

1. Applicant's Name:

- a. **Application Date:** 1 June 2021
- b. **Date Received:** 1 June 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 uncharacterized. The applicant requests an upgrade to honorable and a narrative reason change.

The applicant seeks relief contending, in effect, the applicant was initially recommended for discharge under Chapter 5-11 due to the adverse effect initial entry training had on the applicant's mental health. During the discharge process, it was discovered the applicant was diagnosed with attention deficit hyperactivity disorder (ADHD) prior to enlistment. The applicant was diagnosed with ADHD as a child, but the applicant forgot about it and was ignorant to it at the time of enlistment. The applicant explained this to health professionals, and it was determined the Chapter 5-11 was appropriate. An upgrade of the discharge would have significant benefit on the applicant's civilian life as the applicant seek employment with the federal government.

b. Board Type and Decision: In a records review conducted on 19 March 2025, and by a 5-0 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.

DISCHARGE DETAILS:

c. Reason / Authority / Codes / Characterization: Fraudulent Entry / AR 635-200, Chapter 7 / JDA / RE-3 / Uncharacterized

d. Date of Discharge: 6 June 2020

e. Separation Facts:

(1) Date of Notification of Intent to Separate: 16 May 2020

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant knowingly failed to disclose a history of attention deficit disorder and seeing a therapist for therapy and medication management at the Military Entrance Processing Station (MEPS).

(3) Recommended Characterization: Uncharacterized

(4) Legal Consultation Date: On 20 May 2020, the applicant waived the opportunity to consult with counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 1 June 2020 / Uncharacterized

3. SERVICE DETAILS:

- a. **Date / Period of Enlistment:** 18 March 2020 / 3 years, 29 weeks
- b. **Age at Enlistment / Education / GT Score:** 23 / Associate's Degree / 116
- c. **Highest Grade Achieved / MOS / Total Service:** E-3 / None / 2 months, 19 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** None
- f. **Awards and Decorations:** None
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:**

(1) DD Form 2807-2 (Accessions Medical History Report), 30 January 2020, reflects the applicant denied being evaluated or treated for Attention Deficit Disorder (ADD) or Attention Deficit Hyperactivity Disorder (ADHD) and seeing a psychiatrist, psychologist, social worker, counselor, or other professional for an reason (inpatient or outpatient) including counseling or treatment for school, adjustment, family, marriage, divorce, depression, anxiety, or treatment of alcohol, drug or substance abuse.

(2) An Entrance Physical Standards Board (EPSBD) Proceeding, 28 April 2020, found after careful considerations of medical records, laboratory, findings, and medical examinations, the board found the applicant had a history of ADHD and saw a psychiatrist for therapy and medication management for over a year in high school. The applicant also had an IEP which would allow the applicant to have extra time on tests and some other accommodation to assist with the lack of focus, inattention and trouble concentrating. Forward site provider obtained permission to contact the applicant's mother, who confirmed the applicant's history and also reported the applicant was in speech and occupational therapy in elementary school as well. The applicant was diagnosed with adjustment disorder with Mixed Anxiety and Depressed Mood, ADHD, predominately inattentive type (by history, per patient report). It was determined the condition existed prior to service and if the mental health problem had been detected at the time of enlistment, it would have prevented enlistment in the military. It was recommended the applicant be expeditiously separated from active duty in accordance with Army Regulation 635-200, Chapter 5-11 The applicant concurred with the proceedings and requested to be discharged from the Army without delay. The unit commander recommended the applicant be retained and the discharge authority directed the applicant be retained on active duty for processing under Chapter 7-17.

- i. **Lost Time / Mode of Return:** None
- j. **Behavioral Health Condition(s):**

(1) **Applicant provided:** None

(2) **AMHRR Listed:** See EPSBD as described in item 4h(2).

4. APPLICANT-PROVIDED EVIDENCE: On-Line Application, Memorandum, subject: Identification of Entrance ...29 April 2020, Physical Profile Record

5. POST SERVICE ACCOMPLISHMENTS: None submitted with the application.

6. 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 provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(2) Paragraph 3-7a states 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.

(3) Paragraph 3-7b states 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.

(4) Paragraph 3-9 states a separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status. Unless the DCS, G-1, on a case-by-case basis, determines that characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty. This characterization is authorized when the Soldier is separated by reason of selected changes in service obligation, convenience of the Government, and Secretarial plenary authority. A Soldier is in an entry-level status (ELS) if the Soldier has not completed more than 180 days of creditable continuous active duty prior to the initiation of separation action.

(5) Paragraph 7-17 provides, in pertinent part, a fraudulent entry is the procurement of an enlistment, reenlistment, or period of active service through any deliberate material misrepresentation, omission, or concealment of information which, if known and considered by the Army at the time of enlistment or reenlistment, might have resulted in rejection. This includes all disqualifying information requiring a waiver. A Soldier who concealed his or her conviction by civil court of a felonious offense normally will not be considered for retention.

(6) Paragraph 7-23 stipulates a Soldier discharged under the provisions of this chapter will be furnished DD Form 256A or assigned a character of service of under other than honorable conditions. If in entry-level status, service will be described as uncharacterized, as appropriate. In addition to chapter 3, section II, the following factors will be considered in determining the character of service to be issued during the current period of service:

Evidence of pre-service misrepresentation that would have precluded, postponed, or otherwise affected the Soldier's enlistment eligibility.

Characterization will normally be under other than honorable conditions if the fraud involves concealment of a prior separation in which service was not characterized as honorable.

(7) The offense of fraudulent enlistment (10 USC 883; Art 83 UCMJ) occurs when the Soldier accepts pay or allowances following enlistment procured by willful and deliberate false representation or concealment of his/her qualifications. Therefore, upon receipt of pay and allowances, it becomes an in-service activity by the Soldier and may be considered in characterizing his/her period of service, even though he/she is not tried for the offense.

(8) 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 "JDA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 7-17, fraudulent entry.

7. SUMMARY OF FACT(S): The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

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.

The applicant requests a narrative reason change. The applicant requests the narrative reason be changed. The applicant was separated under the provisions of AR 635-200, Chapter 7-17 with an uncharacterized discharge. The narrative reason specified by Army Regulations for a discharge under this chapter is "Fraudulent Entry" and the separation code is "JDA." Army Regulation 635-5, Separation Documents governs the preparation of the DD Form 214 and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1, Separation Program Designator (SPD) Codes. The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

The applicant contends the applicant was initially recommended for discharge under 5-11 due to the adverse effect initial entry training had on the applicant's mental health. During the discharge process, it was discovered the applicant was diagnosed with ADHD prior to enlistment. The applicant was diagnosed with ADHD as a child, but the applicant forgot about it and was ignorant to it at the time of enlistment. The applicant explained this to health professionals, and it was determined the Chapter 5-11 was appropriate. The discharge was consistent with the procedural and substantive requirements of the regulation and was within the discretion of the separation authority, and the applicant was provided full administrative due process.

The applicant states an upgrade of the discharge would have significant benefit on the applicant's civilian life as the applicant seek employment with the federal government. The Board does not grant relief to gain employment or enhance employment opportunities.

An uncharacterized discharge is neither positive nor negative and it is not meant to be a negative reflection of a Soldier's military service. It merely means that the Soldier has not been in the Army long enough for his or her character of service to be rated as honorable or otherwise. The applicant was in an ELS at the time of the separation.

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**. This case does not fall under purview of liberal consideration as there is no misconduct .

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

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

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

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant contends the applicant was initially recommended for discharge under Chapter 5-11 due to the adverse effect initial entry training had on the applicant's mental health. During the discharge process, it was discovered the applicant was diagnosed with ADHD prior to enlistment. The applicant was diagnosed with ADHD as a child, but the applicant forgot about it and was ignorant to it at the time of enlistment. The applicant explained this to health professionals, and it was determined the Chapter 5-11 was appropriate.

The Board considered this contention but found the contention non- persuasive.

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 because, despite applying liberal consideration of all the evidence before the Board, the applicant's 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. The Board concurred with the Medical Advisor's opine that VA Medical records contain no clinical content, and based on available information, the applicant's Uncharacterized discharge was proper and equitable.

(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.

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

9. 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:

5/2/2025

X

Presiding Officer, COL, U.S. ARMY
Army Discharge Review Board