

**1. Applicant's Name:** [REDACTED]**a. Application Date:** 15 January 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 the period under review is General (Under Honorable Conditions). The applicant requests an upgrade to Honorable and a narrative reason change.

**b.** The applicant seeks relief contending, their mental health status effected their term of service and conduct. They developed depression, along with other mental health ailments from their time on active duty. They are in receipt of an 80% service-connected disability rating from Veterans Affairs (VA) for Post Traumatic Stress Disorder (PTSD) and Attention-Deficit/Hyperactivity Disorder (ADHD). The applicant believes they served Honorably, and their narrative reason should reflect a mental health discharge.

**c. Board Type and Decision:** In a records review conducted on 27 September 2024, and by a 3-2 vote, the Board determined the discharge is inequitable based on the circumstances surrounding the discharge (Major Depressive Disorder) which mitigates the applicant's Failure to Report (FTR), the period of Absent without Leave (AWOL), and the wrongful use of marijuana. The medically unmitigated misconduct (false official statement) to attend the funeral of their grandmother is covered by the narrative reason of Minor Infractions. Two board members voted not to upgrade the discharge based on the applicant's extensive medical conditions that were not disclosed prior to enlistment. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the RE Code was proper and equitable and voted not to change it.

*Please see Section 9 of this document for more detail regarding the Board's decision.  
(Board member names 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:** 28 April 2009**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 17 April 2009

**(2) Basis for Separation:** failure to report; false official statement; absent without leave; and wrongful use of marijuana.

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

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE****AR20210012359**

**(4) Legal Consultation Date:** Waived on 17 April 2009

**(5) Administrative Separation Board:** NA

**(6) Separation Decision Date / Characterization:** 20 April 2009 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 10 July 2007 / 4 years, 20 weeks

**b. Age at Enlistment / Education / GT Score:** 17 / High School Diploma / NIF

**c. Highest Grade Achieved / MOS / Total Service:** E-2 (PV2) / 92G10 Food Service Operations / 1 year, 9 months, 18 days

**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:**

**(1)** On 10 July 2007, the applicant enlisted in the Regular Army at the age of 17, with parental consent, for 4 years and 20 weeks as a PVT (E-1). At some point, the applicant promoted to PV2 (E-2).

**(2)** On 24 June 2008, they accepted nonjudicial punishment in violation of the following Articles, UCMJ. The punishment imposed a reduction to PVT (E-1); forfeiture of \$314.00 per month for one month, suspended to be automatically remitted if not vacated before 22 December 2008; extra duty for 14 days; and restriction for 14 days, suspended to be automatically remitted if not vacated before 22 December 2008. They did not appeal.

**(a)** Article 86: On or about 7 February, at or near Fort Drum, NY, without authority, failed to go at the time prescribed to their appointed place of duty.

**(b)** Article 92: On or between 15 – 23 April, were derelict in the performance of those duties in that the applicant willfully failed to remain in contact with their chain of command while on emergency leave, as it was their duty to do.

**(c)** Article 107: On or about 23 April, with intent to deceive, made a false official statement to CPT R\_, to wit: "[The applicant] request a pass to attend the funeral of [their] grandmother," or words to that affect.

**(3)** Three Personnel Actions document provide the following duty status changes:

<b>Date</b>	<b>Status Changed From</b>	<b>Status Changed To</b>
7 August 2008	Present for Duty (PDY)	Absent without Leave (AWOL)
8 September 2008	AWOL	Dropped From Rolls (DFR)
9 November 2008	AWOL	PDY

**(4)** On 3 and 4 December 2008, the applicant completed their medical assessment, history, and examination (MHE) for separation at Connor Troop Medical Clinic, Fort Drum, NY, and their assessment provides their overall health has worsen since their last physical; they were admitted to Samaritan Mental Health; and their current medications are Claritin, Depakote, Zyprexa, and Trazodone.

**(a)** Their medical history, block 29 lists the following explanations of “yes” answers:

- 10a/f: had bronchitis at age 17
- 11a/f: wear glasses, nearsighted
- 17a/e: had counseling in school and out prior to service and when they went to Samaritan Mental Health unit for Depression
- 17a/g: been evaluated and has ADHD and ODD
- 17a/h: no attempt circle wrong one
- 17a/i: they have used marijuana
- 21: patient at Samaritan Mental Health

**(b)** Their medical history, block 30a, provides the examiner’s notes:

- 10e: treated for bronchitis before military; no issues since joining Army
- 11f: wear glasses
- 17g: diagnosed with Adjustment Disorder; was inpatient for 3 weeks.
- 17i: smoked marijuana repeatedly while AWOL; tested positive on UA
- 21: hospitalized prior to military service for a condition for period of 2 months; separate ER visit prior to military service for cut foot

**(c)** Their medical examination qualified them for service and separation. The provider listed “none” for summary of diagnoses and recommendations.

**(5)** On 11 February 2009, The Army Substance Abuse Program (ASAP) Coordinator, informed the command of the applicant’s positive urinalysis for marijuana (collected 4 February) and provided the required actions IAW AR 600-85, such as notifying local CID, refer the Soldier to Behavioral Health for evaluation/assessment within five duty days; initiating their FLAG; and to comply with regulatory guidance AR 635-200. On 9 March 2009, they were flagged, Suspend Favorable Personnel Actions (FLAG), for field-initiated involuntary separation (BA).

**(6)** On 19 March 2009, at a Summary Court-Martial, the applicant was found guilty of two specifications of Article 86, in addition to, Article 112a, UCMJ. Their sentence was adjudged, imposing a forfeiture of \$933.00 pay for one month and confinement for 30 days. On 24 March 2009, the Record of Trial was forwarded to The Judge Advocate General of the Army for review by the Court of Military Review, who affirmed the approved findings of guilty and the sentence.

**(7)** On 17 April 2009, the company commander notified the applicant of their intent to initiate separation proceedings under the provisions of AR 635-200, Chapter 14-12c, Misconduct (Serious Offense), in addition to the above, for having been AWOL from 7 August – 9 November 2008 and 12 – 17 February 2009; and on 4 February 2009, they tested positive for marijuana. They recommended a General (Under Honorable Conditions) characterization of service. The applicant acknowledged receipt of their separation notice.

**(8)** The same day, they elected to waive counsel and declined to provide a statement on their behalf. Defense counsel counseled the applicant on the possible effects of their separation,

waiver, and rights available to them. On 20 April 2009, the separation approval authority approved the discharge, with a General (Under Honorable Conditions) characterization of service.

(9) On 23 April 2009, their separation orders were issued and later amended. A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged accordingly on 28 April 2009, with 2 year, 3 months, and 7 days of total service. They provided their electronic signature and have not completed their first full term of service.

i. **Lost Time / Mode of Return:** 3 months and 9 days or 99 days

(a) AWOL: 3 months, 3 days 7 August – 9 November 2008

(b) Confined by Military Authorities (CMA): 5 days, 12 – 17 February 2009

j. **Behavioral Health Condition(s):** The applicant reveals they have ADHD – PTSD; The MHE provides they were diagnosed with Adjustment Disorder and received inpatient care for three weeks.

(1) **Applicant provided:** The applicant provides they were awarded an 80% service-connected disability rating from the VA, however, supporting documentation has not been received.

(2) **AMHRR Listed:** On 16 April 2009, a mental status evaluation was conducted at U.S. Army Medical Department Activity (MEDDAC, Fort Drum, NY, provides the applicant was fit for duty with no behavioral health (BH) diagnosis. They were mentally responsible for their behavior, could distinguish right from wrong, and possessed sufficient mental capacity to participate in administrative proceedings. There was no psychiatric impairment which would require disposition through medical or administrative channels. The applicant was cleared for any administrative actions deemed appropriate by command.

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

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.

**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 waivable and nonwaivable separations. Table 3-1, defines reentry eligibility (RE) codes:

**(1)** RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

**(2)** RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable. Eligibility: Ineligible unless a waiver is granted.

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

**g.** 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

**h.** Army Regulation 600-85 (Army Substance Abuse Program (ASAP)) provided a comprehensive alcohol and drug abuse prevention and control policies, procedures, and responsibilities for Soldiers for ASAP services. The ASAP is a command program that emphasizes readiness and personal responsibility. The ultimate decision regarding separation or retention of abusers is the responsibility of the Soldier's chain of command. Abuse of alcohol or the use of illicit drugs by military personnel is inconsistent with Army values and the standards of performance, discipline, and readiness necessary to accomplish the Army's mission. All Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

**(1)** Unit commanders must intervene early and refer all Soldiers suspected or identified as alcohol and/or drug abusers to the ASAP. The unit commander should recommend enrollment based on the Soldier's potential for continued military service in terms of professional skills, behavior, and potential for advancement. ASAP participation is mandatory for all Soldiers who are command referred. Failure to attend a mandatory counseling session may constitute a violation of Article 86 (Absence Without Leave) of the UCMJ.

**(2)** Alcohol and/or other drug abusers, and in some cases dependent alcohol users, may be enrolled in the ASAP when such enrollment is clinically recommended. Soldiers who fail to participate adequately in, or to respond successfully to, rehabilitation will be processed for administrative separation and not be provided another opportunity for rehabilitation except under the most extraordinary circumstances, as determined by the Clinical Director in consultation with the unit commander.

**(3)** Alcohol and/or other drug abusers, and in some cases dependent alcohol users, may be enrolled in the ASAP when such enrollment is clinically recommended. Soldiers who fail

to participate adequately in, or to respond successfully to, rehabilitation will be processed for administrative separation and not be provided another opportunity for rehabilitation except under the most extraordinary circumstances, as determined by the Clinical Director in consultation with the unit commander.

