

1. Applicant's Name:

a. **Application Date:** 14 April 2021

b. **Date Received:** 26 April 2021

c. **Counsel:** None

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

a. **Applicant's Requests and Issues:** The current characterization of service for period under review is Under Other than Honorable Conditions. The applicant requests an upgrade to Honorable.

b. The applicant seeks relief contending, they served six and a half years and do not want to end up dead. They are currently seeking help for their Posttraumatic Stress Disorders (PTSD) issues but they are having trouble because of their discharge (at the time).

(1) In a Veterans Affairs (VA) Statement of Support of Claim, the applicant provides on 2 Feb 2020, they were involved in a really bad domestic violence assault case where the applicant was the assailant, which led to their discharge from the US Army. This incident was truly a cry for help because the applicant had been neglecting seeking mental health treatment for years. For years the applicant had been abusing themselves by focusing solely on their work and those around them. They used them so they did not have to think about themselves and the nightmares the applicant had from their best friend's suicide attempt in the presence of the applicant, following their deployment.

(2) They tried to plead their case but the Army had already made their decision. The victim wrote a letter, which is included, to help with the case. The applicant included a letter from their therapist, while in the Army, to help explain what they were going through. They truly believe they suffered a PTSD episode, which caused the violent act. The applicant served in the Army for over six years and promoted to Staff Sergeant (E-6) within five years. They have always had immensely high aspirations for themselves and their abilities. They were in the process of turning in a Warrant Officer packet to go to Flight School, prior to the incident. Their time in service was absolutely better than their discharge. The applicant is a better person today because of this incident but they truly need help.

(3) The applicant has nothing left, if they do not receive help from the VA, as the VA healthcare they need is the only thing keeping them above water right now and keeping them hopeful of a brighter future, where they do not fear themselves daily. The applicant has taken full responsibility for their actions and is doing their best to continue their mission in life of helping those around them.

c. **Board Type and Decision:** In a records review conducted on 9 October 2024, and by a 4-1 vote, the Board denied the request upon finding the separation was both proper and equitable.

Please see Section 9 of this document for more detail regarding the Board's decision.

3. DISCHARGE DETAILS:

a. **Reason / Authority / Codes / Characterization:** Misconduct (Serious Offense) / AR 635-200, Chapter 14-12C / JKQ / RE-4 / Under Other than Honorable Conditions

b. Date of Discharge: 23 December 2020

c. Separation Facts:

(1) Date of Notification of Intent to Separate: NIF

(2) Basis for Separation: NIF

(3) Recommended Characterization: NIF

(4) Legal Consultation Date: NIF

(5) Administrative Separation Board: NIF

(6) Separation Decision Date / Characterization: NIF

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 12 October 2017 / 3 years; 13 December 2019 / 1 year (Extension)

b. Age at Enlistment / Education / GT Score: 22 / High School Diploma / 125

c. Highest Grade Achieved / MOS / Total Service: E-6 (SSG) / 13B30 Cannon Crewmember / 6 years, 3 months, 28 days

d. Prior Service / Characterizations: Regular Army (RA), 26 August 2014 – 11 October 2017 / Honorable

e. Overseas Service / Combat Service: SWA / Afghanistan, 27 February – 16 November 2016

f. Awards and Decorations: ARCOM-2, AAM-4, MUC, AGCM-2, NDSM, GWOTSM, ACM-CS, NCOPDR-2, ASR, OSR, MOVSM, NATO MDL, AIR ASLT-3, MQBE-FA, MQBE-C

g. Performance Ratings:

(1) SGT, 1 August 2018 – 8 January 2019 / Highly Qualified

(2) ALC, 23 August – 27 September 2019; The applicant “Far Exceeded Standards” in the following skills and made the Commander’s List, ranking 4 out of 20 in their class.

- Character/Accountability
- Intellect/Critical Thinking and Problem Solving
- Develops/Collaboration
- Achieves/Lifelong Learner

(3) SSG, 9 January 2019 – 8 January 2020 / Most Qualified; They “Far Exceed Standards” in the following skillsets, and ranks 1 out of the 3 Soldiers, rated by the senior rater.

