

1. Applicant's Name: [REDACTED]**a. Application Date:** 6 July 2021**b. Date Received:** 12 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 under review is General (Under Honorable Conditions). The applicant requests an upgrade to honorable and a change of their separation code, reentry code, and the narrative reason for separation.

(2) The applicant seeks relief contending when they transferred to their new duty location their then spouse, took everything they owned, including their child. They asked their command for time off to take care of their personal issues, but they did not allow this as they were also having some mental issues due to their deployment to Iraq. Their doctors prescribed them medication that made them feel like they were the "Walking Dead." Between their spouse leaving, their mental issues due to deployment, anger issues with the wrong medication, and their unit not allowing them to take leave, they were not in the right mind.

b. Board Type and Decision: In a records review conducted on 25 February 2026, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, the circumstances surrounding the discharge (OBHI diagnoses), and post-service accomplishments. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it. Please see **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, (AWOL) / Army Regulation 635-200, Paragraph 14-12c(1) / JKD / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 7 May 2013**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 9 April 2013

(2) **Basis for Separation:** The applicant was informed of the following reason: Absence Without Leave (AWOL) on three separate occasions in one year for a total of 162 days.

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

(4) **Legal Consultation Date:** 11 April 2013

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 18 April 2013 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Reenlistment: 20 February 2010 / 6 years

b. Age at Reenlistment / Education / GT Score: 20 / HS Diploma / 104

c. Highest Grade Achieved / MOS / Total Service: E-4 / 11C1O, Indirect Fire Infantryman / 4 years, 2 months, 8 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq (9 August 2009 – 8 June 2010)

f. Awards and Decorations: ARCOM, AAM, AGCM, NDSM, GWTSM, ICM-CS, NCOPDR, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Nine DA Forms 4187 (Personnel Action) dated 15 February 2012 through 27 September 2012 reflects the applicant's periods of confinement, AWOL and Dropped from the Rolls.

(2) A memorandum, Forward Support Company, 2nd Battalion, 327th Infantry Regiment (Rear)(Provisional), 1st Brigade Combat Team (Rear)(Provisional), subject: Separation under Army Regulation 635-200, Section III Paragraph 14-12c(1) Commission of a Serious Offense – AWOL, [Applicant], dated 9 April 2013, the applicant's company commander notified the applicant of their intent to separate them for Commission of a Serious Offense – AWOL with a recommended characterization of service of General (Under Honorable Conditions). The reason for the proposed action is that the applicant has been AWOL on three separate occasions in one year for a total of 162 days. On the same day, the applicant acknowledged receipt of separation notice and that they have been advised of their right to consult with counsel prior to making any election of rights.

(3) A memorandum, Forward Support Company, 2nd Battalion, 327th Infantry Regiment (Rear)(Provisional), 1st Brigade Combat Team (Rear)(Provisional), subject: subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c(1), Commission of a Serious Offense – AWOL, [Applicant], dated 9 April 2013, the applicant's company commander recommended to separate them prior to their expiration term of service. The commander states for description of rehabilitation attempts, the applicant was enrolled in the Army Substance Abuse Program (ASAP) on 19 November 2012. The commander noted other derogatory data as the applicant was arrested in Louisville, KY on 14 February 2012 for failure to report non-receipt of firearms, having a prescription-controlled substance in an improper container, possession of a legend drug, and driving with expired registration plates. Other information considered pertinent: Dropped From Rolls Packet, Arrest Documents and Domestic Violence Order of Protection.

(4) On 11 April 2013, the applicant completed their election of rights, acknowledging they have been advised of the basis for the contemplated action to separate them for Commission of a Serious Offense, and its effects; of their rights available to them and of the effect of any action taken by them in waiving their rights. They elected not to submit statements on their behalf. They understand that they may expect to encounter substantial prejudice in civilian life if a General (Under Honorable Conditions) Discharge is issued to them.

(5) A memorandum, Headquarters, 2nd Battalion, 327th Infantry Regiment (Rear)(Provisional), 1st Brigade Combat Team (Rear)(Provisional), subject: subject: Separation under Army Regulation 635-200, Paragraph 14-12c(1), Commission of a Serious Offense – AWOL, [Applicant], dated 9 April 2013, reflects the applicant's battalion commander recommendation to separate them prior to their expiration term of service. The commander recommended the applicant's service be characterized as Honorable.

(6) A memorandum, Headquarters, 1st Brigade Combat Team (Rear)(Provisional), subject: subject: Separation under Army Regulation 635-200, Paragraph 14-12c(1), Commission of a Serious Offense – AWOL, [Applicant], dated 18 April 2013, the separation directed the applicant be separated from the U.S. Army prior to the expiration of their current term of service. The commander directed the applicant be characterized as General (Under Honorable Conditions) Discharge. After reviewing the rehabilitative transfer requirements, the commander determined the requirements are waived, as the transfer will serve no useful purpose or produce a quality Soldier.

