

1. Applicant's Name: [REDACTED]

a. **Application Date:** 11 May 2021

b. **Date Received:** 13 May 2021

c. **Counsel:** None

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

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

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief, contending shortly after arriving at their first duty station in 2009, the applicant was subjected to ongoing sexual harassment, retaliation, and multiple sexual assaults by members of their unit. The applicant asserts the attempts to seek help through their chain of command were ignored or discouraged, leading to worsening mental health, including post traumatic stress disorder (PTSD) symptoms, fear, isolation, sleep disturbance, and an inability to function normally in the unit. The applicant describes being placed on medications, behavioral health involvement, and being moved between assignments as the applicant's condition deteriorated. When their unit prepared to deploy, the applicant states their fear and psychological distress led them to go absent without leave (AWOL) in order to protect themselves, resulting in disciplinary action and eventual discharge for misconduct. The applicant contends their discharge was directly connected to untreated trauma and the hostile environment they experienced, and they have continued to suffer severe long-term mental health effects which impact the applicant's ability to work and live normally.

c. **Board Type and Decision:** In a records review conducted on 26 February 2026, and by a 3-0 vote, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable, changed the separation authority to AR 635-200, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

3. DISCHARGE DETAILS:

a. **Reason / Authority / Codes / Characterization:** Misconduct (Serious Offense) / AR 635-200, Chapter 14-12C / JKQ / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 13 July 2011

c. **Separation Facts:** The Army Military Human Resource Record (AMHRR) provides the following details:

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

(2) **Basis for Separation:** The applicant failed to report to their appointed place of duty which required them to prepare for deployment the following month. Their whereabouts were unknown and the applicant was unable to be contacted for 24 hours and as a result, their status was changed from present for duty to absent without leave. Then, the applicant was allegedly deserted their unit with the intent to avoid deployment to Afghanistan with the Brigade Combat

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Team. The applicant remained absent for a total of 18 days with the intent to avoid SRP in preparation for deployment. Based upon their desertion, it was in the best interest of the unit and the Army to separate them from further military service.

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

(4) Legal Consultation Date: 15 June 2011 / The applicant waived counsel and declined to provide a statement on their behalf.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: Undated / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 25 February 2009 / 4 years; This is according to the DD Form 4 (Enlistment/Reenlistment Document) although this conflicts with Block 12a of the DD Form 214 (Certificate of Release or Discharge from Active Duty) which reflects 14 March 2009.

b. Age at Enlistment / Education / GT Score: 23 / GED / 110

c. Highest Grade Achieved / MOS / Total Service: E-4 / 68W10 Health Care Specialist / 2 years, 4 months

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: The Enlisted Record Brief provides the applicant was flagged (Suspend Favorable Personnel Actions) on 13 December 2010, for adverse action (AA); on 18 January 2011, for field-initiated involuntary separation (BA); and on 24 March 2011, for the Army Weight Control Program (KA).

(1) Two Personnel Actions, indicate on 2 December 2010, the applicant's duty status changed from present for duty (PDY) to absent without leave (AWOL); and on 20 December 2010, from AWOL to PDY.

(2) A Record of Proceedings Under Article 15, UCMJ, 5 January 2011, reflects the applicant received nonjudicial punishment (NJP) for going AWOL between 2-20 December 2010 in violation of Article 86. Their punishment imposed a reduction to private first class (PFC); suspended forfeiture of \$864.00 per month for two months; and extra duty for 45 days.

i. Lost Time / Mode of Return: Absent without Leave (AWOL), 2 -21 December 2010 / Returned to Military Control

j. Behavioral Health Condition(s): The following documents have been provided to the ARBA Medical Advisor, if applicable. See “**Board Discussion and Determination**” for Medical Advisor Details.

(1) Applicant provided: The applicant asserts Posttraumatic Stress Disorder (PTSD) and Military Sexual Trauma (MST) on their application, as well as provided a personal statement about their traumatic experience. Criminal Investigation Division (CID) records were requested and on 15 October 2021, CID reported no records were revealed pertaining to the applicant.

(2) AMHRR provided: Medical records from February – May 2011 reflect the applicant reported panic attacks and anxiety, and providers documented anxiety and depression while recommending continued BH treatment. A mental status evaluation on 4 May 2011 diagnosed Adjustment Disorder with Anxiety and Depressed Mood, noted possible non-deployability due to prescribed medications, and did not recommend a command surgeon waiver; however, the applicant was psychiatrically cleared for administrative action. Additionally, the applicant screened positive for PTSD and was scheduled for follow-up BH appointments on 9 and 10 May 2011.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Certificate of Release or Discharge from Active Duty; Personal Statement

6. POST SERVICE ACCOMPLISHMENTS: None provided with application.

7. STATUTORY, REGULATORY AND POLICY REFERENCE(S): 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.

a. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

b. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions,

Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

c. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

d. 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.

e. 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 waiverable. Eligibility: Ineligible

unless a waiver is granted.

