

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 16 March 2021
- b. **Date Received:** 23 March 2021
- c. **Representative:** 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 General (Under Honorable Conditions). The applicant requests an upgrade to Honorable.

(2) The applicant seeks relief contending their discharge was based off racial profiling and they were diagnosed with Post Traumatic Stress Disorder (PTSD) before they were discharged from the U.S. Army. However, the documents reflecting their PTSD diagnosis supposedly disappeared.

b. Board Type and Decision: On June 27, 2025, following a records review and a unanimous 5-0 vote, the Board concluded that the applicant's discharge characterization was inequitable. The decision was based on several in-service mitigating factors, including length of service, combat experience, and overall service quality, as well as documented diagnoses of PTSD and Major Depressive Disorder (MDD), which were found to mitigate the underlying reasons for separation: drug abuse and a period of AWOL. As a result, the Board granted relief by upgrading the characterization of service to Honorable. The separation authority was revised to AR 635-200, paragraph 14-12a, and the narrative reason was updated to Misconduct (Minor Infractions). The separation code was changed to JKN, while the RE code remained unchanged, aligning with current regulatory standards.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct, (Drug Abuse) / Army Regulation 635-200, Paragraph 14-12C (2) / JKK / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 20 September 2012

c. Separation Facts: The applicant's case separation file in their Army Military Human Resource Record (AMHRR) only contains their discharge order.

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 23 March 2010 / 3 years, 19 weeks

b. Age at Enlistment / Education / GT Score: 19 / HS Diploma / 98

c. Highest Grade Achieved / MOS / Total Service: E-3 / 88M10, Motor Transport Operator / 2 years, 2 months, 25 days

d. Prior Service / Characterizations: NA

e. **Overseas Service / Combat Service:** SWA / Iraq (12 September 2010 – 1 September 2011)

f. **Awards and Decorations:** ARCOM, NDSM, ICM-CS, ASR, OSR

g. **Performance Ratings:** NA

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

(1) A DA Form 4187 (Personal Action) dated 23 April 2012 reflects that applicant's unit changed their status from Present for Duty to Absence Without Leave (AWOL), effective 20 April 2012.

(2) A memorandum, Echo Forward Support Company, 2nd Battalion, 7th Cavalry Regiment, 4th Brigade Combat Team, 1st Cavalry Division, subject: [Applicant], dated 24 April 2012, the applicant's commander states the applicant returned from being AWOL on 27 March 2012. On 17 April 2012, the applicant was informed and received nonjudicial punishment under the provision of Article 15, Uniform Code of Military Justice (UCMJ), due to their misconduct. The applicant absented themselves again without authority on 20 April 2012.

(3) A DD Form 458 (Charge Sheet) dated 24 April 2012 reflects charges were preferred against the applicant for, Charge I – violation of Article 85 (Deserter), UCMJ, in that, on or about 21 April 2012 without authority, and intent to stay there from permanently, absent themselves from their unit and is absent. Charge II – violation of Article 86 (Absence Without Leave), UCMJ, in that, on or about 20 April 2012, without authority, and intent to stay there from permanently, absent themselves from their unit, and is absent still.

(4) A DA Form 4187 (Personal Action) dated 8 May 2012 reflects that applicant's unit changed their status from AWOL to Dropped From Rolls effective 21 April 2012.

(5) A DA Form 616 (Report of Return of Absentee) dated 25 June 2012 reflects the applicant surrendered to military authorities at 2220 hours on 25 June 2012.

(6) An Enlisted Record Brief dated 15 August 2012 reflects the applicant's suspension of favorable personnel actions for Adverse Action on 3 January 2012 and for Involuntary Separation on 22 August 2012.

(7) A Headquarters, III Corps and Fort Hood Orders 264-0128 dated 20 September 2012 reflects the applicant was reassigned to the U.S. Army transition point for transition processing with a date of discharge shown as 20 September 2012.

(8) On 20 September 2012, the applicant was discharged from the Regular Army. Their DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects they completed 2 years, 2 months, and 25 days of net active service this period. They did not complete their first full term of service. The DD Form 214 shows in:

- item 21a (Member Signature) – NOT AVAILABLE TO SIGN
- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 26 (Separation Code) – JKK
- item 27 (Reentry Code) - 4
- item 28 (Narrative Reason for Separation) – Misconduct, (Serious Offense)
- item 29 (Dates of Time Lost During This Period) – 20120213 – 20120305; 20120323 – 20120326; and 20120420 - 20120625

i. Lost Time / Mode of Return:

- 21 days (NIF, 13 February 2012 – 5 March 2012) / NIF
- 3 days (NIF, 23 March 2012 – 26 March 2012) / NIF
- 66 days (AWOL, 20 April 2012 – 25 June 2025) / Surrendered to Military Authorities

j. Behavioral Health Condition(s):

(1) Applicant provided: On 17 September 2021 the Army Review Boards Agency requested the applicant provide their medical documents to support their mental health issue (PTSD), as of this date there has been no response.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: none submitted with application.

