

**1. Applicant's Name:** [REDACTED]**a. Application Date:** 10 January 2021**b. Date Received:** 19 January 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 Under Other than Honorable Conditions. The applicant requests an upgrade to Honorable, a narrative reason change, and changes to their separation and reentry codes.

**b.** The applicant seeks relief contending, their discharge was inequitable because it was based on one isolated incident in 48 months of service, during war time with no other adverse action. During that time, they always saw themselves as a professional Soldier and was never once cited or reprimanded for negative or unprofessional behavior. After being separated from their military career, has created a time of personal and professional growth as a civilian. They have started a career, have been actively involved in their community, and volunteers with the Disabled American Veterans (DAV). The applicant proclaims their mental health problem (posttraumatic stress disorder (PTSD)) changed their behavior and caused them to not act normally. Since they have been diagnosed with PTSD related to their military service by their civilian primary care provider, the applicant would like to have their discharge upgraded in order to have the ability to apply for Veterans Affairs disability compensation and medical treatment.

**c. Board Type and Decision:** In a records review conducted on 18 June 2025, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

*Please see **Board Discussion and Determination** section for more detail regarding the Board's decision.*

**3. DISCHARGE DETAILS:**

**a. Reason / Authority / Codes / Characterization:** In Lieu of Trial by Court-Martial / NGR 600-200, Chapter 8-36x / NIF / RE-3 / Under Other than Honorable Conditions (In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / Under Other than Honorable Conditions)

**b. Date of Discharge:** 12 January 2007

**c. Separation Facts:** The applicant's Army Military Human Resource Record (AMHRR) is void of the case separation file. However, the record provided the following details described below in 3c (1) through (6).

**(1) DD Form 458 (Charge Sheet):** NIF**(2) Date Charges Preferred:** NIF**(3) Legal Consultation Date:** NIF

**(4) Basis for Separation:** Pursuant to the applicant's voluntary request for discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial; however, the

request was not filed in their AMHRR. It is also unknown whether the applicant elected to provide a statement.

**(5) CDR / Intermediate CDR Recommended Characterization:** 9 February 2008 / Under Other than Honorable Conditions

**(6) Separation Approval Decision Date / Characterization:** NIF

#### 4. SERVICE DETAILS:

**a. Date / Period of Enlistment:** 6 January 2003 / 6 years

**b. Age at Enlistment / Education / GT Score:** 23 / GED / 97

**c. Highest Grade Achieved / MOS / Total Service:** E-4 (SPC) / 13B10 Cannon Crewmember / 4 years, 7 days

**d. Prior Service / Characterizations:** Army National Guard (ARNG) / 2 years, 9 months, 12 days / Honorable

**e. Overseas Service / Combat Service:** SWA / Iraq / 13 January – 24 December 2006 (11 months, 12 days)

**f. Awards and Decorations:** Global War on Terrorism, Iraq Campaign Medal, Army Service Ribbon, Overseas Service Ribbon, Armed Forces Reserve Medal with "M" Device

**g. Performance Ratings:** NIF

**h. Disciplinary Action(s) / Evidentiary Record:** Although not in the record, on 15 March 2006, the applicant received nonjudicial punishment (NJP) was demoted from specialist, SPC (E-4) to private, PVT (E-1). A DD Form 214 (Certificate of Release or Discharge from Active Duty) provides the applicant was discharged on 12 January 2007, with 4 years and 7 days of total service. The applicant provided their physical signature and had not completed their first full term of service. An NGB-22 dated the same as their DD Form 214 provides the same service dates but referenced the National Guard Regulation.

**(1)** The commander's report, dated 9 February 2008, provides separation was initiated under the provisions of AR 135-178, Chapter 13, paragraph 13-1 and recommended they be separated from the Army National Guard, with an Under Other than Honorable Conditions characterization of service. The specific, factual reason(s) for the recommended action indicated the applicant was mobilized with the 654th Military Police Company from 18 October 2005 – 12 January 2007 and was discharged Under Other than Honorable Conditions, In Lieu of Court Martial, and directed the applicant to be discharged from the ARNG as well. The applicant was transferred effective 4 April 2007; however, they never reported. Unit leadership was unaware of the applicant's status until it was discovered in IPERMS (Interactive Personnel Electronic Records Management System).

**(2)** The ARNG separation orders, dated 22 February 2008, provides the applicant was discharged from the ARNG and Reserve of the Army under the provisions of NGR 600-200, Chapter 8-36x and verbal orders of the Adjutant General, with an Under Other than Honorable Conditions characterization of service.

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

**j. Behavioral Health Condition(s):** Documents listed below, if any, will be provided to the ARBA Medical Special Staff for review.

