

1. Applicant's Name:

- a. **Application Date:** 16 March 2021
- b. **Date Received:** 18 March 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 general honorable conditions. The applicant requests an upgrade to honorable.

(2) The applicant seeks relief stating, in effect, they received nonjudicial punishment under the provisions of Article 15, Uniform Code of Military Justice (UCMJ) and was discharged from the U.S. Army with a characterization of service as general (under honorable conditions).

b. Board Type and Decision: In a records review conducted on 15 March 2024, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Pattern of Misconduct / Army Regulation 635-200, Paragraph 14-12B / JKA / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 14 February 2021

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** On or after 30 November 2020, the applicant's acknowledgment of Receipt of Separation Notice

(2) Basis for Separation:

- on or about 26 February 2020, willfully disobeyed a noncommission officer (NCO)
- on or about 2 April 2020, disrespectful in language and deportment towards an NCO
- on or about 10 May 2020, disrespectful in deportment and willfully disobeyed an NCO
- on or about 10 May 2020 and 11 May 2020, failed to report to their place of duty

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

(4) Legal Consultation Date: 12 July 2020

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: Undated / General (Under Honorable Conditions)

4. SERVICE DETAILS:

- a. **Date / Period of Enlistment:** 8 January 2018 / 4 years
- b. **Age at Enlistment / Education / GT Score:** 31 / Bachelor's Degree / 95
- c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 92Y1O, Unit Supply Specialist / 2 years, 1 month, 7 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** None
- f. **Awards and Decorations:** AAM, NDSM, ASR
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:**

(1) Two DA Forms 4856 (Developmental Counseling Form), dated 3 April 2020, reflects the applicant received event-oriented inform them of recommendation that they receive nonjudicial punishment under the provisions of Article 15, Uniform Code of Military Justice (UCMJ) and of the suspension of favorable actions (Flag) for their misconduct. The Key Points of Discussion reflects, on 2 April 2020, the applicant was disrespectful in language to two NCOs. The applicant was also counseled on refusing to follow orders not to fraternize with an NCO. The applicant agreed with the information and signed the counseling form.

(2) A DA Form 2627-1 (Summarized Record of Proceedings under Article 15, UCMJ), dated 6 May 2020, reflects the applicant received nonjudicial punishment for, having received a lawful order from an NCO, to quit making pursuits that could result in an inappropriate relationship, did on or about 26 February 2020, willfully disobeyed, and, on or about 2 April 2020, disrespectful in language and department toward an NCO. The applicant's punishment consisted of extra duty for 14 days. The applicant elected not to appeal.

(3) Two DA Forms 4856, dated 10 May 2022 and 12 May 2020, reflects the applicant receive event oriented counseling from their platoon sergeant, for dereliction of duty, refusing a lawful order given by an NCO, and failure to report.

(a) The Key Points of Discussions states – [on 10 May 2020] the applicant failed to report for extra duty and failed to respond to attempts to contact them. The applicant was located by their platoon NCO, who asked them if they were ok, the applicant responded that they were not doing ok, they are scared for their life, because SGT M____ had a knife as well as SGT C____, and they were trying to hurt them. Once the applicant finished her statement they ran away screaming. The applicant was taken to the emergency room and was released to return to their barracks. The company first sergeant stated the applicant had to return to extra duty. The charge of quarters (CQ) NCO called the applicant's NCO and stated the applicant refused to continue their extra duty and was disrespectful toward them by raising their voice at them and stating they were scared of them. The applicant's NCO informed the applicant this is clearly a pattern of misconduct and derelict of duty as well as refusing a lawful order given by an NCO. They will be recommending them for further UCMJ action to the chain of command. The applicant also received counseling for failure to be at their appointed place of duty on 11 May 2020.

(b) The agreed with the information contained in the counseling and signed the form.

(4) A DA Form 2627 (Report of Proceedings under Article 15, UCMJ), dated 1 July 2020, reflects the applicant received nonjudicial punishment for, two occasions of failure to go at the time prescribed to their appointed place of duty; for, on or about 10 May 2020, having received a lawful order from an NCO, to continue to do their extra duty, willfully disobeyed the same; and on or about 10 May 2020, was disrespectful in deportment toward an NCO. Their punishment consisted of a reduction in rank/grade from specialist/E-4 to private first class/E-3, forfeiture of \$476.00 pay, extra duty and restriction for 14 days, and an oral reprimand. The applicant elected not to appeal.

(5) A DA Form 4856 dated 12 September 2020, the applicant received event-oriented counseling, from their company first sergeant, informing them of the initiation of separation actions to separate them from the military under the provisions of Army Regulation 635-200, Paragraph 14-12b, Patterns of Misconduct.

(6) A DD Form 2807-1 (Report of Medical History), dated 29 September 2020, reflects the applicant self-reported they had broken bones, their ribs and that they are currently in good health.

(7) A DD Form 2808 (Report of Medical Examination), dated 29 September 2020, reflects the examiner marked "Abnormal" for eyes, skin, lymphatics, and psychiatric.

