

1. Applicant's Name: [REDACTED]**a. Application Date:** 10 September 2021**b. Date Received:** 10 September 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 under honorable conditions (general). The applicant requests an upgrade to honorable, and a separation code change, reentry code change and a narrative reason change.

The applicant seeks relief contending, in effect, they returned to Army control in 2005 after being AWOL. They were AWOL due to struggles with PTSD, they did not know how to deal with their condition during that time. The Army sent them to mental health, and they were prescribed Zoloft. They went through out-processing in December of 2005 and a years later they had issues trying to obtain their DD Form 214. They were made aware in 2020 that they were not out-processed correctly, they were told they had to be listed as AWOL and they hired legal assistance to help address the matter. They returned to the Army 15 years later and they were out-processed. When they went AWOL in 2004, they were deployed to Kosovo prior to being AWOL and they were struggling for some time. They served honorably with the exception of their mental health condition. If they did not have PTSD, they strongly believe they would have never been AWOL.

b. Board Type and Decision: In a records review conducted on 19 February 2025, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's PTSD diagnosis mitigating the applicant's AWOL basis for separation. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code were proper and equitable and voted not to change them. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's BH diagnosis warranting consideration prior to reentry of military service.

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 / JKQ / RE-3 / Under Honorable Conditions (General)

b. Date of Discharge: 30 November 2020**c. Separation Facts:** AMHRR

(1) Date of Notification of Intent to Separate: 25 November 2020

(2) Basis for Separation: On 2 June 2004 without authority and with intent to remain away permanently the applicant was absent from their unit in Fort Irwin, California and did remain absent in desertion.

(3) Recommended Characterization: General, under honorable conditions

(4) Legal Consultation Date: Waived, 25 November 2020

(5) Administrative Separation Board: N/A

(6) Separation Decision Date / Characterization: NIF

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 24 January 2002 / 4 years.

b. Age at Enlistment / Education / GT Score: 20 / NIF / 95

c. Highest Grade Achieved / MOS / Total Service: E-5 / 11B20 Infantryman / 5 years, 24 days.

d. Prior Service / Characterizations: RA; 19990714 – 20020123 / Continuous Honorable

e. Overseas Service / Combat Service: Germany, Kosovo / None

f. Awards and Decorations: AAM-2, AGCM, NDSM, GWTSM, KCM, ASR

g. Performance Ratings: NIF

h. Disciplinary Action(s) / Evidentiary Record:

(1) An Enlistment/ Reenlistment Document provides that the applicant reenlisted in the United States Army at the pay grade of E-4 with an active duty obligation of 4 years on 24 January 2002.

(2) On 25 September 2003 the applicant completed the Primary Leadership Development Course. They were selected as the Distinguished Leadership Award winner.

(3) On 6 January 2004 the applicant refused to take necessary action to meet the length of service requirement after being placed on assignment to Alaska.

(4) A Personnel Action Document provides that the applicant's duty status changed from present for duty (PDY) to absent without leave (AWOL) on 3 June 2004. On 2 July 2004 the applicant's duty status changed from AWOL to DFR.

(5) A Report of Return of Absentee document indicates that the applicant was apprehended by civil authorities on 20 November 2005, they were returned to military control after being in DFR status since 2 July 2004.

(6) Seventeen pages of email communication starting on 15 March 2019 indicates that the applicant was trying to retrieve their DD Form 214 and on 21 April 2020 a customer service representative at the U.S. Army Human Resources Command informed the applicant that they were not out-processed from the Army correctly and to report to the nearest military installation.

(7) A Department of Veterans Affairs letter dated 25 November 2019 certifies that the applicant entered Active Duty on 14 July 1999 and were discharged on 28 February 2006 with an Honorable Character of service.

(8) On 14 November 2020 the applicant was flagged for involuntary separation.

(9) The applicant was notified of the intent to separate them for Commission of a Serious Offense. The initiating commander recommended a general, under honorable conditions characterization of service. On 25 November 2020 the applicant acknowledged the commander's notification and basis for separation, they waived consulting with counsel and completed their election of rights.

(10) A Certificate of Release or Discharge from Active-Duty document (DD Form 214) indicates that applicant was discharged from the Army on 30 November 2020.

i. **Lost Time / Mode of Return:** AWOL; 20040603 – 20051119 / Apprehended by Civil Authorities, AWOL-DFR; 20051228 – 20201103 / Returned to Military Control

j. **Behavioral Health Condition(s):** PTSD and other mental health.

(1) **Applicant provided:** 12 pages of medical records from Michael Pearson M.D, Report of Medical Assessment, Letter from a Licensed Psychologist, 82 pages of medical records from Peninsula Family Medical Center, Arizona Warrior PATHH Application.

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE: An online DD Form 293 (Discharge Review), separation packet, DD Form 214, Department of Veteran Affairs screen capture of Rated disabilities, Department of Veteran Affairs summary of benefits letter, A Military Law Center letter with supporting documents, 12 Pages of medical records from Michael Pearson M.D, Report of Medical Assessment, Explanation Rating letter, Letter from a Licensed Psychologist, medical records from Peninsula Family Medical Center, Undergraduate Transcripts, University of Redlands Bachelor of Science degree, Arizona Warrior PATHH Application, Timeline to Attorney word document, Milgard School of Business acceptance letter, and five letters of recommendation in support of their application.