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

f. Army Regulation 631-10 (Absence, Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings) provides policies and procedures for reporting unauthorized absentees and deserters, the administering of absent without leave (AWOL) personnel and deserters, returning absentees and deserters to military control and the surrendering of military personnel to civilian law enforcement authorities. When a soldier returns from an absence that is or appears to be unauthorized, the unit commander informally investigates whether disciplinary action should be taken and if the soldier be charge with time lost.

(1) Classification of an absence is dependent upon such factors as the following:

- Order and instructions, written/oral, the Soldier received before/during absence
- Age, military experience, and general intelligence of the Soldier
- Number and type of contact the Soldier had with the military absent
- Complete or incomplete results of a court-martial decision if any

(2) An absence immediately following authorized leave is classified as AWOL. Should the absence subsequently be reclassified, the soldiers leave is corrected to reflect the reclassified absence, except if the absence is caused by the following:

- Mental incapacity
- Detention by civilian authorities
- Early departure of a mobile unit due to operational commitments

g. Army Regulation 635-200 provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation. It states:

(a) 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.

(b) 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.

(2) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. A discharge under other than honorable conditions is normally appropriate

for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record. Paragraph 14-12c, states a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

(3) 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 normally correct the record to show the following:

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

h. 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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14-12C, Misconduct (Serious Offense).

8. SUMMARY OF FACT(S): Standard of Review. 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 the separation code changed. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

(1) An authenticated DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was separated under the provisions of AR 635-200, Chapter 14-12C for misconduct (serious offense) with a general (under honorable conditions) characterization of service. In January 2011, the applicant received NJP for going AWOL from 2-20 December 2010 (in violation of Article 86, UCMJ) and was reduced to PFC. The applicant elected counsel and declined to provide a statement on their behalf. They served 2 years, 3 months, and 10 days of a 4-year enlistment contractual obligation.

(2) Medical records from February – May 2011, the applicant reported panic attacks and anxiety, was diagnosed with Adjustment Disorder with Anxiety and Depressed Mood, screened positive for PTSD, was noted as possibly non-deployable due to prescribed medications, and was recommended for continued BH treatment while remaining psychiatrically cleared for administrative action.

(3) The applicant contends they experienced ongoing sexual harassment, retaliation, and multiple sexual assaults shortly after arriving at their first duty station, which led to severe mental health deterioration and PTSD symptoms. The applicant reports their attempts to seek help were ineffective, resulting in fear, isolation, and impaired functioning, and their

psychological distress ultimately contributed to the applicant going AWOL when their unit prepared to deploy. The applicant contends their discharge for misconduct was directly connected to untreated trauma and a hostile command climate, and they continue to suffer long-term mental health effects.

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

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: Adjustment Disorder, Anxiety Disorder NOS, PTSD, MST.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with an Adjustment Disorder and Anxiety Disorder NOS and is service connected by the VA for PTSD related to MST.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of BH conditions that mitigate the basis of separation. The applicant was diagnosed in service with an Adjustment Disorder and Anxiety Disorder NOS and is service connected by the VA for PTSD related to MST. Given the nexus between Anxiety Disorder NOS, PTSD, MST, and avoidance, the FTR/AWOL that led to the separation is mitigated.

(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 condition or experience outweighed the listed basis for separation for the aforementioned reason.

b. Prior Decisions Cited: N/A

c. Response to Contention(s): The applicant contends they experienced ongoing sexual harassment, retaliation, and multiple sexual assaults shortly after arriving at their first duty station, which led to severe mental health deterioration and PTSD symptoms. The applicant reports their attempts to seek help were ineffective, resulting in fear, isolation, and impaired functioning, and their psychological distress ultimately contributed to the applicant going AWOL when their unit prepared to deploy. The applicant contends their discharge for misconduct was directly connected to untreated trauma and a hostile command climate, and they continue to suffer long-term mental health effects. The Board reviewed this contention during the proceedings and an upgrade was granted. The Board applied liberal consideration and

determined that there was evidence of behavioral health (BH) conditions, as described by the applicant's contention, that mitigated the basis for separation.

d. The Board determined the discharge is inequitable based on the circumstances surrounding the discharge, MST (V), the trauma occurred prior to the misconduct and the nexus between trauma and the basis of separation, the basis is mitigated. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable, changed the separation authority to AR 635-200, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's BH diagnosis warranting consideration prior to reentry of military service.

e. Rationale for Decision:

(1) Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or not. In reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

(2) The Board voted to change the applicant's characterization of service to Honorable and the reason for discharge to Secretarial Authority, with a corresponding separation code to JFF.

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

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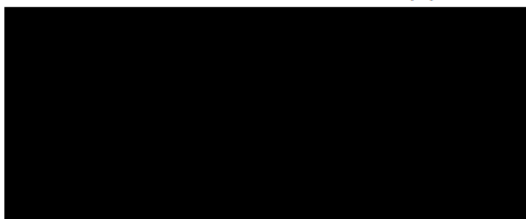
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10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: Secretarial Authority / JFF
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200

Authenticating Official:

3/5/2026



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
FTR – Failure to Report

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