

**1. Applicant's Name:** [REDACTED]**a. Application Date:** 1 February 2021**b. Date Received:** 8 February 2021**c. Counsel:** NA**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 an Under Other Than Honorable Conditions. The applicant requests an upgrade to general (under honorable conditions).

(2) The applicant seeks relief contending upon their release from the U.S. Army a few things happened that didn't make sense to them. They were gone from their unit for two days and was classified as a deserter. They have paperwork and people who can prove it. Their pay was stopped in those two days, and they had no way of eating from 16 April 2015 to 4 June 2015. During the discharge process, they tried to get their pay started back up along other people, but their unit refused to send the proper paperwork to have their pay started back up. They were denied the opportunity for a mental or physical examination. Before the start of their discharge proceedings, they attempted suicide twice, which one occurrence their unit was aware of, and even after that they did not get a mental health examination. They just want to better their life and go back to school so they may give their child a better life.

**b. Board Type and Decision:** In a records review conducted on 25 June 2025, 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:** In Lieu of Trial by Court-Martial / Army Regulation 635-200, Chapter 10 / KFS / RE-4 / Under Other Than Honorable Conditions

**b. Date of Discharge:** 4 June 2015

**c. Separation Facts:** The applicant's case separation file in their Army Military Human Resource Record (AMHRR) only contains the Separation Authority memorandum.

(1) **Date and Charges Preferred (DD Form 458 (Charge Sheet)):** 15 April 2015 / Charge I, violation of Article 85 (Desertion), in that, on or about 15 April 2015, without authority and with the intent to remain away therefrom permanently, absent themselves from their unit, and did remain so absent in desertion and Charge II, violation of Article 86 (Absence Without Leave (AWOL)), in that, on or about 14 April 2015, without authority, and with the intent to stay therefrom permanently, absent from their unit, and did remain absent.

(2) **Legal Consultation Date:** NIF

(3) **Basis for Separation:** Chapter 10

(4) **Recommended Characterization:** NIF

**(5) Separation Decision Date / Characterization:** 13 May 2015 / Under Other Than Honorable Conditions

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 19 March 2013 / 3 years, 16 weeks

**b. Age at Extension of Reenlistment / Education / GT Score:** 19 / One Semester College / 97

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 11B1O, Infantryman / 2 years, 2 months, 13 days.

**d. Prior Service / Characterizations:** None

**e. Overseas Service / Combat Service:** SWA / Afghanistan (24 June 2014 – 16 October 2014)

**f. Awards and Decorations:** ACM-CS, ARCOM, NDSM, GWTSM, ASR, NATOMDL

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:**

**(1)** Two DA Forms 4187 (Personnel Action) dated 14 April 2015 and 15 April 2015 reflects the applicant's unit changed their duty status from Present for Duty to AWOL, effective 14 April 2015 and from AWOL to Dropped from Rolls, effective 15 April 2015.

**(2)** A DD Form 458 (Charge Sheet) dated 15 April 2015 reflects charges were preferred against the applicant for; Charge I, violation of Article 85 (Desertion), in that, on or about 15 April 2015, without authority and with the intent to remain away therefrom permanently, absent themselves from their unit, and did remain so absent in desertion and Charge II, violation of Article 86 (Absence Without Leave (AWOL)), in that, on or about 14 April 2015, without authority, and with the intent to stay therefrom permanently, absent from their unit, and did remain absent.

**(3)** A DD Form 616 (Report of Return of Absentee) dated 16 April 2015 reflects the applicant was apprehended by civil authorities and returned to military control on 16 April 2015.

**(4)** A memorandum, Office of the Provost Marshal General, subject: Supplemental 553 Notes Reference Case File, dated 16 April 2015 reflects Military Police Reports with offenses of two occurrences of Suicidal Ideations, communicating a Threat, and AWOL/Desertion; and a Federal Bureau Investigation case with an offense of Assault Causes Bodily Injury. Caution Indicators reflect suicidal "has on attempt in last 3 months, has been in-patient 3 times," violent tendencies "called mother and said [applicant] was going to kill her and [applicant's] siblings," escape risk "fled while of line-of-sight watch."

**(5)** A memorandum, Headquarters, 1st Cavalry Division, subject: Request for Discharge in Lieu of Trial by Court-Martial – [Applicant], dated 13 May 2015, the separation authority approved the applicant's request for voluntary discharge in Lieu of Trial by Court-Martial, with a characterization of service as Under Other Than Honorable Conditions. In accordance with Army Regulation 635-200, paragraph 1-32a and Army Regulation 40-501, Table 8-2, the

applicant will be discharged without separation physical or mental examination unless a written request for such is submitted. In the event that either a physical or mental examination is requested, separation will not be delayed for completion of the examination and the examination may be completed at Department of Veterans Affairs facilities after discharge. In accordance with Army Regulation 600-8-19, paragraph 10-1d the applicant will be reduced to the lowest enlisted grade.

**i. Lost Time / Mode of Return:** 2 days (AWOL, 14 April 2015 – 16 April 2016) / apprehended by civil authorities

**j. Behavioral Health Condition(s):** None

**5. APPLICANT-PROVIDED EVIDENCE:** None submitted with the application.

**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, 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 (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 15-180 (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 40-501 (Standards of Mental Fitness) effective 4 August 2011, governed medical fitness standards for retention and separation, including retirement. Table 8-2 (Schedule of Separation Medical Examination or Separation Physical Assessment) stated for enlisted Soldiers being processed for separation under provision of Army Regulation, chapter 10 (if a medical examination is requested by the Soldier, then mental status evaluation is required) in not required, can be requested by Soldier in writing.

e. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), 6 September 2011, 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) 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.

