

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 7 June 2021
- b. **Date Received:** 7 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 General (Under Honorable Conditions). The applicant requests an upgrade to Honorable.

b. The applicant seeks relief contending, their reason for pattern of misconduct was medical, as they was notified of their being discharged following a two week stay in a mental rehabilitation facility. The applicant was diagnosed with severe Depression and mild Anxiety. They were not given a chance with another unit and the type of discharge severely limited their ability to fight the discharge. They would have much preferred a medical discharge but was not given the time to pursue that.

Board Type and Decision: In a records review conducted on 8 August 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Other Specified Depressive Disorder mitigating the applicant's failures to report. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to 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 voted to maintain the RE-code, as the mitigating conditions are also service-limiting. *Please see **Board Discussion and Determination** section for more detail regarding the Board's decision.*

(Board member names available upon request)

3. DISCHARGE DETAILS:

a. **Reason / Authority / Codes / Characterization:** Pattern of Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 19 August 2020

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 19 May 2020

(2) **Basis for Separation:** On divers occasions between 7 June 2019 – 2 March 2020, they failed to report to their appointed place of duty.

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

(4) **Legal Consultation Date:** 26 May 2020

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

(6) **Separation Decision Date / Characterization:** 1 July 2020

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 17 April 2017 / 6 years

b. Age at Enlistment / Education / GT Score: 20 / High School Diploma / 126

c. Highest Grade Achieved / MOS / Total Service: E-4 (SPC) / 15E10 Unmanned Aircraft Systems Repairer / 3 years, 4 months, 3 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Afghanistan, 22 June 2018 – 10 March 2019 (8 months, 19 days)

f. Awards and Decorations:

- Meritorious Unit Commendation
- National Defense Service Medal
- Global War on Terrorism Service Medal
- Afghanistan Campaign Medal w/Campaign Star
- Army Service Ribbon
- Overseas Service Ribbon
- Basic Aviation Badge

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: On 17 April 2017, the applicant enlisted in the Regular Army (RA) for 6 years as a private, PVT (E-1). The Enlisted Record Brief provides on 17 October 2017, they promoted to private second class, PV2 (E-2); on 17 April 2018, to private first class, PFC (E-3); and to specialist, SPC (E-4), on 17 April 2019. On 18 December 2019, they were flagged, Suspend Favorable Personnel Actions (FLAG), for adverse action (AA).

(1) On 26 August 2019, the applicant accepted nonjudicial punishment in violation of four specifications of Article 86, UCMJ, for failing to report to their appointed place of duty on four occasions (7 and 24 June 2019, 3 and 16 July 2019). They did not appeal and their punishment imposed a reduction to PFC, suspended, to be automatically remitted if not vacated on or before 22 February 2020; extra duty and restriction for 14 days; and an oral reprimand. On 3 September 2019, they were found guilty of failure to report which consequently, vacated their suspension and enforced the demotion to PFC. Additionally, they have received eight event-oriented counseling's for having failed to report on six occasions between November 2019 – 2 March 2020.

(2) On 27 March and 29 April 2020, they completed separation physicals at Blanchfield Army Community Hospital (BACH), KY, which identified their diagnoses as Depression, Anxiety, and sleep concerns, with a recommendation to continue treatment with BH, and determined the applicant to be medically qualified for service. The mental status evaluation referenced their medical records for diagnoses and recommended the applicant follow-up with Behavioral Health (BH) as previously scheduled and psychiatrically cleared them for separation.

(3) On 19 May 2020, the company commander notified the applicant of their intent to initiate separation proceedings under the provisions of AR 635-200, Chapter 14-12B, Pattern of Misconduct, for having failed to report to their appointed place of duty on divers occasions between 7 June 2019 – 2 March 2020. They recommended a General (Under Honorable Conditions) characterization of service, in which the battalion commander concurred with. The applicant acknowledged receipt of their separation notice, elected to consult with legal, and did not elect or decline submitting a statement on their behalf. Defense counsel advised them of their available rights and the possible effects of their separation.

(4) On 1 July 2020, the separation approval authority approved the discharge with a General (Under Honorable Conditions) characterization of service. On 5 August 2020, separation orders were issued and a DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged accordingly on 19 August 2020, with 3 years, 6 months, and 20 days of total service. They were unavailable for signature and has not completed their first full term of service.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s): Major Depressive Disorder, Severe; Alcohol Use Disorder, moderate

(1) Applicant provided: Treatment records provided by the applicant, indicated between 24 January – 5 February 2020, they were receiving inpatient rehabilitation treatment and was diagnosed with Major Depressive Disorder, single episode, severe and Alcohol Use Disorder, moderate.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: ACTS Online Application; Self-Authored Statement; Medical Records

6. POST SERVICE ACCOMPLISHMENTS: None provided 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) Chapter 1 states Army leaders at all levels must be continually aware of their obligation to provide purpose, direction, and motivation to Soldiers. It is essential that Soldiers who falter, but have the potential to serve honorably and well, be given every opportunity to succeed. Except as otherwise indicated, commanders must make maximum use of counseling and rehabilitation before determining that a Soldier has no potential for further useful service and ensure it occurs prior to initiating separation proceedings for reason to include Minor

Disciplinary Infractions (14-12a) or a Pattern of Misconduct (14-12b).