- item 74 (Examinee) – reflects the applicant is medically qualified
- item 78 (Summary of Medical Diagnoses) – reflects unspecified personality disorder
- item 79 (Recommendations) – reflects follow up with behavior health, primary care manager and/or Department of Veterans Affairs

(8) A DA Form 3822 (Report of Mental Status Evaluation) dated 27 October 2020; reflects the applicant they show no evidence of an impairing behavioral health condition. They are cleared for advance military training.

(a) Section IV (Diagnoses) – reflects no behavioral health diagnosis and no other medical diagnoses.

(b) Section V (Follow-up Recommendations) – recommends follow-up with behavioral health.

(c) Section VI (Recommendations and Comments for Commander) states the applicant's behavioral health condition was not likely a mitigating factor in the alleged behavioral leading to administrative separation. The examiner stated the applicant was seen for a mental status evaluation. They were screened for Post-Traumatic Stress Disorder (PTSD), Depression, Traumatic Brain Injury (TBI), Substance Use Disorder, and Sexual Trauma. There is no evidence of mental defect, emotional illness, or psychiatric disorder of sufficient severity to warrant disposition through military medial channels. Applicant educated for behavioral health service with considering this provider (Korean) for the mental/emotional and transition support.

(9) A memorandum, Regional Headquarters and Headquarters Troop, Regimental Support Squadron, 11th Armored Cavalry Regiment, subject: Separation under Army Regulation 635-200, Paragraph 14-12b, A Pattern of Misconduct, [Applicant], undated, the

applicant's company commander notified the applicant of their intent to separate them under the provisions of Army Regulation 635-200, Chapter 14-12b, a pattern of misconduct, with a recommended characterization of service general (under honorable conditions) for adverse action described in previous paragraph 3c(2). On 30 November 2020, the applicant acknowledged the basis for the separation and of the rights available to them.

(10) On 1 December 2020, the applicant completed their election of rights signing they had been advised by counsel of the basis for their separation and its effects and of the rights available to them. They elected not to submit statements in their behalf. The applicant stated they have filed an unrestricted report of sexual assault within 24 months of initiation of the separation action and they do believe that this separation action is a direct or indirect result of the sexual assault itself or of the filing of the unrestricted report. They believe that they suffer from PTSD or TBI as a result of deployment overseas in support of a contingency operation during the previous 24 months.

(12) A memorandum, Regional Headquarters and Headquarters Troop, Regimental Support Squadron, 11th Armored Cavalry Regiment, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12b, A Pattern of Misconduct, [Applicant], the applicant's company commander submitted a request to separate them from the Army prior to their expiration of current term of service. The company commander states

- the applicant has a history of disruptive behavior not conducive to good order and discipline
- the applicant does not report suffering from either PTSD or TBI as a result of deployment overseas in support of a contingency operation within the last 24 months
- the applicant has not filed an unrestricted report of sexual assault within 24 months of initiation of this separation action
- the applicant does not possess the potential for useful service under conditions of full mobilization

(13) A memorandum, Regimental Support Squadron, 11th Armored Cavalry Regiment, subject: Separation under Army Regulation 635-200, Paragraph 14-12b, A Pattern of Misconduct, [Applicant], the applicant's squadron commander recommended the applicant be separate from the Army prior to their expiration of current term of service. The squadron commander states the applicant has not filed an unrestricted report of sexual assault within 24 months of initiation of this separation action.

(14) A memorandum, Headquarters, 11th Armored Cavalry Regiment, subject: Separation under Army Regulation 635-200, Paragraph 14-12b, A Pattern of Misconduct, [Applicant], the separation authority, having reviewed the separation packet directed that the applicant be discharged from the Army prior to the expiration of current term of service, and their service be characterized as Genera (Under Honorable Conditions). The separation authority states –

- the applicant does not report suffering from either PTSD or TBI as a result of deployment overseas in support of a contingency operation within the last 24 months
- the applicant has not filed an unrestricted report of sexual assault within 24 months of initiation of this separation action

(14) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 14 February 2021, with 2 years, 1 month, and 7 days of net active service this period. The DD Form 214 shows in –

- item 4a (Grade, Rate or Rank) – Private First Class
- item 4b (Pay Grade) – E-3
- item 12i (Effective Date of Pay Grade) – 27 May 2017
- item 18 (Remarks) – in part, Member has not completed first full term of service

(15) An Enlisted Record Brief, dated 19 May 2021, reflects the applicant was advanced to the rank/grade of specialist/E-4 on 8 January 2019, reduced to the rank/grade of private first class/E-3 on 1 July 2020. The Enlisted Record Brief reflects no overseas or deployment combat duty.

i. **Lost Time / Mode of Return:** None

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

(1) **Applicant provided:** DD Form 2808, reflecting a diagnosis of Unspecified Personality 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)
- excerpts of their Service Record
- DA Form 268 (Report to suspend Favorable Personnel Actions (Flag))
- DA Form 2627
- DA Form 2627-1
- DA Form 3822
- Six DA Forms 4856
- DD Form 214
- DD Form 2807-1
- DD Form 2808
- Enlisted Record Brief