6. POST SERVICE ACCOMPLISHMENTS: The applicant was accepted into the University of Washington Tacoma Milgard MBA program on 5 March 2021, and they meet the requirements to qualify as a certified peer counselor for the Division of Behavioral Health and Recovery.

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 provides the authorized types of characterization of service or description of separation.

(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) Except as otherwise indicated in this regulation, commanders must make maximum use of counseling and rehabilitation before determining that a Soldier has no potential for further useful service and, therefore, should be separated. In this regard, commanders will ensure that adequate counseling and rehabilitative measures are taken before initiating separation proceedings for the following reasons. Rehabilitative requirements are not required for individuals separated under Chapter 14-12c.

- Involuntary separation due to parenthood
- Personality disorder
- Other designated physical or mental conditions
- Entry-level performance and conduct
- Unsatisfactory performance
- Minor disciplinary infractions or a pattern of misconduct
- Failure to meet body fat standards.

(5) 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. A soldier subject to this discharge under this regulation will be considered and processed for discharge even though he/she has filed an appeal or has stated his/her intention to do so. 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.

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 "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).

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:

- 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
- 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
- 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. Army Regulation 630-10 (Absence Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings) provides policies and procedures for reporting unauthorized absentees and deserters, the administering of absent without leave (AWOL) personnel and deserters, returning absentees and deserters to military control and the surrendering of military personnel to civilian law enforcement authorities.

(1) When a soldier returns from an absence that is or appears to be unauthorized, the unit commander informally investigates whether disciplinary action should be taken and if the soldier should be charged with time lost.

(2) Classification of an absence is dependent upon such factors as the following

- Orders and instructions, written and oral, the Soldier received before and during the absence.
- Age, military experience, and general intelligence of the soldier.
- Number and type of contact the soldier had with the military while absent.
- Complete or incomplete results of a court-martial decision, if any.

(3) An absence immediately following authorized leave is classified as AWOL. Should the absence subsequently be reclassified, the soldiers leave is corrected to reflect the reclassified absence, except if the absence is caused by the following:

- Mental incapacity
- Detention by civilian authorities
- Early departure of a mobile unit due to operational commitments

h. 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, separation code change, reentry code change and a narrative reason change. The applicant's DD Form 214 indicates that the applicant received a general discharge when an UOTHC discharge is normally considered appropriate for a soldier discharged for serious misconduct.

b. Based on the available evidence, the applicant reenlisted for four years on 24 January 2002, they advanced to the pay grade of E-5 and five months after they refused to take action to meet the service length requirement for a PCS to Alaska, they went AWOL on 3 June 2004. On 20 November 2005 the applicant was arrested by civil authorities in California and returned to Fort Irwin. The applicant's DD Form 214 indicates that they were AWOL for a second time On 28 December 2005 – 3 November 2020. The applicant's AMHRR is void of documentation to support that the applicant was out-processed and or discharged from the Army on 28 February 2006.

c. The applicant was informed by HRC on 21 April 2020 that it appeared that they were not out-processed from the Army correctly and on 3 November 2020 the applicant returned to military control. The applicant was notified of the intent to separate them for misconduct (Serious Offense). A DD Form 214 not authenticated by the applicant's signature shows that they were discharged with an under honorable conditions (general) characterization of service on 30 November 2020.

d. Chapter 14 establishes policy and prescribes procedures for members being separated 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.

e. 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 diagnosis: PTSD.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant asserts PTSD in-service and is service connected for PTSD by the VA.

(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 trauma occurred prior to the misconduct and nexus between trauma and avoidance, the basis for separation is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's PTSD outweighed the basis of separation (AWOL).

b. Response to Contention(s):

(1) The applicant contends the first time they went AWOL they were struggling with PTSD, and if they did not have PTSD, they would have not been AWOL. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's PTSD fully outweighing the applicant's AWOL basis for separation.

(2) The applicant contends they were out-processed in December 2005. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's PTSD fully outweighing the applicant's AWOL basis for separation.

c. The Board determined that the characterization of service was inequitable based on the applicant's PTSD diagnosis mitigating the applicant's AWOL basis for separation. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code were proper and equitable and voted not to change them. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's BH diagnosis warranting consideration prior to reentry of military service. 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 voted to change the applicant's characterization of service to Honorable because the applicant's PTSD mitigated the applicant's misconduct of AWOL. Thus, the prior characterization is no longer appropriate.

(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.

(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

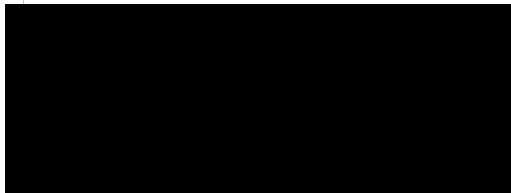
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10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: 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:

4/18/2025



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
UOTHHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs