

1. Applicant's Name: [REDACTED]

a. Application Date: 12 March 2021

b. Date Received: 23 March 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. Applicant's Contention(s)/Issue(s): The applicant seeks relief contending, their discharge was inequitable, as it relied on a document produced by a biased superior during their 18 months of service. The same superior withheld the applicant's Article 15 documentation at the time of separation. They joined the Army directly out of high school, motivated by pride, honor, and a strong desire to serve. They embraced the transition and took pride in performing signal communications in the field, particularly during their deployment to Korea. The applicant acknowledged their mistakes and accepted responsibility, while clarifying that none of their actions involved misconduct such as sexual harassment, murder, or involvement with illegal substances. They believed their contributions during their service were significant. Given the impact of their discharge status on their civilian life, the applicant requested an upgrade to an honorable discharge.

c. Board Type and Decision: Following a records review conducted on 27 June 2025, the majority of board members voted 4-1 in favor of granting relief, determining that the applicant's discharge was inequitable. The determination was based on the presence of Major Depressive Disorder (MDD), which was found to partially mitigate misconduct related to violations of the recall policy and the leave and pass policy. The Board also excused additional infractions including falsifying a sign-in roster, making two false official statements to a noncommissioned officer, and failing to pay a taxi fare, citing the applicant's overall length and quality of service. As a result, the Board upgraded the characterization of service to Honorable. The separation authority was amended to AR 635-200, paragraph 14-12a, and the narrative reason for separation was changed to "Misconduct (Minor Infractions)," with a corresponding separation code of JKN. The reentry code was deemed proper and equitable, and the Board voted not to modify it. Please see the **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: Misconduct (Serious Offense) / AR 635-200, Chapter 14-12C / JKQ / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 3 August 2019

c. Separation Facts:

(1) Date of Notification of Intent to Separate: Undated

(2) Basis for Separation: On 13 April 2019, they violated Readiness Recall Policy (Policy Letter #11) by not having an approved pass to be at another installation between the

hours of 0200 and 0500; and they made a false official statement to an NCO. On 14 April 2019, the applicant violated Readiness Recall Policy #11) by not being inside their assigned room between the hours of 0200 and 0500. On 18 April 2019, the applicant violated the Leave and Pass (Policy Letter #9) by wrongfully traveling outside Area I without being on pass, leave, or temporary status; they falsified a sign in roster; they made a false official statement to an NCO (noncommissioned officer); and the applicant failed to pay 85,640 won to a taxi driver.

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

(4) Legal Consultation Date: On 25 June 2019, the applicant waived counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 21 July 2019 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 6 September 2017 / 4 years

b. Age at Enlistment / Education / GT Score: 19 / High School Diploma / 101

c. Highest Grade Achieved / MOS / Total Service: E-3 / 25U10 Signal Operations Support Specialist / 1 year, 10 months, 28 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Korea (1 year, 2 months) / None

f. Awards and Decorations: NDSM, KDSM, ASR, OSR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: On 23 July 2018 and 24 April 2019, the applicant was flagged (Suspend Favorable Personnel Actions FLAG)) for two adverse actions (AA) and for field-initiated involuntary separation (BA). The findings and recommendations of commander's inquiry, dated 6 August 2018, found the applicant and another Soldier failed to pay for a taxi and for the applicant, the IO (Investigating Officer) recommended 30 days restriction of their pass and leave privileges.

(1) On 7 September 2018, they received a nonjudicial punishment (NJP) for failing to follow a lawful order (Article 92, UCMJ) not to travel outside of Area I without a pass/leave/temporary status on 10 October 2017 and made false official statements (Article 107) on 23 July 2018. Additionally, the applicant failed to pay for a taxi, valuing ₩85,640 (Article 134), and therefore, was required to forfeit \$382.00 pay, suspended, to be automatically remitted if not vacated on or before 8 December 2018; and imposed extra duty and restriction for 14 days.

(2) On 15 May 2019, they received a NJP for failing to follow a lawful order (Article, 92, UCMJ) in failing to have an approved pass to be at another military installation between the hours of 0200 and 0500 and made a false official statement (Article 107) on 13 April 2019. As a result, the applicant was reduced to private (E-1); required to forfeit \$840.00 pay per month for two months; and received extra duty and restriction for 45 days.

(3) On 29 July 2019, their separation orders were issued, and a DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged accordingly on 3 August 2019, with 2 years and 13 days of total service. They provided an electronic signature and did not complete their first full term of service.

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i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s): The following documents have been provided to the ARBA Medical Advisor. See “**Board Discussion and Determination**” for Medical Advisor Details.