**(1) Applicant provided:** The applicant asserts PTSD on their application and the CMD (Case Management Division) requested supporting medical documentation; however, no further records have been provided.

**(2) AMHRR Listed:** None

**5. APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant has been receiving treatment, volunteers with the Disabled American Veterans (DAV), and has taken the time for personal and professional growth.

**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 (Enlisted Administrative Separations) 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 U.S. Army Reserve (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 of service 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 determined 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. National Guard Regulation (NGR) 600-200 (Enlisted Personnel Management), govern procedures covering enlisted personnel management of the Army National Guard. Chapter 8-36x of NGR 600-200 covers request for discharge in lieu of a court-martial authorized to adjudge a punitive discharge for enlisted personnel from the State Army National Guard.

f. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) Chapter 10, Discharge in Lieu of Trial by Court Martial is applicable to members who committed an offense or offenses for which the authorized punishment included a bad conduct, or dishonorable discharge could submit a request for discharge for the good of the service. The request could be submitted at any time after the charges had been preferred. Although an honorable or general was authorized, an under other than honorable conditions discharge was considered appropriate, unless the record was so meritorious it would warrant an honorable. After receiving legal counseling, the soldier may elect to submit a request for discharge in lieu of trial by court-martial. The soldier will sign a written request, certifying that they have been counseled, understands their rights, and may receive a discharge under other than honorable conditions. The following will accompany the request for discharge:

- A copy of the court-martial Charge Sheet (DD Form 458)
- Report of medical examination and mental status evaluation, if conducted
- A complete copy of all reports of investigation
- Any statement, documents, or other matter considered by the commanding officer in making their recommendation, including any information presented for consideration by the soldier or consulting counsel
- A statement of any reasonable ground for belief that the soldier is, or was at the time of misconduct, mentally defective, deranged, or abnormal. When appropriate, evaluation by a psychiatrist will be included.

(2) 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. If Secretarial Authority is granted to correct the record it will show the following:

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JKA
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

g. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

h. 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.

i. 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, a narrative reason change, and changes to their separation and reentry codes. A review of the records provides administrative irregularity in the proper retention of official military records, specifically, the partial separation package, and whether or not they requested separation examination(s) prior to their discharge, although it is not required for this separation type.

(1) The available evidence provides the applicant enlisted in the ARNG, went on active-duty orders and deployed to Iraq for nearly one year, and served 4 years and 7 days of their 6-year contractual obligation.

(2) The battalion commander identified that the applicant was mobilized with the 654th Military Police Company from 18 October 2005 – 12 January 2007 and was discharged IAW AR 635-200, Chapter 10, In Lieu of Court Martial, with an Under Other than honorable Conditions characterization of service and directed them to be discharged from the ARNG as well. The applicant was transferred back to the ARNG effective 4 April 2007; however, they never reported, and leadership was unaware of the applicant's status until it was discovered in IPERMS. They were further discharged from the ARNG under the provisions of NGR-600-200, Chapter 8-36x, with the same characterization.

b. Chapter 10 is a voluntary discharge request in-lieu of trial by court-martial. A discharge under other than honorable conditions normally is appropriate for a soldier who is discharge in lieu of trial by court-martial. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record during the current enlistment. For Soldiers who have completed entry-level status, characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly

would be improper.

c. Published Department of Defense guidance indicates 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 its 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 with subsumed Depression, MST.

(2) Did the condition exist or experience occur during military service? **Yes.** Combat and MST

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that given the seriousness of the possible basis for separation, with similar post-service conduct, further clarity is needed on the basis prior to considering mitigation.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opine, the Board determined that the available evidence did not support a conclusion that the applicant's conditions outweighed the medically unmitigated list offenses.

b. Prior Decisions Cited: None

c. Response to Contention(s): None presented

d. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. The applicant has exhausted all available appeal options available with ADRB. However, the applicant may still apply to the Army Board for Correction of Military Records. 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 was unable to determine if there was evidence of in-service or BH conditions mitigating factor because the applicant's official records do not contain the facts and circumstances surrounding the applicant's discharge and the applicant did not provide any evidence of the basis of the applicant's separation. Without knowing the facts and circumstances relating to the applicant's discharge, the Board determined that the reason for the applicant's separation and the character of service the applicant received upon separation were proper and equitable.

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**AR20210011229**

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

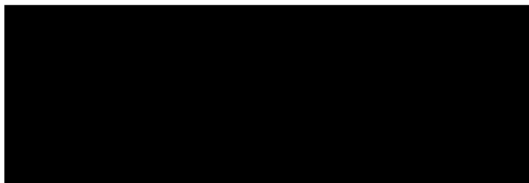
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

**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:**

10/31/2025



**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