. The unit was aware of the reason the applicant missed drills and the applicant made up the drills.

- b. **Board Type and Decision:** In a records review conducted on 22 November 2024, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of combat service, the circumstances surrounding the discharge (Depression and Anxiety), and post-service accomplishments. Therefore, the Board voted to grant relief in the form of an upgrade of 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:** Unsatisfactory Participant / AR 135-178, Chapter 12 / NIF / General (Under Honorable Conditions)
- b. **Date of Discharge:** 13 January 2020
- c. **Separation Facts:**

- (1) **Date of Notification of Intent to Separate:** NIF
- (2) **Basis for Separation:** The applicant was informed of the following reasons: NIF
- (3) **Recommended Characterization:** NIF
- (4) **Legal Consultation Date:** NIF
- (5) **Administrative Separation Board:** NA

(6) Separation Decision Date / Characterization: NIF

4. SERVICE DETAILS:

- a. Date / Period of Enlistment:** 8 October 2015 / 8 years (USAR)
- b. Age at Enlistment / Education / GT Score:** 17 / HS Graduate / 114
- c. Highest Grade Achieved / MOS / Total Service:** E-2 / 25B10, Information Technology Specialist / 4 years, 3 months, 5 days
- d. Prior Service / Characterizations:** RA, 11 July 2016 – 2 March 2017 / HD (IADT) (Concurrent Service)
- e. Overseas Service / Combat Service:** None
- f. Awards and Decorations:** NDSM, ASR
- g. Performance Ratings:** NA
- h. Disciplinary Action(s) / Evidentiary Record:** Memorandum, subject: Request for Sanitized Report of Investigation (ROI) and/or Military Police Report (MPR) – [Applicant], 4 May 2022, reflects the applicant was a part of a sexual abuse investigation which did not involve the sexual abuse or assault of the applicant.
- i. Lost Time / Mode of Return:** None
- j. Behavioral Health Condition(s):**

(1) Applicant provided: The applicant provides medical documents pertaining to the applicant's mental health issues.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293, Orders, personal statement, medical documents

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the 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 prescribes 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 of the United States (ARNGUS) and U.S. Army Reserve

(USAR) enlisted Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) Paragraph 2-9a prescribes an honorable characterization 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 any other characterization would be clearly inappropriate.

(2) Paragraph 2-9b, prescribes, if a Soldier's service has been honest and faithful, it is appropriate to characterize service as general (under honorable conditions). Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

(3) Chapter 12 (previously Chapter 13), in effect at the time, provides in pertinent part, individuals can be separated for being an unsatisfactory participant. Soldier is subject to discharge for unsatisfactory participation when it is determined the Soldier is unqualified for further military service because: The Soldier is an unsatisfactory participant as prescribed by AR 135-91, chapter 4; Attempts to have the Soldier respond or comply with orders or correspondence.

(4) Paragraph 12-3, Characterization of service normally will be under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted under the guidelines in chapter 2, or uncharacterized if the Soldier is in entry-level status.

8. SUMMARY OF FACT(S): The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

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

The applicant's AMHRR is void of the specific facts and circumstances concerning the events which led to the discharge from the Army Reserve. The applicant's AMHRR does contain a properly constituted discharge order: Orders 20-006000033, 6 January 2020. The orders indicate the applicant was discharged under the provisions of AR 135-178, with a general (under honorable conditions) characterization of service.

The applicant requests the narrative reason and SPD code be changed. Orders are published when service members are discharged from the U.S. Army Reserve, which indicate the effective date and characterization of the discharge. Narrative reasons and SPD Codes usually are not included in the order. The applicant's discharge order does not have an SPD code, but shows the applicant was separated under the provisions of AR 135-187, Chapter 12, due to Unsatisfactory Participation. The ADRB has no basis for changing the discharge order without cause.

The applicant contends the reason for the discharge was due to inaccurate reasoning and the applicant contends the applicant was diagnosed with anxiety depression and PTSD. When the applicant notified the unit about what was going on in the applicant's personal life and the new diagnosis, which was also partially caused from the military, basically nothing was done, and they wanted the applicant to continue to drill. The applicant's AMHRR is void of a mental health

diagnosis. The applicant provides medical documents pertaining to the applicant's mental health.