(1) Applicant provided: None

(2) AMHRR Listed: On 10 June 2019, the applicant completed their mental status evaluation which referred to the AHTLA record for diagnoses details, if any. Additionally, it was recommended for the applicant to follow up with their BH provider.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge

6. POST SERVICE ACCOMPLISHMENTS: None provided with this application.

7. STATUTORY, REGULATORY AND POLICY REFERENCE(S): 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.

a. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

b. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including

PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

c. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

d. 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.

e. 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.

f. 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 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.

(2) 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. 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.

(3) Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

g. 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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of

Army Regulation 635-200, Chapter 14, paragraph 12c, misconduct (serious offense).

h. Manual for Courts-Martial (2016 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.

(1) Article 92 (failure to obey order, regulation) states in the subparagraph, the maximum punishment consists of a dishonorable discharge, forfeiture of all pay and allowances, and confinement for two years.

(2) Article 107 (false official statements) states in the subparagraph, the maximum punishment consists of a dishonorable discharge, forfeiture of all pay and allowances, and confinement for five years.

(3) Article 134 (debt, dishonorably failing to pay) states in the subparagraph, the maximum punishment consists of a bad conduct discharge, forfeiture of all pay and allowances, and a six-month confinement.

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.

(1) The available evidence provides the applicant enlisted in the RA and promoted to PFC. They were stationed overseas in Korea for 14 months (2018-2019) and served 1 year, 10 months, and 28 days of their 4-year contractual obligation.

(2) While in Korea (August 2018) a commander's inquiry revealed the applicant and another Soldier failed to pay for their taxi (in the amount of ~~₩~~\$85,640) and for the applicant, the IO recommended restriction for 30 days. In September 2018 and May 2019, they received two NJPs for failing to follow lawful orders/regulations (Article 92, UCMJ) and for making false official statements (Article 107), which resulted in their reduction to PVT. Separation proceedings were completed under the provisions of AR 635-200, Chapter 14-12C for misconduct (serious offense) with a general (under honorable conditions) characterization of service. The applicant elected to waive legal counsel and declined to provide a statement on their behalf. Finally, their separation exams qualified them for separation with no diagnoses; however, received the recommendation to follow up with their BH provider.

b. 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.

c. 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: Major Depressive Disorder (MDD-70%SC). [Note: Adjustment DO, unspecified is subsumed under diagnosis of MDD].

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found VA service connection establishes nexus with active service.

(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 two BH conditions, MDD and Unspecified Trauma and Stressor-Related Disorder, which mitigate some of the misconduct. As there is an association between these diagnoses and avoidant behaviors, there is a nexus between these conditions, his violation of recall policy by not being in the barracks room between 0200-0500 and the violation of the leave and pass policy by traveling outside of the area without a pass. MDD and Unspecified Trauma and Stressor-Related Disorder do not mitigate the offenses of falsifying a sign-in roster, making a false official statement to an NCO x2 or failing to pay the taxi fare as neither of these conditions affects one's ability to tell right from wrong and act in accordance with the right.

(4) Does the condition or experience outweigh the discharge? **Yes.** Upon applying liberal consideration to all available evidence, including the assessment provided by the Board Medical Advisor, the Board concluded that the applicant's diagnosis of Major Depressive Disorder (MDD) served to partially mitigate the misconduct related to violations of the recall policy and the leave and pass policy. Furthermore, the Board determined that the applicant's length of service and overall quality of performance provided sufficient grounds to mitigate the remaining infractions, which included falsifying a sign-in roster, making two false official statements to a noncommissioned officer, and failing to pay a taxi fare. However, the Board mitigated the other misconduct due to the quality of the applicant's service.

b. Prior Decisions Cited: None

c. Response to Contention(s): Not applicable.

d. The Board determined the discharge is inequitable and 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 reentry code will remain the same.

e. Rationale for Decision:

(1) The Board voted to change the applicant’s characterization of service to Honorable because the applicant’s Major Depressive Disorder (MDD) partially mitigate the misconducts related to violations of the recall policy and the leave and pass policy. The applicant’s length and overall quality of performance provided sufficient grounds to mitigate the remaining infractions, which included falsifying a sign-in roster, making two false official statements to a noncommissioned officer, and failing to pay a taxi fare. 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.

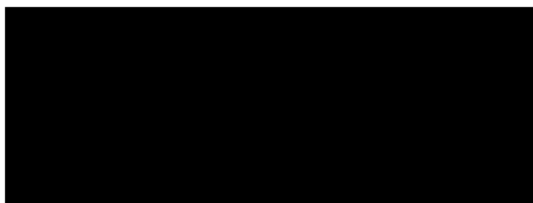
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: 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:

10/2/2025



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