

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 30 April 2021
- b. **Date Received:** 3 May 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. The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, undiagnosed and misdiagnosed mental conditions which began while on active duty contributed to the discharge and the applicant was declared medically unfit to service in the military through the Department of Veteran Affairs (VA) medical board, but the administrative chapter took precedence.

b. **Board Type and Decision:** In a records review conducted on 15 January 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, and the circumstances surrounding the discharge (Bipolar DO). Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14- 12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

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

3. DISCHARGE DETAILS:

a. **Reason / Authority / Codes / Characterization:** In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / Under Other Than Honorable Conditions

b. **Date of Discharge:** 22 November 2016

c. Separation Facts:

(1) **Date DD Form 458 (Charge Sheet):** 4 August 2016, reflects the applicant did on or about 8 July 2016, the applicant disobeyed a lawful command and between on or about 21 May 2014 and on or about 21 April 2016, wrongfully appropriated money in the form of Basic Allowance for Housing, of a value of more than \$500.00, the property of the United States..

(2) **Legal Consultation Date:** On 6 October 2016, the applicant voluntarily requested discharge in lieu of trial by court-martial under AR 635-200, Chapter 10, for charges preferred against the applicant under the Uniform Code of Military Justice and admitted to being guilty of one or more of the charges.

(3) **Basis for Separation:** Pursuant to the applicant's request for discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial.

(4) **Recommended Characterization:** Under Other Than Honorable Conditions

(5) Separation Decision Date / Characterization: 17 October 2016 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

- a. Date / Period of Enlistment:** 1 September 2010 / 6 years
- b. Age at Enlistment / Education / GT Score:** 21 / HS Graduate / 111
- c. Highest Grade Achieved / MOS / Total Service:** E-4 / 25R10, VI / Equipment Operator-Maintainer / 6 years, 2 months, 22 days
- d. Prior Service / Characterizations:** None
- e. Overseas Service / Combat Service:** SWA / Qatar (6 June 2010 – 31 August 2010)
- f. Awards and Decorations:** JSAM-2, AAM, JMUA-3, AGCM-2, NDSM, GWOTEM-2, GWOTSM, ASR
- g. Performance Ratings:** NA
- h. Disciplinary Action(s) / Evidentiary Record:** See Charge Sheet as described in item 3c(1).
- i. Lost Time / Mode of Return:** None
- j. Behavioral Health Condition(s):**

(1) Applicant provided: DA Form 3947 (Medical Evaluation Board (MEB)), 12 September 2016, reflects the applicant did not meet retention standards due to Bipolar I Disorder, Moderate, with anxious distress and melancholic features, most recent episode depressed.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293, DD Form 214, DA Form 3947 (Medical Evaluation Board (MEB) Proceedings), medical documents (245 total pages)

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the 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 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 3-7c states 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.

(5) Chapter 10 provides, in pertinent part, that a member who has committed an offense or offenses for which the authorized punishment includes a punitive discharge may submit a request for a discharge for the good of the Service in lieu of trial by court-martial. The request may be submitted at any time after charges have been preferred and must include the individual's admission of guilt.

(6) Paragraph 10-8a stipulates a discharge under other than honorable conditions is normally appropriate for a Soldier who is discharged in lieu of trial by court-martial. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record during the current enlistment. (See chap 3, sec II).

(7) Paragraph 10b stipulates Soldiers who have completed entry-level status, characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be improper.

(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.

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

The applicant contends undiagnosed and misdiagnosed mental conditions which began while on active duty contributed to the discharge and the applicant was declared medically unfit to service in the military through VA medical board, but the administrative chapter took precedence. DA Form 3947 (Medical Evaluation Board (MEB)), 12 September 2016, reflects the applicant did not meet retention standards due to Bipolar I Disorder, Moderate, with anxious

distress and melancholic features, most recent episode depressed. On 6 October 2016, the applicant voluntarily requested discharge in lieu of trial by court-martial under AR 635-200, Chapter 10, for charges preferred against the applicant under the Uniform Code of Military Justice and admitted to being guilty of one or more of the charges.

