

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 26 January 2021
- b. **Date Received:** 1 February 2021
- c. **Counsel:** None

2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is Under Other Than Honorable Conditions. The applicant requests an upgrade of their U.S. Army Reserve (USAR) character of service, a change of their separation code, reentry code, and the narrative reason for separation.

(2) The applicant seeks relief contending during the time of their discharge they became the sole medical provider for their father who was receiving cancer treatment for stage four lung cancer. They asked for a hardship to care for their father. They were then provided with orders for discharge.

b. Board Type and Decision: In a records review conducted on 7 May 2025, and by a 5-0 vote, the board determined that the characterization was inequitable based on the applicant's in-service mitigating factors length and quality of service, and the circumstances surrounding the discharge outweigh the basis of separation - Unsatisfactory participation (missing drills). Therefore, the board voted to grant relief in the form of an upgrade of the characterization of service to General Under Honorable Conditions. Please see Section 10 of this document for more detail regarding the board's decision.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: NIF / Army Regulation 135-178 / NIF / Under Other Than Honorable Conditions

b. Date of Discharge: 22 May 2018

c. Separation Facts: The applicant's case separation file is void from their Army Military Human Resource Record (AMHRR). On 9 November 2021 the Army Review Boards Agency requested the applicant provide their discharge packet (case separation files), as of this date there has been no response.

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 19 September 2014/ 6 years (USAR)

b. Age at Enlistment / Education / GT Score: 26 / HS Graduate / NIF

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92A1O, Automated Logistical Specialist / 9 years, 8 months

d. Prior Service / Characterizations: NA

e. **Overseas Service / Combat Service:** None

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

g. **Performance Ratings:** None

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

(1) A Headquarters, 88th Readiness Division Orders 18-136-00033, dated 16 May 2018, reflects the applicant was reduced in grade of rank from specialist/E-4 to private/E-1, effective 9 May 2018 and was discharged from the USAR, with a type of discharge of Under Other Than Honorable Conditions, effective 22 May 2018.

(2) A DA Form 5016 (Chronological Statement of Retirement Points) reflects the applicant –

- from 24 September 2016 – 23 September 2017, the applicant was credit with 36 Inactive Duty Points (18 days of unit drills) and 15 days Active Duty Points
- from 24 September 2017 – 22 May 2018, the applicant was credit with 12 Inactive Duty Points (6 days of unit drills) and zero Active Duty Points
- total qualifying for retirement – 9 years

(3) A review of the applicant's Soldier Management Services – WEB Portal (SMS WEB) Retirement Points Detail reflects the applicant did not perform Inactive Duty Training and did not earn retirement points for May 2017, September 2017 through January 2018, and March 2018.

i. **Lost Time / Mode of Return:** NIF

j. **Behavioral Health Condition(s):** None

5. **APPLICANT-PROVIDED EVIDENCE:**

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), letter
- Headquarters, 88th Readiness Division Orders 18-136-00033
- Father's Obituary

6. **POST SERVICE ACCOMPLISHMENTS:** None submitted with application.

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

a. Title 10, U.S. Code, Section 1553, (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 U.S. Code, Section 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 (DoD) 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) 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; Title 10 U.S. Code; Section 1553, DoD Directive 1332.41, and DoD Instruction 1332.28.

d. Army Regulation 135-178 (Enlisted Administrative Separations), 12 January 2017, set policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of ARNG of the United States and USAR enlisted Soldiers for a variety of reasons.

(1) 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 that any other characterization would be clearly inappropriate. When a Soldier is discharged before expiration of the service obligation for a reason for which an honorable characterization is discretionary, the following considerations apply, to include –

(a) An honorable characterization may be awarded when disqualifying entries in the Soldier's military record are outweighed by subsequent honorable and faithful service over a greater period of time during the current term of service.

(b) It is a pattern of behavior and not an isolated instance which should be considered the governing factor in determining the character of service.

(c) Unless otherwise ineligible, a Soldier may receive an honorable characterization of service if he or she has, during his or her current enlistment, or any extension thereof, received a personal decoration.

(2) A General discharge is if a Soldier's service has been honest and faithful, it is appropriate to characterize that service as under honorable conditions. Characterization of service as general (under honorable conditions) is warranted when significant negative aspect of the Soldier's conduct or performance of duty outweighs positive aspects of the Soldier's military record.

(3) A Under Other Than Honorable Conditions discharge, service may but is not required to be characterized as under other than honorable conditions only when discharge is for misconduct, fraudulent entry, homosexual conduct, unsatisfactory participation, or security reasons. The Adjutant General will direct reduction in grade to private/E-1 when the Soldier is discharged under other than honorable conditions.

e. Army Regulation 135-180 (Retirement for Non-Regular Service) dated 1 August 1987, implemented statutory authorities governing the granting of retired pay to Soldiers and former Reserve components Soldiers. Paragraph 2-10 (Computation of Service) stated one point for each authorized participation in drills or periods of instruction which conform to the requirements prescribed by the Secretary of the Army.

f. Army Regulation 600-8-19 (Enlisted Promotions and Reductions) dated 25 May 2017 prescribed the enlisted promotions and reductions function of the military personnel system. Paragraph 10-15 (Approved for Discharge from the Service Under Other Than Honorable Conditions) stated when the separation authority determines that a Soldier is to be discharged from the Service Under Other Than Honorable Conditions, the Soldier will be reduced to the lowest enlisted rank.

g. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) prescribes policies and standards to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. It prescribes the policies, procedures, authority for separation of Soldiers, and the general provisions governing the separation of Soldiers before Expiration Term of Service or fulfillment of active duty obligation to meet the needs of the Army and its Soldiers. Chapter 15 (Secretarial Plenary Authority) 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.

8. SUMMARY OF FACT(S):

a. The Army Discharge Review Board considers applications for upgrade as instructed by DOD Instruction 1332.28.

b. A review of the available evidence provides an administrative irregularity in the proper retention of records, specifically the AMHRR is void of the case files for approved separation from the USAR. Notwithstanding the absence of records, their discharge order from the USAR provides the applicant was discharged with a character of service of Under Other Than Honorable Conditions under the provisions of Army Regulation 135-178. They completed 9 years and 8 months Reserve Component service; however, they did not complete their 6-year reenlistment obligation.

c. Published Department of Defense 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? **No**. The Board's Medical Advisor reviewed DoD and VA medical records and found no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused, or mitigated a discharge.

(2) Did the condition exist, or experience occur during military service? **N/A**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Response to Contention(s): The applicant contends during the time of their discharge they became the sole medical provider for their father who was receiving cancer treatment for stage four lung cancer. They asked for a hardship to care of their father. They were then provided with orders for discharge. The Board carefully reviewed the applicant's statement regarding their role as the sole medical caregiver for their father, who was undergoing treatment for stage four lung cancer at the time of discharge. The Board considered this hardship request alongside the applicant's overall record of service, the nature and frequency of the applicant's absences, and the circumstances surrounding their separation. Based on credible evidence of mitigating factors including the applicant's length and quality of service, the Board concluded that the applicant overall contributions outweighed the instances of unsatisfactory participation, and therefore found the applicant's service deserving of favorable consideration.

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c. The Board determined that the characterization of service was inequitable based on the applicant's in-service mitigating factors (length, quality) of service, and the circumstances surrounding the discharge, the board voted to grant relief in the form of an upgrade to the characterization of service to General, Under Honorable Conditions. The applicant may request a personal appearance hearing to address further issues before the board. 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.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to General, Under Honorable Conditions based on the applicant's in-service mitigating factors (length, quality) of service, and the circumstances surrounding the discharge. Thus, the prior characterization is no longer appropriate.

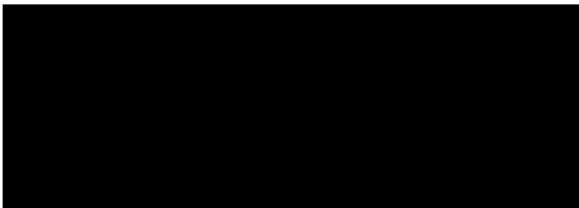
(2) As there were no Reasons/SPD Codes/RE-codes listed on the applicant's discharge paperwork, due to being in the Army Reserve, no upgrade actions are required for these items.

10. BOARD ACTION DIRECTED:

- a. Issue a New Separation Order: Yes
- b. Change Characterization to: General, Under Honorable Conditions
- c. Change Authority to: No Change

Authenticating Official:

10/2/2025



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