6. **POST SERVICE ACCOMPLISHMENTS:** None submitted with the 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 15-6 (Procedures for Investigating Officers and Boards of Officers) establishes procedures for conducting preliminary inquiries, administrative investigations, and boards of officers when such procedures are not established by other regulations or directives. Paragraph 5-2 states IOs may use whatever method they deem most efficient and effective for acquiring information. Although witnesses may be called to present formal testimony, information may also be obtained by personal interview, correspondence, telephone inquiry, or other informal means.

d. 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 Instruction 1332.28.

e. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), dated 19 December 2016, 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 1 (General Provisions) sets policies, standards, and procedures to ensure readiness and competency of the force while providing for the orderly administrative separation of Soldiers, it provides in pertinent part:

(a) When a separation is ordered, the approved proceedings will be sent to the commander who has the Soldier's records for separation processing. The original copy of the proceedings will be filed in the permanent part of the Soldiers official personnel record.

(b) 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).

(5) 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 14-12b (Pattern of Misconduct), stated, a pattern of misconduct consisting of one of the following – discreditable involvement with civil or military authorities, or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the UCMJ, Army regulations, the civil law, and time-honored customs and traditions of the Army.

(6) Paragraph 14-3 (Characterization of Service or Description of Separation) prescribed 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.

(7) 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.

f. 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, paragraph 12b, (Pattern of Misconduct).

g. 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 Instructions 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 waivable and nonwaivable 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 waivable. Eligibility: Ineligible unless a waiver is granted.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaivable 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.

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 the applicant received event-oriented counseling and nonjudicial punishment for failure to obey orders and dereliction in the performance of duties by failing to properly secure a Simple Key Loader. A DD Form 214 provides the applicant was discharged with a character of service of general (under honorable conditions) for a pattern of misconduct. They completed 3 years, 10 months, and 28 days of net active service; however, they did not complete their first full term of service of their 4-year contractual 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 Army Military Human Resource Record provides documentation of a diagnosis of Adjustment Disorder during the applicant's military service; however, the severity of the applicant's symptoms did not disqualify the applicant for service, and they were cleared from a behavioral health perspective for administrative separation.

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: Anxiety DO, unspecified.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found Anxiety DO was diagnosed during military service; as per VA, the applicant is 70% SC.

(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 mitigating BH condition, Anxiety DO, which partially mitigates her misconduct. As there is a nexus between Anxiety DO and avoidant behaviors, there is a nexus between this condition and her offense of failing to report. Anxiety DO does not, however, affect one's ability to distinguish right from wrong and act in accordance with the right. As such, it does not mitigate her offenses of being disrespectful in language/compartment toward NCOs, and/or disobeying NCOs. Record review also reveals that the applicant was diagnosed with Other Personality DO. In the writer's opinion, much of her disrespectfulness and disobedience toward her NCOs stemmed from her underlying personality disorder and not from her underlying Anxiety DO. The BH Advisor opines it is more likely than not that the misconduct directed towards her NCOs was intentional and fully under her control.

(4) Does the condition or experience outweigh the discharge? **No.** Based on liberally considering all the evidence before the Board, the ADRB determined that the condition did not outweigh the basis of separation.

b. Prior Decisions Cited: N/A

c. Response to Contention(s): The applicant contends, in effect, they received nonjudicial punishment under the provisions of Article 15, Uniform Code of Military Justice (UCMJ) and was discharged from the U.S. Army with a characterization of service as general (under honorable conditions). The Board acknowledged this contention during deliberations.

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 that the discharge was improper or inequitable.

e. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service based on the following reasons. The applicant is 70% service-connected for Anxiety DO by the VA. The Board's Medical Advisor applied liberal consideration and opined that the applicant has a mitigating BH condition, Anxiety DO, which partially mitigates her misconduct. As there is a nexus between Anxiety DO and avoidant behaviors, there is a nexus between this condition and her offense of failing to report. Anxiety DO does not, however, affect one's ability to distinguish right from wrong and act in accordance with the right. As such, it does not mitigate her offenses of being disrespectful in language/ comportment toward NCOs, and/or disobeying NCOs. Record review also reveals that the applicant was diagnosed with Other Personality DO. In the writer's opinion, much of her disrespectfulness and disobedience toward her NCOs stemmed from her underlying personality disorder and not from her underlying Anxiety DO. The BH Advisor opines it is more likely than not that the misconduct directed towards her NCOs was intentional and fully under her control. The Board discussed the applicant's contentions, carefully considered the applicant's request, evidence in the records, and medical review recommendation. Although the BH mitigated the FTR, it did not mitigate the remaining misconduct of Disrespect in language, comportment towards male NCOs and Disobeying NCO. Based on the remaining misconduct The Board decided No Change to the character and reason because the totality of the misconduct outweighed the BH (Anxiety) mitigation of the FTR. Based on the totality of the misconduct, the Board concurred the current discharge is appropriate.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, 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.

10. 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:

4/4/2024

X

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

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