

1. Applicant's Name: [REDACTED]

a. **Application Date:** 30 June 2021

b. **Date Received:** 6 July 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 is not in evidence. The applicant requests an upgrade of their U.S. Army Reserve (USAR) character of service to Honorable or General (Under Honorable Conditions).

(2) The applicant seeks relief contending while they were in the process of applying for a Department of Veterans Affairs (VA) home loan they discovered they were reduced in rank/grade from specialist/E-4 to private/E-1 and received a Under Other Than Honorable Conditions character of service from the USAR.

(3) While they were a member of an USAR unit, the 442nd Quartermaster Company in Pleasant Gap, PA they transferred to the Individual Ready Reserve (IRR). While they had just hit the Individual Ready Reserve they visited a potential new unit in Johnstown, PA to join and possible reenlistment; however, the new unit was too far away, they decided not to join and specifically told the recruiter this after that weekend and they never heard from them again.

(4) They are not sure how they were ever officially assigned to that unit; they never signed any documents or reenlisted. They thought they had left the USAR in good standing. They believe the recruiter performed fraudulent and slanderous acts against them. They would like this to be formally investigated and if documents are not able to prove they joined that unit or reenlisted, they would like their rank restored to specialist/E-4, negative marks removed from their record, and an honorable discharge including a DD Form 214 (Certificate of Release or Discharge from Active Duty). They would also like to obtain documentation needed for a VA home loan.

(5) The U.S. Army Human Resources Command (HRC) Orders C-11-315615, dated 18 November 2013 in their Army Military Human Resource Record (AMHRR) is inaccurate, unethical, and they never received them. The reason shown for the transfer reflects Voluntary which is not true or accurate. In August 2013, they entered the IRR and never agreed to reenlist or to transfer out of the IRR.

b. Board Type and Decision: In a records review conducted on 28 May 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's in-service factors of length and quality of service that outweighed the applicant's basis of separation, Unsatisfactory Performance. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable, changed the narrative reason for separation to Completion of required Active Service, with a corresponding SPD code of KBK. There is no RE Code assigned because the applicant was a Reservist. Please see Section 9 of this document for more detail regarding the Board's decision.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Army Regulation 135-178 / NIF / Under Other Than Honorable Conditions

b. Date of Discharge: 27 January 2015

c. Separation Facts: The applicant's case separation file is void from their AMHRR. On 28 December 2021 the Army Review Boards Agency requested the applicant provide their discharge packet (case separation files), as of this date there has been no response.

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 2 August 2007 / 6 years in a USAR Troop Program Unit and 2 years in IRR

b. Age at Enlistment / Education / GT Score: 19 / HS Diploma / NIF

c. Highest Grade Achieved / MOS / Total Service: E-4 / 91B1O, Wheeled Vehicle Mechanic / 7 years, 5 months, 26 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, ASR, ARCAM

g. Performance Ratings: None

h. Disciplinary Action(s) / Evidentiary Record:

(1) HRC Orders C-11-315615, dated 18 November 2013, reflects the applicant was voluntarily released from USAR Control Group (Reinforcement) and assigned to the 458th Engineer Battalion Support Company, effective 12 November 2013. The applicant's expiration term of service is shown as 1 August 2015.

(2) Headquarters, 99th Regional Support Command Orders 15-020-00260, dated 20 January 2015, reflects the applicant was reduced in rank/grade from specialist/E-4 to private/E-1 effective 20 January 2015 and was discharged from the USAR effective 27 January 2015. The applicant's type of discharge is shown as Under Other Than Honorable Conditions.

(3) DA Form 5016 (Chronological Statement of Retirement Points) dated 14 February 2025 reflects the applicant –

- from 3 August 2012 to 2 August 2013, earned 55 Inactive Duty Points (equivalent to 27.5 days of unit drills) and 14 Active Duty Points
- from 3 August 2013 to 2 August 2014, earned 4 Inactive Duty Points (equivalent to .2 days of unit drills) and zero Active Duty Points
- from 3 August 2014 to 27 January 2015, earned zero Inactive Duty Points and zero Active Duty Points

i. Lost Time / Mode of Return: NIF

j. Behavioral Health Condition(s): None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- Email Exchange, Separation Question, 19 May 2020 through 26 May 2020
- DA Form 1559 (Inspector General Action Request)

6. POST SERVICE ACCOMPLISHMENTS: None provided with 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 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 15-180 (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, DoD Directive 1332.41, and DoD Instruction 1332.28. Applicants must submit a DD Form 293 clearly articulating their contention and the basis for the requested change to the characterization of discharge, along with any supporting evidence or materials, especially the separation packet.

d. Army Regulation 135-178 (Enlisted Administrative Separations), 13 April 2007, set policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of ARNG of the United States and USAR enlisted Soldiers for a variety of reasons.