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: Bipolar 1 Disorder (note-diagnosis of Mood Disorder due to known physiologic condition with manic features is subsumed under diagnosis of Bipolar DO as is his diagnosis of Adjustment DO); VA-TBI with no LOC; Anxiety DO unspecified.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found Bipolar DO, type 1 and Mood DO due to known physiologic condition with manic features was diagnosed while on active duty.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that the applicant has a BH condition (Other Specified Trauma and Stressor-Related Disorder) which mitigates some of his misconduct. While he was not diagnosed with this condition per se while on active duty, it is the writer's opinion that his report of three significant traumas, two of which were deployment related, combined with his history of increased anxiety, poor sleep, depressed mood, and heavy drinking after returning from deployment more likely than not indicates he was suffering from a trauma-related disorder at the time. As there is an association between trauma-related conditions and difficulty with authority figures, there is a nexus between this condition and his offense of disobeying a lawful command. This condition, however, does not mitigate BAH fraud as it does not affect one's ability to tell right from wrong and act in accordance with the right. [Note-the VA diagnosis of Anxiety DO, unspecified, and the diagnosis of Adjustment Disorder are subsumed under this trauma-related diagnosis.]

The applicant has also been diagnosed with mild TBI with no LOC by the VA based on his report of being in a MVA in 2013. He did not seek medical care after this accident and there is no documentation in AHLTA of this accident. Of note, he denied ever incurring a concussion in his March 2016 BH assessment. In any case, a mild TBI would not mitigate his long-term financial misconduct given that it is very unlikely such a mild TBI would have caused brain damage to the point of being unable to manage one's BAH.

Finally, the applicant has been diagnosed with Mood disorder due to known physiologic condition with manic features and Bipolar DO, unspecified. Record review indicates that the applicant presented in a manic state on 15 June 2016. Initially, it was noted that his thyroid function tests were elevated leading to a diagnosis of hyperthyroidism. As hyperthyroidism can occasionally manifest as a manic, psychotic condition, his physicians felt that his manic presentation was due to his elevated thyroid hormone. However, after being treated for this condition, he continued to be manic and required psychiatric hospitalization resulting in a diagnosis of Bipolar Disorder. In all likelihood, his hyperthyroidism triggered the unmasking of an underlying Bipolar Disorder. While manic states can lead to poor judgment and decision-making which could theoretically lead to financial fraud, it is the BH advisor's opinion that this is not the case here given that the applicant was diagnosed with mania on 15 June 2016. Prior to that time, he had been seen numerous times by BH with no reports of manic symptomatology.

His BAH fraud, however, is reported to have occurred between 21 May 2014 and 21 Apr 2016, dates which precede the onset of his manic condition (15 June 2016).

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opine, the Board determined that the applicant's condition or experience outweighed the listed basis for separation for the aforementioned reason(s).

b. Prior Decisions Cited: None

c. Response to Contention: The applicant contends undiagnosed and misdiagnosed mental conditions which began while on active duty contributed to the discharge and the applicant was declared medically unfit to service in the military through VA medical board, but the administrative chapter took precedence. The Board acknowledged this contention during proceedings.

d. The Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, and the circumstances surrounding the discharge (Bipolar DO). Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14- 12a, and the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it

e. Rationale for Decision:

(1) The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The Board found sufficient evidence of in-service mitigating factors (Length, Combat, Quality) and concurred with the conclusion of the medical advising official that the applicant has a BH condition (Other Specified Trauma and Stressor-Related Disorder) which mitigates some of his misconduct. While he was not diagnosed with this condition per se while on active duty, it is the writer's opinion that his report of three significant traumas, two of which were deployment related, combined with his history of increased anxiety, poor sleep, depressed mood, and heavy drinking after returning from deployment more likely than not indicates he was suffering from a trauma-related disorder at the time. As there is an association between trauma-related conditions and difficulty with authority figures, there is a nexus between this condition and his offense of disobeying a lawful command. This condition, however, does not mitigate BAH fraud as it does not affect one's ability to tell right from wrong and act in accordance with the right. However, the Board voted that the other misconduct is mitigated due to the quality of the applicant's service. Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was inequitable.

(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:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210012958

- 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:

9/18/2025



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