(2) Chapter 3 provides 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.

(a) 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.

(b) 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.

(3) 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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14-12B, Pattern of Misconduct.

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 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. Army Regulation 630-10 (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 charged 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. Manual for Courts-Martial (2019 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 law is to promote justice, to assist in maintaining good orders and discipline in the Armed Forces. Article 86 (failure to go to appointed place of duty) states in the subparagraph, the maximum punishment consists of forfeiture of two-thirds pay and allowances for one month, and confinement for one month.

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. 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 SPC, deployed to Afghanistan for nearly nine months (2018-2019), and served 2 years, 4 months, and 9 days prior to their misconduct. Less than six months, following their redeployment, they received NJP in violation of Article 86, UCMJ (failure to report to appointed place of duty) for four specifications of failing to report to duty. Additionally, they have received event-oriented counseling's for having failed to report on six occasions between November 2019 – 2 March 2020. Separation proceedings were initiated under the provisions of AR 635-200, Chapter 14-12B, Pattern of Misconduct, with a General (Under Honorable Conditions) characterization of service. The applicant elected to consult with legal and did not elect or decline the statement submission on their behalf. Defense counsel advised them of their available rights and the

possible effects of their separation. They served 3 years, 4 months, and 3 days of their 6-year contractual obligation.

c. They completed a separation physical which identified their diagnoses as Depression, Anxiety, and sleep concerns, with a recommendation to continue treatment with BH, and determined the applicant to be medically qualified for service. The mental status evaluation referenced their medical records for diagnoses and recommended the applicant follow-up with Behavioral Health (BH) as previously scheduled, and psychiatrically cleared them for separation. Treatment records provided by the applicant, indicated between 24 January – 5 February 2020, they were receiving inpatient rehabilitation treatment and was diagnosed with Major Depressive Disorder, single episode, severe and Alcohol Use Disorder, moderate.

d. 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.

e. 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: Other Specified Depressive Disorders (OSDD); Major Depressive DO.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found Other Specified Depressive Disorders was diagnosed during active service. MDD was diagnosed by the VA but is not service connected.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the applicant is not service connected. The VA has diagnosed Major Depressive DO, the applicant has not undergone a C&P exam, likely due to being unavailable due to being homeless with shifting addresses. A 28 Oct 2022 note documents that the applicant was living in the car. Based on the available information, it is the opinion of the BH Advisor that the applicant has a mitigating BH condition, Other Specified Depressive Disorder. As there is an association between this condition and avoidant behaviors, there is a nexus between this diagnosis and the offenses of multiple FTRs.

(4) Does the condition or experience outweigh the discharge? **Yes.** The Board concurred with the opinion of the Board's Medical Advisor, a voting member. As a result, the

ADRB applied liberal consideration and found that the applicant's OSDD outweighed the failures to report basis for separation for the aforementioned reason(s).

b. Response to Contention(s): The applicant seeks relief contending, their reason for pattern of misconduct was medical, as they was notified of their being discharged following a two week stay in a mental rehabilitation facility. The applicant was diagnosed with severe Depression and mild Anxiety. They were not given a chance with another unit and the type of discharge severely limited their ability to fight the discharge. They would have much preferred a medical discharge but was not given the time to pursue that. The Board considered this contention and voted to upgrade the characterization of service due to OSDD mitigating the applicant's failures to report.

c. The Board determined the discharge is inequitable based on the applicant's Other Specified Depressive Disorder mitigating the applicant's failures to report. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to 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 voted to maintain the RE-code, as the mitigating conditions are also service-limiting.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's OSDD mitigated the applicant's misconduct of failures to report. 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 Board voted to maintain the RE-code, as the mitigating conditions are also service-limiting.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

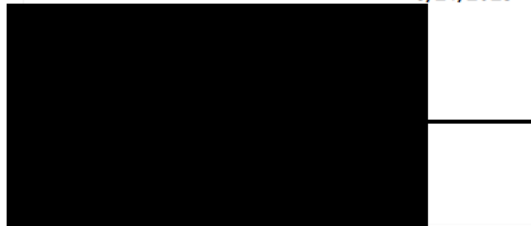
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10. BOARD ACTION DIRECTED:

- 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:

8/21/2025



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