

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 27 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 general (under honorable conditions). The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, there was honorable service until the applicant returned from a deployment and had issues related to the applicant's condition.

b. **Board Type and Decision:** In a records review conducted on 18 October 2024, and by a 5-0 vote, the board determined the characterization is inequitable based on the applicant's medical diagnosis, PTSD, which mitigated the applicant misconduct - AWOLs. Additionally, the applicant has in service factors of (length, quality, and combat service). 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 RE code was proper and equitable and voted not to change it.

Please see Section 9 of this document for more detail regarding the Board's decision. (Board member names available upon request)

3. DISCHARGE DETAILS:

a. **Reason / Authority / Codes / Characterization:** Misconduct (Serious Offense) / AR 635-200, Paragraph 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 6 January 2016

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 28 May 2015

(2) **Basis for Separation:** The applicant was informed of the following reasons: On or about 12 March 2012 through on or about 7 August 2013, the applicant was absent without leave (AWOL) from the unit and on or about 23 October 2013 through on or about 9 April 2015, the applicant was AWOL from the unit.

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

(4) **Legal Consultation Date:** 1 September 2015

(5) **Administrative Separation Board:** On 1 September 2015, the applicant waived consideration of the case by an administrative separation board contingent upon receiving a general (under honorable conditions) discharge. The applicant's conditional waiver was approved on 22 December 2015.

(6) Separation Decision Date / Characterization: 22 December 2015 / General
(Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 25 October 2010 / 4 years

b. Age at Enlistment / Education / GT Score: 19 / HS Graduate / 97

c. Highest Grade Achieved / MOS / Total Service: E-4 / 19K10, M1 Armor Crewman /
4 years, 6 months, 20 days

d. Prior Service / Characterizations: RA, 5 August 2008 – 25 October 2010 / HD

e. Overseas Service / Combat Service: SWA, Germany / Afghanistan (1 July 2010 – 20
April 2011)

f. Awards and Decorations: ACM-CS-2, AAM-2, AGCM, NDSM, GWOTSM, ASR, OSR,
NATO MDL, CAB,

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Personnel Actions reflects the applicant's
duty changed from Present for Duty (PDY) to Absent Without Leave (AWOL), effective
12 March 2012; from AWOL to Dropped from Rolls (DFR) effective, 10 April 2012; from DFR to
PDY, effective 4 August 2013; from PDY to CCA, effective 4 August 2013; from CCA to PDY,
effective 7 August 2013; from PDY to AWOL, effective 23 October 2013; from AWOL to DFR,
effective 24 October 2013; and from DFR to PDY, effective 9 April 2015

i. Lost Time / Mode of Return: AWOL X 1123 days / (12 March 2012 – 7 August 2013)
/Apprehended; (24 October 2013 – 9 April 2015) / Returned

j. Behavioral Health Condition(s):

(1) Applicant provided: The applicant provides a letter from the Department of
Veteran Affairs, 27 April 2021, which reflects the applicant is receiving service-connected
disability compensation. The nature of the disabilities is not listed.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293, ERB, Certificate of Achievement, Letter
from the Department of Veteran Affairs

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) 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.

(5) Paragraph 14-3 prescribes 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.

(6) Paragraph 14-12c, states 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.

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 was separated under the provisions of AR 635-200, Chapter 14-12c, with a general (under honorable conditions) discharge and a RE code of "3." The narrative reason specified by Army Regulations for a discharge under this chapter is "Misconduct (Serious Offense)" and the separation code is "JKQ."

The applicant seeks relief contending, in effect, there was honorable service until the applicant returned from a deployment and had issues related to the applicant's condition. The applicant's AMHRR is void of any mental or physical health issues. The applicant provides a letter from the Department of Veteran Affairs, 27 April 2021, which reflects the applicant is receiving service-connected disability compensation. The nature of the disabilities is not listed. The Board will consider the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

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: the applicant was diagnosed in-service with Adjustment Disorder, Anxiety Disorder NOS, Major Depressive Disorder (MDD), and PTSD with trauma reports starting in 2011. The applicant was seen in ASAP due to Alcohol Abuse. Post-service, he is diagnosed with PTSD.

(2) Did the condition exist, or experience occur during military service? **Yes.** The applicant was diagnosed in-service with Adjustment Disorder, Anxiety Disorder NOS, Major Depressive Disorder (MDD), and PTSD with trauma reports starting in 2011. The applicant was seen in ASAP due to Alcohol Abuse.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given the combat trauma occurred prior to the AWOLs and nexus between trauma and avoidance, the basis is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the board, the ADRB determined that the condition or experience outweighed the basis of separation (AWOLs).

b. Response to Contention(s): The applicant seeks relief contending, in effect, there was honorable service until the applicant returned from a deployment and had issues related to the applicant's condition. The board determined that this contention was valid and voted to upgrade the characterization of service due to the applicant's post service diagnosis of PTSD which mitigated the applicant's basis for separation (AWOLs). Additionally, the board noted the applicant also has in-service factors (length, quality, and combat).

c. The board determined the discharge is inequitable based on the applicant's PTSD mitigating the applicant's AWOLs. 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.

d. Rationale for Decision:

(1) The board voted to change the applicant's characterization of service to honorable because the applicant's medical diagnosis of PTSD mitigated the applicant's misconduct (AWOLs). Additionally, the applicant has in-service factors of (length, quality, and combat service). 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 rationale, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210013096

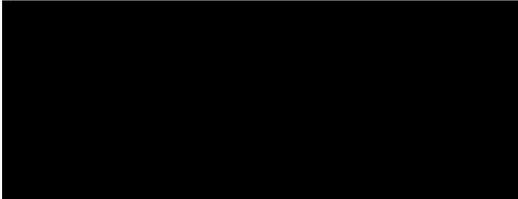
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214 / Separation Order:** 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:

11/21/2024



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