(7) On 7 May 2013, the applicant was discharged accordingly, their DD Form 214 (Certificate of Release or Discharge from Active Duty) provides they completed 4 years, 2 months, and 8 days of net active service this period. Their DD Form 214 shows in –

- item 24 (Characterization of Service) – General (Under Honorable Conditions)
- item 26 (Separation Code) – JKD
- item 27 (Reentry Code) – 3
- item 28 (Narrative Reason for Separation) – Misconduct (AWOL)
- item 29 (Dates of Time Lost During This Period) – 20120214 – 20120214; 20120301 – 20120305; 20120418 - 20120923

i. Lost Time / Mode of Return:

- 1 Day (Confinement, 14 February 2012 – 14 February 2012) / Released from Confinement
- 5 Days (AWOL, 1 March 2012 – 5 March 2012) / NIF
- 159 Days (AWOL, 18 April 2012 – 23 September 2012) / NIF

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

(1) Applicant provided: On 29 October 2021, the Army Review Boards Agency requested the applicant provide their medical documents to support their mental health issues (Traumatic Brain Injury (TBI)), as of this date there has been no response.

(2) AMHRR Listed: DA Form 3822 (Report of Mental Status Evaluation) reflecting a diagnosis of Opioid Abuse and a positive screening for Traumatic Brain Injury (TBI).

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- DD Form 214

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the application.

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

a. Title 10, U.S. Code, Section 1553, (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, Title 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. 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.

c. 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.

d. 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.

e. 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 and DoD Directive 1332.41 and DoD Instruction 1332.28.

f. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), dated 6 September 2011, set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) An Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(2) A General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(3) An Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

(4) Chapter 14 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. 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(1) allows for an absentee returned to military control from a status of absent without leave or desertion may be separated for commission of serious offense.

(5) Chapter 15 (Secretarial Plenary Authority), currently in effect, provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation

authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis. If Secretarial Authority is granted normally correct the record to show the following:

- 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 "JKD" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 14-12c(1), misconduct (Absence Without Leave).

h. 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 DoD Instruction 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.

i. Manual for Courts-Martial, United States (2012 Edition) stated, 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 order and discipline in the Armed Forces. Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows the maximum punishments include punitive discharge for violating Article 86 (AWOL).

8. SUMMARY OF FACT(S):

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

b. The available evidence reflects the applicant periods of AWOL and was involuntary discharged from the U.S. Army. The DD Form 214 provides the applicant was discharged with a character of service of General (Under Honorable Conditions) for Misconduct, (AWOL). They completed 4 years, 2 months, and 8 days of net active service this period and completed their first full term of service; however, they did not complete their 6-year, contractual reenlistment obligation.

c. 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.

d. Published DoD 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: Bi-directional IPV, Alcohol Dependence, Opioid Abuse, Mood Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** Bi-directional IPV, Alcohol Dependence, Opioid Abuse, Mood Disorder (dx post-service with in-service symptoms as of Jan2012)

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board applied liberal consideration and opined that given the service-connected symptoms existed prior to the misconduct and nexus between the symptoms, drug use that contributed or sustained the AWOLs, and AWOL, the basis is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the condition or experience outweighed the basis of separation.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends when they transferred to their new duty location their then spouse, took everything they owned, including their child. They asked their command for time off to take care of their personal issues, but they did not allow this as they were also having some mental issues due to their deployment to Iraq. Their doctors prescribed them medication that made them feel like they were the "Walking Dead." The applicant contends between their spouse leaving, their mental issues due to deployment, anger issues with the wrong medication, and their unit not allowing them to take leave, they were not in the right mind. The Board liberally considered this contention and determined that it was valid due to the applicant's Mood Disorder outweighing the applicant's AWOL offenses. Therefore, a discharge upgrade is warranted

d. The Board determined: The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board concurred with the conclusion of the medical advising official that the applicant's medical diagnosis (Mood Disorder) mitigates the basis of separation (AWOL on three separate occasions) and warrants a change to the character and narrative reason for separation. Based on a preponderance of evidence, the Board determined that the reason for the applicant's separation was inequitable. The Board voted to retain the reentry code based on the medical diagnosis.

e. Rationale for Decision:

(1) Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or not. In reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Mood Disorder outweighed the applicant's misconduct of AWOLs. Thus, the prior characterization is no longer appropriate.

(3) 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.

(4) 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

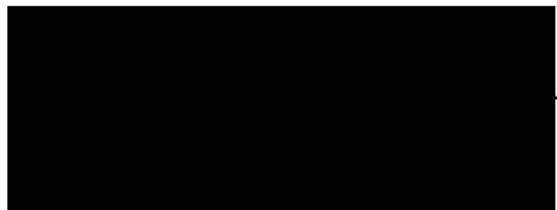
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10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: 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: No Change

Authenticating Official:

2/27/2026



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