- Presence
- Intellect
- Leads

- Develops

h. Disciplinary Action(s) / Evidentiary Record:

(1) On 12 October 2017, the applicant completed their first reenlistment for 3 years as a SPC (E-4), with 3 years, 1 month, and 16 days of prior active service. The Enlisted Record Brief provides within two years, they promoted to SSG (1 November 2019). On 13 December 2019, the applicant executed a one year extension.

(2) Although not in the record, on 10 December 2020 (presumably when the separation authority approved the separation), their service was characterized as Under Other than Honorable Conditions, as a result, the applicant was reduced to the lowest enlisted grade.

(3) Notwithstanding the missing records, on 16 December 2020, their separation orders were issued. A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged accordingly on 23 December 2020, with 6 years, 7 months, and 16 days of total service. The applicant provided their electronic signature and has completed their first full term of service.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s): PTSD

(1) **Applicant provided:** On 19 October 2020, the applicant provided a letter from their Clinical Social Worker, providing this letter is intended to provide an understanding of the applicant's behavioral health clinical issues, which contributed to the behaviors that led to the domestic violence event on 2 February 2020. The applicant understands they are being held responsible for their actions related to this event. The objective of this letter is to provide understanding behind these behaviors and clinical perspective regarding the potential for these behaviors to occur again in the future.

(a) The applicant entered behavioral health treatment 15 April 2020 and was diagnosed with Posttraumatic Stress Disorder (PTSD) on 23 April 2020, related to the applicant having been present for the suicide attempt (aborted) of a close friend, while deployed. This event, in addition to the successful suicide of another close friend prior to the military, and a subsequent attempt by the significant of the applicant, upon returning from deployment, impaired their ability to regulate significant stressful and trauma related emotions. Such emotional responses are indicated by the use of avoidance to triggers and memories associated with these events. These behaviors can manifest in increased use of alcohol or drugs to avoid or numb distressing emotions, in nightmares regarding the events, in frequent thoughts regarding the events that trigger overwhelming emotional distress, sleep disruption, emotional detachment, and irritability and anger, all of which the applicant suffered, as a result of their trauma exposures.

(b) Trauma disorders are linked to an underlying perspective born out of the trauma experience. These beliefs are related to the subject concluding there having been responsible for the traumatic event. In this case, the applicant believed they "failed" their friends and significant other and should have been able to prevent or save them from their suicide attempts. The applicant utilized several methods to try and cope with these emotionally distressing symptoms. Using alcohol in efforts to numb feelings and induce sleep, immersing themselves in work as a distraction from thinking about their experiences and feelings of failure, and avoiding any discussion or reference to these experiences, through emotional withdrawal from others. None of which prevented the occurrence of chronic nightmares and emotional distress

associated times when the applicant was not at work or actively focused on mission activities. The chronicity of these symptoms frequently led to contemplation of suicide as a last resort to escape emotional suffering and helplessness.

(c) As is common with many experienced service members, the applicant avoided accessing behavioral health treatment, due to their belief of the treatment would somehow impact their military career or make them appear "weak" to others within their unit. This tends to present as a significant cultural perspective within the military and stigmatizes accessing behavioral health services. The U.S. Army continues efforts to combat this stigma and there has been significant success. This success is reflected in increased Behavioral Health utilization and tends to skew towards younger/newer Soldiers within the ranks of E1 – E4.

(d) Following their access to behavioral health services, the applicant engaged in behavioral health treatment willingly and with the mission intensity and commitment shown in their work focus. They participated in EMDR (Eye Movement Desensitization and Reprocessing) Therapy, SUDCC (Substance Use Disorder Clinical Care) Intervention, Anger Management Psychoeducational group, and Equine Therapy. The applicant has continued to remain abstinent of alcohol and has successfully resolved their underlying trauma related concerns. They no longer experience any suicidal ideations or issues related to their traumatic experiences. The applicant has completed SUDCC involvement and continues in supportive therapy regarding current life events.