(1) An honorable characterization 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. When a Soldier is discharged before expiration of the service obligation for a reason for which an honorable characterization is discretionary, the following considerations apply, to include –

(a) An honorable characterization may be awarded when disqualifying entries in the Soldier's military record are outweighed by subsequent honorable and faithful service over a greater period of time during the current term of service.

(b) It is a pattern of behavior and not an isolated instance which should be considered the governing factor in determining the character of service.

(c) Unless otherwise ineligible, a Soldier may receive an honorable characterization of service if he or she has, during his or her current enlistment, or any extension thereof, received a personal decoration.

(2) A General discharge is if a Soldier's service has been honest and faithful, it is appropriate to characterize that service as under honorable conditions. Characterization of service as general (under honorable conditions) is warranted when significant negative aspect of the Soldier's conduct or performance of duty outweighs positive aspects of the Soldier's military record.

(3) A Under Other Than Honorable Conditions Discharge, service may but is not required to be characterized as under other than honorable conditions only when discharge is

for misconduct, fraudulent entry, homosexual conduct, unsatisfactory participation, or security reasons. The Adjutant General will direct reduction in grade to private/E-1 when the Soldier is discharged under other than honorable conditions.

e. Army Regulation 135-180 (Retirement for Non-Regular Service) dated 1 August 1987, implemented statutory authorities governing the granting of retired pay to Soldiers and former Reserve components Soldiers. Paragraph 2-10 (Computation of Service) stated one point for each authorized participation in drills or periods of instruction which conform to the requirements prescribed by the Secretary of the Army.

f. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) prescribes policies and standards to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. It prescribes the policies, procedures, authority for separation of Soldiers, and the general provisions governing the separation of Soldiers before Expiration Term of Service or fulfillment of active duty obligation to meet the needs of the Army and its Soldiers. Chapter 15 (Secretarial Plenary Authority) 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.

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 an administrative irregularity in the proper retention of records, specifically the AMHRR is void of the case files for approved separation. Due to the lack of evidence, the specific facts and circumstances surrounding the misconduct that led to their discharged under the provision on Army Regulation 135-178 are unknown.

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? **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. Response to Contention(s):

(1) The applicant contends in August 2013 they entered the IRR after their 6-year obligation of being in a Troop Program Unit and they never agreed to reenlist or to transfer out of the IRR.

The Board considered this contention during deliberations and found it to be plausible.

(2) The applicant contends they discovered they were reduced in rank/grade from specialist/E-4 to private/E-1 and received an Under Other Than Honorable Conditions character of service from the USAR.

The Board found discuss this contention during deliberations.

c. The Board determined the discharge is inequitable based on the applicant's in-service factors of length and quality of service that outweighed the applicant's basis of separation, Unsatisfactory Performance. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable, changed the narrative reason for separation to Completion of required Active Service, with a corresponding SPD code of KBK. There is no RE Code assigned because the applicant was a Reservist. However, the applicant may request a personal appearance hearing to address further 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(s) that the discharge was improper or inequitable.

d. Rationale for Decision:

(1) The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The Board found that sufficient documentation exists to support the applicant's contentions they did not voluntarily request reassignment to a new unit when they entered into the Individual Ready Reserve. The applicant contends the new unit was too far away and specifically told the recruiter the unit was too far from their home, and did not sign any documents and did not reenlist. The applicant contends the recruiter performed a fraudulent enlistment. Based on a preponderance of evidence, the Board determined the characterization of service and reason the applicant received upon separation were inequitable. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable, the narrative reason for separation to Completion of Required Active Service, with a corresponding separation code of KBK. There is no RE code listed on the applicant's discharge paperwork due to being in the Army Reserves, therefore there is no upgrade action required for this item.

(2) The Board voted to change the applicant's narrative reason for separation to Completion of Required Active Service, with a corresponding separation code of KBK.

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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

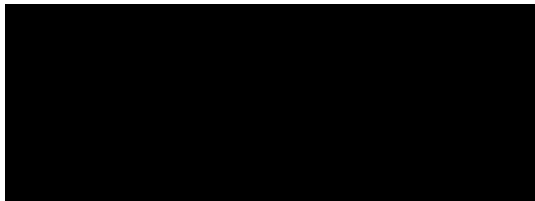
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10. BOARD ACTION DIRECTED:

- a. Issue a New Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: Completion of Required Active Service/KBK
- d. Change RE Code to: N/A

Authenticating Official:

5/30/2025



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