(4) All Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

i. Manual for Courts-Martial (2008 Edition), United States, states military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military laws is to promote justice, to assist in maintaining good orders and discipline in the Armed Forces.

(1) Article 85 (desertion) states in subparagraph, the maximum punishment consists of dishonorable discharge, forfeiture of all pay and allowances, and confinement for two years.

(2) Article 86 (failure to report) states in subparagraph, the maximum punishment consists of forfeiture of two-thirds pay and allowances and confinement for one month.

(3) Article 107 (false official statement) states in subparagraph, the maximum punishment consists of dishonorable discharge, forfeiture of all pay and allowances, and confinement for five years.

(4) Article 112a (wrongful use of marijuana) states in subparagraph, the maximum punishment consists of forfeiture of all pay and allowances and confinement for two years.

j. 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 and a narrative reason change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The available evidence provides the applicant enlisted in the RA, promoted to PV2, and served for over a year and a half, prior to having been flagged for involuntary separation. They received nonjudicial punishment for failing to report; derelict in performance of duties; and for making a false official statement. As a result, they were reduced to PVT. Their charges were referred to Summary Court-Martial, for having been AWOL for over three months on two



occasions and for having tested positive for marijuana. The applicant was found guilty, and their sentence imposed a forfeiture of \$933 and confinement for 30 days.

(1) Their MSE qualified them for separation; however, during their MHE, the provider notes the applicant was diagnosed with Adjustment Disorder and was hospitalized two months prior to joining the military and completed three weeks inpatient, while in service.

(2) The applicant served 1 year and 20 days of their 4 year 20-week 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: Major Depressive Disorder (MDD) (70% Service Connected). Note: Applicant's childhood-onset behavioral health (BH) conditions (Attention Deficit Hyperactivity Disorder (ADHD), Oppositional Defiant Disorder (ODD), Impulse Control Disorder (DO), Post Traumatic Stress Disorder (PTSD) existed prior to service and do not fall under the purview of liberal consideration. Given the significant overlap of symptoms between Acute Stress Reaction and Adjustment Disorder, the diagnosis of Acute Stress Reaction is subsumed under diagnosis of Adjustment DO. Given the symptom overlap between Adjustment DO, Bipolar Disorder and MDD, the diagnoses of Adjustment DO and Bipolar Disorder are subsumed under the diagnosis of MDD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found VA service connection for MDD establishes a nexus with active military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor determined that the Major Depressive Disorder mitigates most of the applicant's misconduct (FTRs, period of AWOL, and wrongful use of Marijuana). The diagnosis does not mitigate false official statement however the Board determined the false official statement was a relatively minor offense compared to the medical mitigation and is covered by the narrative reason of minor infractions, SPD code JKN.

**(4)** Does the condition or experience outweigh the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that the applicant's MDD mitigates the applicant's misconduct of FTRs, period of AWOL, and wrongful use of Marijuana. However, the applicant's misconduct of false official statement is not medically mitigated.

**b.** Response to Contention(s): The applicant seeks relief contending, their mental health status affected their term of service and conduct. They developed depression, along with other mental health ailments from their time on active duty. They are receiving an 80% service-connected disability rating from Veterans Affairs (VA) for their mental health. The applicant believes they served Honorably and their narrative reason should reflect a mental health discharge. The Board considered this contention and voted to upgrade the discharge to Honorable.

**c.** The Board determined the discharge is inequitable based on the circumstances surrounding the discharge (Major Depressive Disorder) which mitigates the applicant's Failure to Report (FTR), the period of Absent without Leave (AWOL), and the wrongful use of marijuana. The medically unmitigated misconduct (false official statement) to attend the funeral of their grandmother is covered by the narrative reason of Minor Infractions. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the RE Code was proper and equitable and voted not to change it.

**d.** Rationale for Decision:

**(1)** The Board voted to change the applicant's characterization of service to Honorable because the applicant's Major Depressive Disorder mitigated the applicant's misconduct of FTR, Absent without Leave (AWOL), and wrongful use of marijuana. The medically unmitigated misconduct (false official statement) is adequately covered by the narrative reason. Thus, the prior characterization is no longer appropriate.

**(2)** The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same rationale, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

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

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**

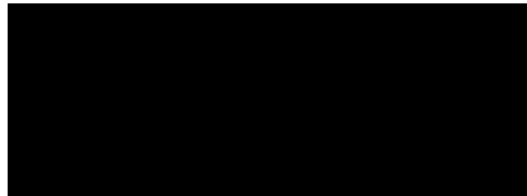
**AR20210012359**

**10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214: Yes**
- b. Change Characterization to: Honorable**
- c. Change Reason / SPD Code to: Misconduct (Minor Infractions)/JKN**
- d. Change RE Code to: No Change**
- e. Change Authority to: AR 635-200**

**Authenticating Official:**

10/6/2024



**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