(e) It has been discussed several times with the applicant, the possibility of the, being discharged from the military as a consequence of their behaviors the night of 2 February 2020 and they have expressed a desire to continue serving in the military if possible. The intent of this memorandum is not to argue in support or against this point, but to provide the clinical perspective and history of treatment undergone by the applicant. From a behavioral health clinical perspective, they are considered clinically cleared for full return to duty. As a result of their treatment success, it is determined unlikely that the previous behaviors will reoccur as they are emotionally stable, and capable of continuing to serve in the U.S. Army, or leading a successful and productive life outside of the military.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Veterans Affairs (VA) Statement in Support of Claim; Clinical Social Worker Letter; Two Character Letters provides the following:

a. On 19 October 2020, SFC provides they have known the applicant for four years and was their platoon and gunnery sergeant, upon their return from deployment to Afghanistan and watched them develop from SPC to SSG. They are very reliable...constantly sets themselves apart. They have always maintained the trust and confidence of both their subordinates and leadership. Although not condoning the applicant's behavior, SFC believes their actions were a result of a medical/physiological condition in which the applicant has been actively and adamantly seeking help for.

b. On 14 April 2021, the victim on behalf of the applicant contends, they have known them for 5 years, met them following the applicant's nine month deployment to Afghanistan, as the victim was the medic assigned to the applicant's battery. The applicant has always put others before themselves, made significant daily positive impacts on the victim and others, and upheld the core values of an NCO. The victim believes the applicant's problems started then, however,

they did not see those problems firsthand until they started dating in 2019.

(1) The applicant struggled internally with experiences they dealt with while deployed but by this time, it was three years post redeployment. They were so focused on the mission, caring for their Soldier's needs, and being the best NCO they could be, their mental health was neglected. The applicant hid their struggles from everyone and continued to excel at their job, including getting promoted to an E-6 with only 5 years' time in. By then, the applicant was beginning to use alcohol as an escape from the demons they faced. They were having nightmares, where the applicant would call out fire missions in their sleep or would just scream and yell to the point of waking up the victim from a deep sleep.

(2) The applicant avoided going to places with large crowds and made excuses to avoid spending time with friends. They stopped talking to everyone they deployed with. Simple work issues that the applicant would normally brush off, would make them extremely angry and stressed. Occasionally, the applicant would drink too much but they were never violent. The night before the incident in question, they drank too much and this time it was different. The applicant became aggressive, with a blank and empty look in their eyes; the victim had never seen them like this before. They were talking about things that did not make sense like names of people in their chain of command and going to the field to train. The victim tried talking to the applicant to get them to snap out of whatever state they were in but nothing worked.

(3) What happened on that day was not the person the victim, their family, friends, or colleagues knew and, on that morning, the applicant reached rock bottom. Drug users, alcoholics, and servicemembers attempting to face demons on their own, all have to hit their own rock bottom before realizing they need help, no matter how many people tell them they need help. Until this happens, they will not change. As scary as that morning was, the victim is thankful for it, as it helped the applicant realize their issues and the need to get help. Knowing that the applicant is now seeking help through the military, to heal and grow gives the victim a peace of mind. Everyone deserves a second chance to learn from their mistakes and become an even better person than before they took a downward spiral and the applicant is not an exception to this. They are amazing and would give the shirt off their back for someone and the victim believes they deserve that second chance.

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

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

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. Army Regulation 15-180 (Army Discharge Review Board), dated 25 September 2019, sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 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) 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.

(2) 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.

(3) 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.

(4) 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. 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.

(5) 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.

e. 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).

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 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.

g. 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 review of the records provides there was an administrative irregularity in the proper retention of official military records, specifically, a charge sheet and or investigation report(s), the separation package, and their medical/mental separation examinations. Based on this, the specific facts and circumstances surrounding their separation, are unknown.

b. The available evidence provides the applicant completed their first reenlistment as a SPC, with 3 years, 1 month, and 16 days of previous active duty, which includes their nearly nine month deployment to Afghanistan. Based on the applicant's statement, the applicant served 2 years, 3 months, and 20 days prior to misconduct which led to their discharge. The applicant provides they were the assailant in an unfortunate domestic violence assault case. Notwithstanding the missing records, a properly constituted DD Form 214 provides the applicant was separated under the provisions of AR 635-200, Chapter 14-12C, Misconduct (Serious Offense), with an Under Other than Honorable Conditions characterization of service and as a result, they were reduced to the lowest enlisted paygrade.