The applicant contends a lieutenant from the unit began to make the applicant feel uncomfortable and the applicant tried to switch units, and no one tried to help. Once the applicant finally spoke to someone about what was going on, the applicant was told the discharge would be due to mental health issues. The unit was aware of the reason the applicant missed drills and the applicant made up the drills. The applicant's AMHRR is void of evidence showing the applicant was to be separated due to mental health reasons.

If the applicant desires a personal appearance hearing, it is his responsibility to meet the burden of proof and provide the appropriate documents (i.e., the discharge packet) or other evidence sufficient to explain the facts, circumstances, and reasons underlying the separation action, for the Board's consideration because they are not available in the official record.

9. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses/experiences: the applicant held civilian diagnoses of Generalized Anxiety Disorder (GAD) and Persistent Depressive Disorder (PDD) in 2018 while serving. The applicant asserts PTSD, but there are no related records. Additionally, their statement during another Soldier's investigation, statements to their providers in 2018, and statement to the Board consistently echo being placed in uncomfortable situations with additional assertions of verbal/emotional abuse and covert advances by an officer. Regarding the marking of MST, it is likely the MST relates to the unwelcome advances by the officer.

(2) Did the condition exist or experience occur during military service? **Yes.** The applicant held civilian diagnoses of Generalized Anxiety Disorder (GAD) and Persistent Depressive Disorder (PDD) in 2018 while serving. The applicant asserts PTSD, but there are no related records. Additionally, their statement during another Soldier's investigation, statements to their providers in 2018, and statement to the Board consistently echo being placed in uncomfortable situations with additional assertions of verbal/emotional abuse and covert advances by an officer. Regarding the marking of MST, it is likely the MST relates to the unwelcome advances by the officer.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the applicant's 2018 diagnoses mitigate the basis of separation unsatisfactory participation. The diagnoses require impairment and symptoms specific to depression and anxiety can impact ability to follow through with obligations even knowing the possible consequences. Moreover, if the applicant experienced mistreatment, this would escalate symptoms in response to possible or actual interaction for drill/training.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the condition or experience outweighed the basis of separation.

b. Response to Contention(s):

(1) The applicant contends a lieutenant from the unit began to make the applicant feel uncomfortable and the applicant tried to switch units, and no one tried to help. Once the applicant finally spoke to someone about what was going on, the applicant was told the discharge would be due to mental health issues. The unit was aware of the reason the applicant missed drills and the applicant made up the drills. The Board liberally considered this contention and determined that it was valid due to the applicant's GAD and PDD outweighing the applicant's unsatisfactory participation offense. Therefore, a discharge upgrade is warranted.

c. The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The Board found sufficient evidence of in-service mitigating factors (Length, Combat) and concurred with the conclusion of the medical advising official that the applicant's (depression, anxiety) does mitigate the applicant's basis for separation (unsatisfactory participation). Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was inequitable

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's depression and anxiety outweighed the applicant's misconduct of unsatisfactory participation. Thus, the prior characterization is no longer appropriate.

(2) As the applicant was in the Army Reserve, there is no reentry code or narrative reason supplied upon discharge, honorable or otherwise.

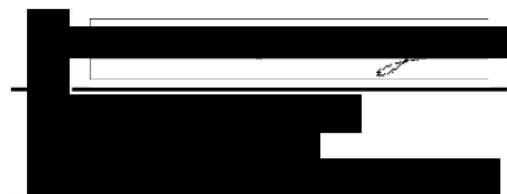
ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE
AR20210011203

10. BOARD ACTION DIRECTED:

- e. Issue a New DD-214 / Separation Order: Yes
- f. Change Characterization to: Honorable
- g. Change Reason / SPD code to: No Change
- h. Change RE Code to: No Change
- i. Change Authority to: No Change

Authenticating Official:

6/24/2025



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