

1. Applicant's Name: [REDACTED]**a. Application Date:** 4 July 2021**b. Date Received:** 12 July 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 uncharacterized. The applicant requests an upgrade to honorable.

The applicant states in effect, they completed their required active service. Later, they received an honorable discharge from the South Dakota Army National Guard.

b. Board Type and Decision: In a records review conducted on 13 December 2024, and by a 5-0 vote, the Board granted the request upon finding the separation was inequitable and directed the characterization changed to Honorable.

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: Completion of Required Active Service / AR 635-200, Chapter 4 / MBK / N/A / Uncharacterized

b. Date of Discharge: 29 June 2007**c. Separation Facts:****(1) Date of Notification of Intent to Separate:** N/A**(2) Basis for Separation:** Completion of Required Active Service**(3) Recommended Characterization:** N/A**(4) Legal Consultation Date:** N/A**(5) Administrative Separation Board:** N/A**(6) Separation Decision Date / Characterization:** N/A**4. SERVICE DETAILS:****a. Date / Period of Enlistment:** 12 February 2007 / 19 weeks.**b. Age at Enlistment / Education / GT Score:** 24 / HS Graduate / 92

c. Highest Grade Achieved / MOS / Total Service: E-2 / 92Y10 00 Unit Supply Specialist / 4 months, 18 days.

d. Prior Service / Characterizations: ARNG; 20061130 – Concurrent Service

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, ASR

g. Performance Ratings: N/A

h. Disciplinary Action(s) / Evidentiary Record:

(1) Orders 7024008, 24 January 2007, indicates that the applicant was ordered to report to initial active duty for training. They had to report to Fort Jackson, SC on 13 February 2007, then subsequently report to Fort Lee, VA for Advanced Individual Training (AIT) on 1 May 2007. Training period was for approximately 19 weeks, or completion of basic and MOS training.

(2) The applicant's DD Form 214 (Certificate of Release of Discharge from Active Duty) indicates that the applicant was transferred back to a unit in South Dakota. They completed 4 months and 18 days of active service.

- Type of Separation: Release from Active Duty Training
- Narrative Reason for Separation: Completion of Required Active Service
- Character of Service: Uncharacterized
- Signature: Signed by the applicant

(3) A NGB Form 22 (National Guard Report of Separation and Record of Service) indicates that the applicant completed IADT; 20070212 – 2007069. They were honorably discharged from the ARNG on 29 May 2013.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s): None

(1) **Applicant provided:**

(2) **AMHRR Listed:**

5. APPLICANT-PROVIDED EVIDENCE: A DD Form 149 (Correction of Military Record) application, DD Form 214, Orders, Basic Combat Training certificate, Unit Supply Specialist Course Diploma, and two Department of Veteran Affairs Rating Decision documents that shows they served honorably between 12 February 2007 – 29 June 2007.

6. POST SERVICE ACCOMPLISHMENTS: None submitted in support of their application.

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

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder

(PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. Army Regulation 15-180 (Army Discharge Review Board), dated 25 September 2019, sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) sets forth 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 3-9a (3) states 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 a Soldier is on active duty with less than 181 days of continuous active military service, has completed IET, has been awarded an MOS, and has reported for duty at a follow-on unit of assignment (see para 11-3c). RC Soldiers will receive a characterization of service as "honorable" upon successful completion of IET.

(4) Chapter 4 establishes the policies and procedures for separating a Soldier upon expiration of enlistment or fulfillment of service obligation. The periods of military service required of all Army Soldiers will be in accordance with applicable laws. Periods for which enlistment is authorized are in NGR 600-200, AR 140-111, and AR 601-210. Periods for which Soldiers are ordered to AD are prescribed by law. Soldier enlisted or ordered to AD normally will be discharged or released from AD on the date he/she completes the period for which enlisted or ordered to AD. Personnel released from AD and transferred to the USAR upon completion of the term of service for which ordered into active Federal service, or released to their Reserve Component upon completion of AD. These Soldiers will not be discharged until completion of their reserve obligation.

(5) Paragraph 4-5, states, a Soldier being separated upon expiration of enlistment or fulfillment of service obligation will be awarded a character of service of honorable, unless the Soldier is in entry-level status and service is uncharacterized.

(6) Glossary defines entry-level status for RA Soldiers is the first 180 days of continuous AD or the first 180 days of continuous AD following a break of more than 92 days of active military service. For ARNGUS and USAR soldiers, entry-level status begins upon enlistment in the ARNG or USAR. For soldiers ordered to IADT for one continuous period, it terminates 90 days after beginning Phase II advanced individual training (AIT).

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "MBK" as

the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 4, for completion of required active service, who are eligible to reenlist or with a DCSS in force and who are REFRAD on completion of enlistment and transferred to the Reserve Components to complete Military Service obligation.

f. Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes:

(1) RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

(2) RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

g. Title 38, U.S. Code, Sections 1110 and 1131, permits the VA to award compensation for a medical condition which was incurred in or aggravated by active military service. The VA, however, is not required by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual's medical condition, although not considered medically unfitting for military service at the time of processing for separation, discharge, or retirement, may be sufficient to qualify the individual for VA benefits based on an evaluation by the agency.

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 DD Form 214 provides that the applicant received an uncharacterized characterization of service.

b. Based on the available evidence, the applicant enlisted ARNG on 30 November 2006. They received orders on 24 January 2007, ordering them to initial active duty training (IADT). They completed all training and were awarded a MOS.

c. A review of the evidence in the applicant's AMHRR provides that the applicant entered IADT on 12 February 2007 for a period of approximately 19 weeks. At the time of the applicant's discharge, they had served 4 months, and 18 days on Active Duty. The applicant's AMHRR does not contain any derogatory information. Upon the applicant's separation from Active Duty, they were transferred to the ARNG of SD to serve their remaining service obligation. At the time of the applicant's discharge, the DD Form 214, reflects they were awarded an MOS. Paragraph 3-9a(3), states a soldier with less than 181 days of continuous active military service, who had

completed Initial Entry Training, had been awarded an MOS, and reported for duty at a follow on unit of assignment is an exception to being described as entry-level status, with an uncharacterized discharge and will be discharged with an honorable characterization.

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? **No.** The Board's Medical Advisor reviewed DoD, and VA medical records and found no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused, or mitigated a discharge.

(2) Did the condition exist, or experience occur during military service? **N/A**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**

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

b. Prior Decisions Cited:

c. Response to Contention(s):

(1) The applicant contends that the DD214 UNC discharge is in error based on their continued service in the ARNG. The board considered this contention and voted to grant relief in the form of an upgrade in characterization to Honorable.

d. The Board determined: The Board determined that upon the applicant's separation from Active Duty, they were transferred to the ARNG of SD to serve their remaining service obligation. At the time of the applicant's discharge, the DD Form 214, reflects they were awarded an MOS. Paragraph 3-9a(3), states a soldier with less than 181 days of continuous active military service, who had completed Initial Entry Training, had been awarded an MOS, and reported for duty at a follow on unit of assignment is an exception to being described as entry-level status, with an uncharacterized discharge and will be discharged with an honorable characterization.

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant completed Basic Training and IADT, was awarded an MOS and served in the SDNG.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code, as the reason the applicant was discharged was both proper and equitable.

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(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: No change
- d. Change RE Code to: No change
- e. Change Authority to: No change

Authenticating Official:

3/20/2025



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