(1) The Clinical Social Worker provides the applicant was diagnosed with PTSD, six months prior to their discharge. Having experienced the suicide of a close friend prior to the military, witnessed an attempted suicide of a close friend while deployed, and a subsequent attempt of their significant other, after returning from deployment, impaired the applicant's ability to regulate the insurmountable stressful and traumatic emotions. While receiving counseling, the applicant participated in EMDR Therapy, SUDCC intervention, Anger Management psychoeducational group, and Equine Therapy. From a BH clinical perspective at the time, the applicant was considered cleared for full return to duty a deemed unlikely that the previous behavior would reoccur; they were emotionally stable; and capable of continuing to serve in the Army or leading a successful and productive life outside of the military.

(2) They served 3 years, 2 months, and 12 days of their 4-year contractual obligation.

c. 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.

d. 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? **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

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found PTSD was diagnosed while applicant was on active duty. Also, VA service connection of 50% for PTSD establishes nexus with active duty.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that there are no mitigating BH conditions. While the applicant's diagnosis of PTSD may have contributed to his increased consumption of alcohol (as per the 19 Oct 2020 Letter of Clinical Information composed by his social worker), this fact in no way mitigates the applicant's act of violently assaulting a female by punching her in the face given that the diagnosis of PTSD does not affect one's ability to distinguish right from wrong and act in accordance with the right.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opinion, 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 Contentions:

(1) The applicant's contentions are listed in their self-authored statement and Clinical Social Worker's statement, written in sections **2b** and **4j** of this document.

2b - The applicant seeks relief contending, they served six and a half years and do not want to end up dead. They are currently seeking help for their Posttraumatic Stress Disorders (PTSD) issues but they are having trouble because of their discharge (at the time).

The Board determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare, or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

4j - On 19 October 2020, the applicant provided a letter from their Clinical Social Worker, providing this letter is intended to provide an understanding of the applicant's behavioral health clinical issues, which contributed to the behaviors that led to the domestic violence event on 2 February 2020. The applicant understands they are being held responsible for their actions related to this event. The objective of this letter is to provide understanding behind these behaviors and clinical perspective regarding the potential for these behaviors to occur again in the future.

The Board acknowledged this contention and considered it during its deliberations.

(2) The victim contends the applicant has always put others before themselves, made significant positive impacts on them on daily basis, while having upheld the core values of an NCO. Their issues began three years after redeployment and the applicant neglected the mental health. During this time the applicant excelled at their job and promoted and began to use alcohol to cope. They avoided going out to places with large crowds and stopped talking to those the applicant deployed with. They had been drinking the night before the incident and became aggressive, with an empty look in their eyes and was not making sense while talking about going to the field and people in their chain of command. The incident was rock bottom for the applicant and was the moment they realized they needed help. As scary as the incident was for the victim, it gives them a peace of mind knowing the applicant was seeking help to heal and grow. They are thankful the applicant has since been receiving help and believes the applicant deserves a second chance.

The Board acknowledged this contention and considered it during its deliberations.

d. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the 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.

e. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service based on the seriousness of the offense "Domestic Violence and Assault", and there was no medical mitigation for the basis of separation. The applicant submitted two character letters, one from the victim stating the incident is not a true characterization of the applicant. One Board member believed the applicant's contention that they blacked out while having a flashback in Afghanistan when the misconduct occurred, and the applicant was suffering from PTSD, trauma from a friend's suicide in Afghanistan, and his girlfriend's attempted suicide. However, the majority of the Board members believed the totality of misconduct in the applicant's file did not warrant a discharge upgrade. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process.

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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210012279

(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:

10/16/2024

X

Presiding Officer, COL, U.S. ARMY

Army Discharge Review Board

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