

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210011655

1. Applicant's Name: [REDACTED]

a. Application Date: 3 February 2021

b. Date Received: 25 February 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 honorable, with a reentry code 4. The applicant requests a reentry code change.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect, that they received the wrong reentry code according to MILPER Message 17-308. The applicant states that the year they were selected for the Qualitative Management Program (QMP) board was the final year in which a Reentry code 4 was assigned to selectees. The applicant has grown since receiving an Article 15 for fraternization, and they truly regret their actions and understand the impact of their actions on the Non-Commissioned Officer Corps and the U.S. Army. They request the reentry code change, in order to serve in the National Guard.

c. Board Type and Decision: In a records review conducted on 16 July 2025, and by a 5-0 vote, the Board granted the request to change the Re-entry code to 3. 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: Non-Retention On Active Duty / AR 635-200 / JGH / RE-4 / Honorable

b. Date of Discharge: 1 May 2018

c. Separation Facts: The applicant's Army Military Human Resource Record (AMHRR).

(1) Date of Notification of Intent to Separate: 17 October 2017

(2) Basis for Separation: The Qualitative Management Program Selection Board conducted a comprehensive review of their record for potential denial of continued service under the Qualitative Management Program and recommend they be denied continued active-duty service.

(3) Qualitative Management Program Selection Board Date: N/A

(4) Separation Decision Date / Characterization: 5 October 2017 / Honorable

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 19 November 2012 / 6 years.

b. Date / Period of Reenlistment(s): 19 November 2012 / 6 years.
10 February 2008 / 6 years.

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c. Age at Enlistment / Education / GT Score: 25 / Associate Degree / 121

d. Highest Grade Achieved / MOS / Total Service: E-6 / 25S38 8R 7D Satellite Communications Systems Operator-Maintainer / 12 years, 3 months, 13 days.

e. Prior Service / Characterizations: RA 20060119 - 20121118 / Concurrent Service

f. Overseas Service / Combat Service: Alaska, South Korea, Cameroon / Iraq; 20071204 – 20090302, Iraq; 20100606 – 20100822, Iraq; 20101111 – 20110606

g. Awards and Decorations: ARCOM-4, AAM-3, AGCM-3, NDSM, GWTSM, KDSM, ICM-CS-2, NCOPDR-2, ASR, OSR-4

h. Performance Ratings: 20171224 – 20180324; Highly Qualified
20161224 – 20171223; Highly Qualified
20151224 – 20161223; Highly Qualified
20141224 – 20151223; Successful
20131224 – 20141223; Successful
20130808 – 20131223; Successful
20120808 – 20130807; Successful

i. Disciplinary Action(s) / Evidentiary Record:

(1) A Developmental Counseling Form dated 29 March 2016 indicates that the applicant was found to have engaged in fraternization and a sexual relationship with a junior enlisted soldier, as determined during a Criminal Investigation Division (CID) investigation.

(2) A Record of Proceedings UCMJ document, signed 1 June 2016 indicates that the applicant received a NJP for violating Article 92 of the UCMJ: between or about 1 April 2015 and on or about 31 October 2015 they wrongfully participated in an inappropriate relationship with SPC _____. Punishment consisted of a reduction to E-5, suspended, to be automatically remitted on or before 29 October 2016 and forfeiture of \$1,500 pay.

j. Lost Time / Mode of Return: None.

k. 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:** None.

(2) **AMHRR provided:** None.

5. APPLICANT-PROVIDED EVIDENCE: A DD Form 149 (Correction Military Record) application, DD Form 214, a self-authored statement, MILPER Message 16-251, MILPER Message 17-308, and MILPER Message 19-210 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. 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.

c. 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.

d. 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.

e. 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.

f. 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 their 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.

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.

(c) An under other-than-honorable-conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(d) A Bad Conduct discharge will only be given to a Soldier pursuant to an approved sentence of general or special court-martial. Enlisted service members and officers with less than six years of service are eligible for a Bad Conduct Discharge. Behaviors such as drug abuse, assault, theft, insubordination, and other actions that violate military law may be punished with a BCD.

(e) A Dishonorable discharge is the most severe type of discharge and will be given to a Soldier pursuant only to an approved sentence of general or special court-martial. The appellate review must be completed and affirmed sentence ordered duly executed. Behaviors such as fraud, desertion, treason, espionage, sexual Assault, and murder and other actions may be punished with a dishonorable discharge.

(2) Chapter 19 (in effect at the time) contained policies and procedures for voluntary and involuntary separation, for the convenience of the Government, of RA NCOs and USAR NCOs serving in AGR status, under the QMP. NCOs whose performance, conduct, and/or potential for advancement do not meet Army standards, as determined by the approved recommendations of HQDA centralized selection boards responsible for QMP screening, will be denied continued service. Chapter 19 has been incorporated into the current version of Chapter 16-11, AR 635-200. Paragraph 19-1b (in effect at the time) stated the service of a Soldier separated under this paragraph will be characterized as honorable.

(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.

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 "JGH" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 19, paragraph 19-12, non-retention on active duty.

i. MILPER Message Number 16-251, Procedures for the 2017 Fiscal Year Qualitative Management Program (QMP), paragraph 8e:

(1) Voluntary Retirements: Soldiers who elect voluntary retirement, regardless of whether it in lieu of QMP consideration or in lieu of involuntary separation as a result of QMP, will have their DD Form 214 coded with Separation Program Designator (SPD) code "RBD" and Reenlistment Eligibility code of "RE-4".

(2) Voluntary Discharge: Soldiers who elect voluntary discharge rather than Retirement will have their DD Form 214 coded with SPD code "KGH" and Reenlistment Eligibility code "RE-4".

(3) Involuntary Discharge: Soldiers who do nothing and are involuntarily discharged will have their DD Form 214 coded with SPD code "JGH" and reenlistment Eligibility code "RE-4".

(4) Voluntary REFRAD: AGR Soldiers with 20 years or more of qualifying service for non-regular retired pay who elect voluntary REFRAD will have their DD Form 214 coded with SPD code "MGH" and reenlistment eligibility code "RE-4".

j. MILPER Message Number 17-308, Procedures for the 2018 Fiscal Year Qualitative Management Program (QMP), paragraph 8f:

(1) Voluntary Retirements: Soldiers who elect voluntary retirement, regardless of whether it in lieu of QMP consideration or in lieu of involuntary separation as a result of QMP, will have their DD Form 214 coded with Separation Program Designator (SPD) code "RBD" and Reenlistment Eligibility code of "RE-4".

(2) Voluntary Discharge: Soldiers who elect voluntary discharge rather than Retirement will have their DD Form 214 coded with SPD code "KGH" and Reenlistment Eligibility code "RE-3".

(3) Involuntary Discharge: Soldiers who do nothing and are involuntarily discharged will have their DD Form 214 coded with SPD code "JGH" and reenlistment Eligibility code "RE-3".

(4) Voluntary REFRAD: AGR Soldiers with 20 years or more of qualifying service for non-regular retired pay who elect voluntary REFRAD will have their DD Form 214 coded with SPD code "MGH" and reenlistment eligibility code "RE-3".

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 a Reentry code change. The applicant contends a change in the Reentry code is needed to reflect a "3" based on the procedures outlined in MILPER Message Number 17-308. The evidence of the applicant's AMHRR reflects that the applicant was processed under the procedures outlined in MILPER Message Number 16-251. Soldiers processed for separation are assigned reentry codes based on their service records or the reason for discharge. Based on the available evidence the applicant's QMP board process was initiated prior to MILPER message Number 17-308. Based on MILPER Message Number 16-251, the applicant was appropriately assigned an RE code of "4." An RE code of "4" cannot be waived, and the applicant is no longer eligible for reenlistment.

b. The applicant's Army Military Human Resource Record (AMHRR) indicates an erroneous error was entered on the applicant's DD Form 214, block 25, "AR 635-200, Chapter 4." The evidence of the record reflects the applicant's involuntary separation under the Qualitative Management Program (QMP). Soldiers involuntarily separated as the result of a QMP board will be separated under the provisions of Army Regulation 635-200, Chapter 19, paragraph 19-12, non-retention on active duty.

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. Prior Decisions Cited: None.

c. Response to Contention(s): The Board considered the applicant's contentions valid and voted to upgrade the Re-Code to 3.

d. The Board determined: 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, Quality) and concurred that the applicant has factors that mitigate his basis for separation. Based on a preponderance of evidence, the Board determined that the RE code warranted an upgrade due to the applicant's quality while in 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 applicant's petition, available records and any supporting documents included with the petition.

(2) The Board voted not to change the applicant's characterization of service because, they have an Honorable discharge.

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

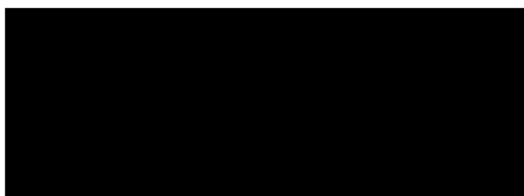
(4) The RE code will change to 3

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: No Change
- c. Change Reason / SPD code to: No Change
- d. Change RE Code to: RE-3
- e. Change Authority to: No Change

Authenticating Official:

7/18/2025



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
 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