6. POST SERVICE ACCOMPLISHMENTS: none submitted with application.

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

a. Title 10, U.S. Code, Section 1553, (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, Title 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 and DoD Directive 1332.41 and DoD Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), dated 6 September 2011, 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) A Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

(4) Chapter 14 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. Paragraph 14-12c (2) (Abuse of Illegal Drugs is Serious Misconduct), stated, however; relevant facts may mitigate the nature of the offense. Therefore, a single drug abuse offense may be combined with one or more minor disciplinary infractions or incidents of other misconduct and processed for separation. 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.

(5) Chapter 15 (Secretarial Plenary Authority), currently in effect, 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 "JKK" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c (2), misconduct (drug abuse).

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 DoD Instruction 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. Manual for Courts-Martial, United States (2012 Edition) stated, 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 law is to promote justice, to assist in maintaining good order and discipline in the Armed Forces. Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows the maximum punishments include punitive discharge for violating Article 85 (Deserter) and Article 86 (AWOL).

8. SUMMARY OF FACT(S):

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

b. A review of the available evidence provides an administrative irregularity in the proper retention of records, specifically the AMHRR case files for approved separation only contains the applicant's discharge order. The available evidence reflects the applicant received suspension of favorable personnel actions for Adverse Action, had periods of unauthorized periods of being absent from their unit, and was involuntarily separated from the U.S. Army. The DD Form 214 provides the applicant was discharged with a character of service of General (Under Honorable Conditions) for misconduct (drug abuse). They completed 2 years, 2 months, and 25 days of net active service this period and did not complete their first full term of service of their 3 year, 19-week enlistment service 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. The applicant's AMHRR does not reflect documentation of a diagnosis of PTSD or of racial profiling nor did the applicant provide such evidence, during their military service.

e. Published DoD 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, MDD. [Note-diagnosis of Adjustment DO is subsumed under diagnosis of MDD.].

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found PTSD was diagnosed during military service. VA medical records indicate MDD was associated with service and PTSD is 100%SC.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Unknown.** The Board's Medical Advisor applied liberal consideration and opined that, based on the current lack of a basis for separation, the advisor cannot make a decision regarding medical mitigation. However, if the basis was determined to be use of illicit drugs and AWOL, these would be mitigated by his diagnoses of PTSD and MDD given that both of these conditions are associated with self-medication with illicit drugs and avoidant behaviors.

(4) Does the condition or experience outweigh the discharge? **Yes.** The board voted that the condition outweighs the discharge. The Board determined the discharge is inequitable based on the applicant's in-service mitigating factors (length, combat, quality), PTSD and MDD outweighing the basis for separation – drug abuse and a period of AWOL.

b. Prior Decisions Cited: None**c. Response to Contention(s):**

(1) The applicant contends their discharge was based off racial profiling. The Board considered this contention but determined there is insufficient evidence in the file and the applicant did not provide any supporting documents to support this contention that the applicant was discharge was based off racial profiling. However, the Board voted to grant an upgrade based on the applicant's in-service mitigating factors (length, combat, quality), PTSD and MDD outweighing the applicant's drug abuse and a period of AWOL the basis for separation.

(2) The applicant contends they were diagnosed with PTSD before they were discharged from the U.S. Army. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted outlined above in paragraph 9b (1).

(3) The applicant contends the documents reflecting their PTSD diagnosis supposedly disappeared. The Board considered this contention and the applicant's assertion that their the documents reflecting their PTSD diagnosis supposedly disappeared. However, research of the applicant file found no evidence of the command acting in an arbitrary or capricious manner other than the applicant's statement and, the applicant did not provide supporting documentation to overcome the presumption of regularity in the discharge process.

d. The Board determined the discharge is inequitable based on the applicant's in-service mitigating factors (length, combat, quality), PTSD and MDD outweighing the basis for separation – drug abuse and a period of AWOL. Thus, relief is warranted.

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's PTSD and MDD outweighed the basis for separation – drug abuse and a period of AWOL. 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 pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

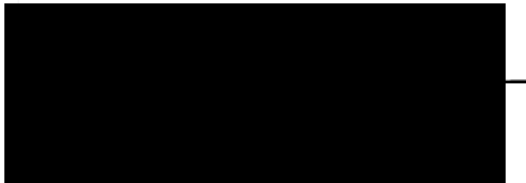
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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, paragraph 14-12a

Authenticating Official:

9/19/2025



Legend:

AWOL – Absent Without Leave
AMHRR – Army Military Human
Resource Record
BCD – Bad Conduct Discharge
BH – Behavioral Health
CG – Company Grade Article 15
CID – Criminal Investigation
Division
ELS – Entry Level Status
FG – Field Grade Article 15

GD – General Discharge
HS – High School
HD – Honorable Discharge
IADT – Initial Active Duty Training
MP – Military Police
MST – Military Sexual Trauma
N/A – Not applicable
NCO – Noncommissioned Officer
NIF – Not in File
NOS – Not Otherwise Specified

OAD – Ordered to Active Duty
OBH (I) – Other Behavioral
Health (Issues)
OMPF – Official Military
Personnel File
PTSD – Post-Traumatic Stress
Disorder
RE – Re-entry
SCM – Summary Court Martial
SPCM – Special Court Martial

SPD – Separation Program
Designator
TBI – Traumatic Brain Injury
UNC – Uncharacterized
Discharge
UOTHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs