

1. Applicant's Name: [REDACTED]**a. Application Date:** 21 April 2021**b. Date Received:** 21 April 2021**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:****a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is under other than honorable conditions. The applicant requests an upgrade of their U.S. Army Reserve (USAR) characterization of service to general (under honorable conditions).

(2) The applicant seeks relief stating a change is required because they have a disability that has caused them heartache and pain. After receiving a characterization of under other than honorable conditions it has made it hard to provide for their children. They have struggled mentally and continue to struggle. They have provided evidence that can pin their disability existed during the time of the event and show how it affected their performance. Their counseling forms show a pattern and all the documents will introduce themselves, but also provide insight of their character and their behavior. Their letters of recommendation will show they were a good Soldier.

b. Board Type and Decision: In a records review conducted on 19 July 2024, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's length of service and post-service accomplishments. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General.

3. DISCHARGE DETAILS:

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

b. Date of Discharge: 19 July 2019

c. Separation Facts: The applicant's Army Military Human Resource Record (AMHRR) is void of their case files for approved separation; however, the applicant provided the several separation documents. The information in 3c(1) through (6) were derived from those documents.

(1) **Date of Notification of Intent to Separate:** DA Form 4856 (Developmental Counseling Form), reflects a date of 8 August 2017.

(2) **Basis for Separation:** Unsatisfactory Participation

(3) **Recommended Characterization:** NIF

(4) **Legal Consultation Date:** NIF

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

(6) Separation Decision Date / Characterization: 10 June 2018, Under Other Than Honorable Conditions.

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 13 January 2015 / 8 years (USAR)

b. Age at Enlistment / Education / GT Score: 17 / NIF / NIF

c. Highest Grade Achieved / MOS / Total Service: E-4 / 12T10, Technical Engineer / 5 years, 4 months, 23 days (USAR)

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, ASR

g. Performance Ratings: None

h. Disciplinary Action(s) / Evidentiary Record: The applicant's AMHRR does not reflect documents after 14 June 2015; however, the applicant provided limited documents as described below.

(1) A DA Form 4856 (Developmental Counseling Form) dated 30 October 2016 reflects the Purpose of Counseling was to counsel the applicant for failure to report to their monthly scheduled Battle Assemble 28-30 October 2016. The counselor checked "left message on Soldier's/Family answering machine, "emails sent to Soldier for alert notification (reminder of Battle Assembly)," and "spoke to Soldier Personally." Key Points of Discussion reflects the applicant as an Unsatisfactory Participant in the Battle Assembly – NO SHOW. (Note: only page 1 is in evidence for review.)

(2) A DA Form 4856 (Developmental Counseling Form) dated 21 May 2017 reflects the Purpose of Counseling was to counsel the applicant for failure to report to their monthly scheduled Battle Assemble 20-21 May 2017. The counselor checked "left message on Soldier's/Family answering machine, "emails sent to Soldier for alert notification (reminder of Battle Assembly)," and "spoke to Soldier Personally." Key Points of Discussion reflects the applicant as an Unsatisfactory Participant in the Battle Assembly – NO SHOW. (Note: only page 1 is in evidence for review.)

(3) A memorandum, 373rd Quartermaster Battalion, Headquarters and Headquarters Detachment Petroleum, subject: Letter of Instructions - - Unexcused Absence, dated 22 May 2017, reflects the applicant was notified of their absence from scheduled unit training assembly 20-21 May 2017. Additionally, the applicant was notified they have accrued eight unexcused absences within a 1-year period. (Note: only page 1 is in evidence for review.)

(4) A DA Form 4856 (Developmental Counseling Form) dated 8 August 2017 notified the applicant the Purpose of Counseling is for their failure to attend Battle Assembly, 4-6 August 2017 and of their discharge from the USAR for Unsatisfactory Participation. The Key Points of Discussion states the applicant failed to attend the scheduled training assembly without having an approved Request for Rescheduled Training for August 2017 Battle Assembly. They were attempted to be contacted by their first line leadership with no response for the duration of the event. Failure to communicate with their leadership is not only poor communication on their part

but can be considered a violation of these Army Values – Honor, Personal Courage, Duty, Respect, and Loyalty. As of 8 August 2017 they have accumulated 20 unexcused absences. Due to their unexcused absences separation from the USAR is being initiated.

(5) A memorandum, 373rd Quartermaster Battalion, Headquarters and Headquarters Detachment Petroleum, subject: Letter of Instructions - - Unexcused Absence, dated 8 August 2017, reflects the applicant was notified of their absence from scheduled unit training assembly 5-6 August 2017. Additionally, the applicant was notified they have accrued 20 unexcused absences within a 1-year period. (Note: only page 1 is in evidence for review.)

(6) On 31 August 2017 the applicant received their Bachelor of Science degree with a major in Criminal Justice.

(7) A memorandum, 373rd Quartermaster Battalion, Headquarters and Headquarters Detachment Petroleum, subject: Letter of Instructions - - Unexcused Absence, dated 10 January 2018, reflects the applicant was notified of their absence from scheduled unit training assembly 6-7 January 2018. Additionally, the applicant was notified they have accrued 32 unexcused absences within a 1-year period. (Note: only page 1 is in evidence for review.)

(8) A memorandum, 373rd Quartermaster Battalion, Headquarters and Headquarters Detachment Petroleum, subject: Letter of Instructions - - Unexcused Absence, dated 5 February 2018, reflects the applicant was notified of their absence from scheduled unit training assembly 3-4 February 2018. Additionally, the applicant was notified they have accrued 36 unexcused absences within a 1-year period. (Note: only page 1 is in evidence for review.)

(9) A memorandum, Headquarters, 310th Sustainment Command (Expeditionary), subject: Proposed Involuntary Administrative Separation under Army Regulation 135-178, Chapter 12, Unsatisfactory Participation, [Applicant], dated 10 June 2018, reflects the separation authority carefully reviewed the separation packet, including all supporting documents, set forth against the applicant and found sufficient evidence to verify the allegations of unsatisfactory participation set forth against the applicant. The separation authority directed the applicant's separation with an Under Other Than Honorable Conditions discharge and their reduction to the rank/grade from private first class/E-3 to private E-1.

(10) The Headquarters, 88th Readiness Division (USAR) Orders 18-193-00007, dated 12 July 2018, reduced the applicant in rank/grade from private first class/E-3 to private/E-1 effective 10 June 2018, and discharged the applicant from the USAR with an effective date of 19 July 2018, with the type of discharge as Under Other Than Honorable Conditions.

(11) The applicant's DA Form 5016 (Chronological Statement of Retirement Points) dated 5 June 2024, in their Soldier Management Services – Web Portal contains reflects –

- from 28 February 2017 – 27 February 2018, the applicant has 0 Inactive Duty Points (equivalent to 0 days of Battle Assemblies)
- from 28 February 2018 – 19 July 2019, the applicant has 0 Inactive Duty Points (equivalent to 0 days of Battle Assemblies)

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

j. **Behavioral Health Condition(s):**

(1) **Applicant provided:** Mountain Comprehensive Center letter dated 25 March 2021, reflects the applicant's diagnosis as Attention Deficit Hyperactivity Disorder.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), letter
- DD Form 214
- Conversation Record
- three DA Forms 4856
- four Memorandums, Letter of Instruction – Unexcused Absence
- College Certificate – Bachelor of Science
- Separation Authority Memorandum
- Headquarters, 88th Readiness Division (USAR) Orders 18-193-00007
- three 3rd Party Letter of Recommendation
- Mountain Comprehensive Care Center Letter
- Google Map
- References for Chapter 13 Unsatisfactory Participation and Chapter 12 Separation for Misconduct

- **POST SERVICE ACCOMPLISHMENTS:** College Certificate – Bachelor of Science

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

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

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

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans

Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

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

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

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

(1) An honorable characterization is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate. When a Soldier is discharged before expiration of the service obligation for a reason for which an honorable characterization is discretionary, the following considerations apply, to include –

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

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

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

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

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

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

f. Army Regulation 600-8-19 (Enlisted Promotions and Reduction) dated 25 May 2017 prescribed the enlisted promotions and reductions function of the military personnel system. Paragraph 10-15 (Approved for Discharge from the Service Under Other Than Honorable Conditions) stated when the separation authority determines that a Soldier is to be discharged from the Service under other than honorable conditions, the Soldier will be reduced to the lowest enlisted grade. Further board action is not required for this reduction.

g. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) prescribes policies and standards to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. It prescribes the policies, procedures, authority for separation of Soldiers, and the general provisions governing the separation of Soldiers before Expiration Term of Service or fulfillment of active duty obligation to meet the needs of the Army and its Soldiers. Chapter 15 (Secretarial Plenary Authority) provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

7. SUMMARY OF FACT(S):

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

b. A review of the available evidence provides an administrative irregularity in the proper retention of records, specifically the AMHRR is void of the case files for approved separation from the USAR. Notwithstanding the absence of records, their discharge order from the USAR provides the applicant was discharged with a character of service of under other than honorable conditions under the provisions of Army Regulation 135-178. They completed 5 years, 4 months, and 23 days of their 8-year contractual USAR obligation and did not complete their first full term of service.

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.

d. The applicant's AMHRR does not reflect documentation of a mental health diagnosis, nor did the applicant provide evidence of a mental health diagnosis of during their military service.

8. 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, a voting member, 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. The applicant's ADHD is not a potentially mitigating condition.

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

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

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

b. Response to Contention(s):

(1) The applicant contends a change is required because they have a disability that has caused them heartache and pain. The Board liberally considered this contention but determined that the applicant's ADHD is not a mitigating condition.

(2) The applicant contends after receiving a characterization of under other than honorable conditions it has made it hard to provide for their children. They have struggled mentally and continue to struggle. The Board considered this contention but determined that the applicant's circumstance does not outweigh the applicant's unsatisfactory participation.

(3) The applicant contends they have provided evidence that can pin their disability existed during the time of the event and show how it affected their performance. The Board liberally considered this contention but determined that the applicant's ADHD is not a mitigating condition.

(4) The applicant contends their letters of recommendation will show they were a good Soldier. The Board considered this contention and found that the applicant's length of service and post-service accomplishments merit a change to General characterization of service.

c. The Board determined that the characterization of service was inequitable based on the applicant's length of service and post-service accomplishments. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General.

d. Rationale for Decision: The Board voted to change the applicant's characterization of service to General based on the applicant's length of service and post-service accomplishments. The applicant's General discharge is proper and equitable as the applicant's

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210010865

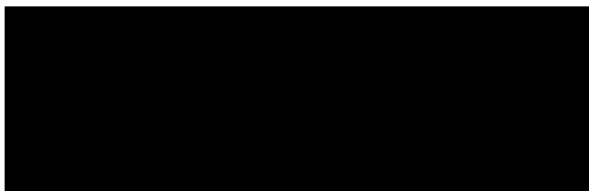
misconduct fell below that level of meritorious service warranted for an upgrade to Honorable discharge

9. BOARD ACTION DIRECTED:

- a. Issue a New Separation Order: Yes
- b. Change Characterization to: General
- c. Change Authority to: AR 135-178

Authenticating Official:

7/2/2025



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