**(4)** A separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status, except when: (1) Characterization under other than honorable conditions is authorized under the reason for separation and is warranted by the circumstances of the case. (2) The Soldier has less than 181 days of continuous active military service, has completed Initial Entry Training (IET), has been awarded a Military Occupational Specialty (MOS), and has reported for duty at a follow-on unit of assignment.

**(5)** Paragraph 1-13 (Reduction in Grade) stated when a Soldier is to be discharged Under Other Than Honorable Conditions, the separation authority will direct an immediate reduction to the lowest enlisted grade.

**(6)** Chapter 10 (Discharge in Lieu of Trial by Court-Martial) stated a Soldier who has committed an offense or offenses, the punishment for which under the UCMJ and the Manual of Courts-Martial, 2008, includes a bad conduct or dishonorable discharge, may submit a request for discharge in lieu of trial by court-martial. The Soldier's written request will include an acknowledgment that he/she understands the elements of the offense(s) charged and is guilty of the charge(s) or of a lesser included offense(s) therein contained which also authorizes the imposition of a punitive discharge.

**(7)** Paragraph 10-6 stipulates medical and mental examinations are not required but may be requested by the Soldier under Army Regulation 40-501, chapter 8.

**(8)** Paragraph 10-8 (Types of Discharge, Characterization of Service) stated a discharge under other than honorable conditions normally is 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. For 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.

**(9)** 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 "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

**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 Department of Defense 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 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 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.

h. Army Regulation 600-8-19 (Enlisted Promotions and Reductions) effective 2 March 2015 prescribed the enlisted promotions and reductions functions of the military personnel system. Paragraph 10-1 (Administrative Reductions) stated when the separation authority determines a Soldier is to be discharged from the Service under other than honorable conditions, the Soldier will be reduced to the lowest enlisted grade.

i. Manual for Courts-Martial (2012 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. Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows the maximum punishments include punitive discharge for violating Article 120 (Sexual Assault).

## **8. SUMMARY OF FACT(S):**

a. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

b. A review of the available evidence provides an administrative irregularity in the proper retention of records, specifically the AMHRR case files for approved separation only contains the separation authority memorandum. The separation authority approved the request for discharge in lieu of trial by court-martial submitted by the applicant. The Under Other Than Honorable Conditions discharge received by the applicant was normal and appropriate under the regulatory guidance. They completed 2 years, 2 months and 13 days of net active service this period and did not complete their first full term of their 3-year, 16-week enlistment service obligation.

c. Army Regulation 635-200 states a Chapter 10 is a voluntary discharge request in-lieu of trial by court-martial. A discharge under other than honorable conditions normally is 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. For 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.

d. 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: Adjustment Disorder and Major Depressive Disorder with subsumed diagnoses.

**(2)** Did the condition exist, or experience occur during military service? **Yes.** Adjustment Disorder and Major Depressive Disorder with suspected personality disorder.

**(3)** Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that the applicant's AWOL was part of their longstanding pattern of reacting to consequences with negative behavior, e.g. suicidal or homicidal threats, rather than a debilitating psychiatric illness. Accordingly, while characterological conditions provide context, acting out when in trouble is not mitigating. However, the Board can still consider the OBH conditions and offer relief.

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

**b.** Prior Decisions Cited: None

**c.** Response to Contention(s): The applicant contends during the discharge process, were denied the opportunity for a mental or physical examination. Before the start of their discharge proceedings, they attempted suicide twice, of which one occurrence their unit was aware of, and, even after that, they did not get a mental health examination. The Board considered this contention and found that mental/behavioral health support was provided throughout the applicant's service. Their longstanding pattern of reacting to consequences with negative behavior, e.g. suicidal or homicidal threats, rather than a debilitating psychiatric illness led to their discharge.

**d.** The Board determined: 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 insufficient evidence of in-service mitigating factors and concurred with the conclusion of the medical advising official that the applicant's OBH does not mitigate the applicant's misconduct AWOL. The AWOL was part of the applicant's longstanding pattern of reacting to consequences with negative behavior rather than a debilitating psychiatric illness. Based on a preponderance of evidence, the Board determined that the reason for the applicant's separation and the character of service the applicant received upon separation were proper and equitable.

**e.** Rationale for Decision:

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE****AR20210013140**

(1) The Board voted not to change the applicant's characterization of service because, despite applying liberal consideration of all the evidence before the Board, the applicant did not have a Behavioral Health diagnoses to excuse or mitigate the offenses of AWOL. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process.

(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.

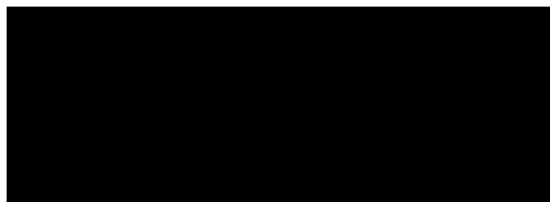
**10. BOARD ACTION DIRECTED:**

- 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

**Change Authority to:** No Change

**Authenticating Official:**

6/27/2025

**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  
UOTH – Under Other Than  
Honorable Conditions  
VA – Department of Veterans  
Affairs