

1. Applicant's Name: [REDACTED]**a. Application Date:** 10 May 2021**b. Date Received:** 24 May 2021**c. Counsel:** [REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant Requests: The current characterization of service for the period under review is under other than honorable conditions. The applicant requests through counsel an upgrade to honorable. The applicant also requests a change in the separation authority, narrative reason for separation and separation code to reflect "Secretarial Authority."

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect the applicant would like to possibly reenlist. The applicant also contends the separation represents a failure of due process and a miscarriage of justice. The applicant argues through counsel if this case does not overcome the presumption of administrative regularity, no case does. The Army (specifically the 321st MI Battalion) violated Army regulations and the requirement of due process by separating the applicant from service without notifying and affording an opportunity to exercise rights allowed. Also, the characterization of service issued is not supported by the facts of the case and represents a fundamental inequity.

c. Board Type and Decision: In a records review conducted on 3 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, combat deployment, and substantial post-service accomplishments, which collectively outweigh the basis for separation for unsatisfactory participation. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 135-178, Chapter 13. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

3. DISCHARGE DETAILS: The applicant's Army Military Human Resource Record (AMHRR) is void of the case separation file.

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

b. Date of Discharge: 23 December 2013

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** NIF

(2) **Basis for Separation:** The applicant was informed of the following reasons: NIF

(3) **Recommended Characterization:** NIF

(4) **Legal Consultation Date:** NIF

(5) Administrative Separation Board: NIF

d. Separation Decision Date / Characterization: NIF

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 5 November 2007 / 6 years

b. Age at Enlistment / Education / GT Score: 19 / Some College / NIF

c. Highest Grade Achieved / MOS / Total Service: E-4 / 35M, Human Intelligence Collector / 6 years, 1 month, 11 days

d. Prior Service / Characterizations: IADT, 8 January 2008 – 14 August 2008 /
(Concurrent Service)
AD, 3 September 2009 – 27 October 2010 / HD

e. Overseas Service / Combat Service: SWA / Kyrgyzstan/Afghanistan (24 October 2009 – 20 August 2010)

f. Awards and Decorations: ACM-1CS, NATO-ASM, ARCOM, GWITSM, ASR, OSR, AFRM-M

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Orders 13-350-00008, 16 December 2013, shows the applicant was reduced from E-4 to E-1 effective 16 December 2013. Also, to be discharged on 23 December 2013, with an under other than honorable conditions discharge.

i. Lost Time / Mode of Return: 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: None

(2) AMHRR provided: None

5. APPLICANT-PROVIDED EVIDENCE: Counsel brief; Application for the Review of Discharge; Power of Attorney; Discharge order; Self-authored letter; OMPF documents; (4) Character letters; Post service achievement documents (transcript, Honor Society Certificate, Life Saving Bar Certificate, enforcement hero award, training log, and an article).

6. POST SERVICE ACCOMPLISHMENTS: The applicant attended college and was inducted into Phi Theta Kappa (Honor Society), continued to serve as a police officer, received a Life Saving Bar from Dallas Police Department for saving a human life, and awarded Enforcement Hero Award.

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. 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), 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.

f. Army Regulation 135-178 prescribes the policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of Army National Guard of the United States (ARNGUS) and U.S. Army Reserve (USAR) enlisted Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) Paragraph 2-9a prescribes 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.

(2) Paragraph 2-9b, prescribes, if a Soldier's service has been honest and faithful, it is appropriate to characterize that service as general (under honorable conditions). Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

(3) Paragraph 2-9c, prescribes the service may be characterized as under other than honorable conditions only when discharge is for misconduct, fraudulent entry, unsatisfactory participation, or security reasons, and under other circumstances.

8. SUMMARY OF FACT(S): Standard of Review. 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 also requests a change in the separation authority, narrative reason for separation and separation code to reflect "secretarial authority." The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's AMHRR is void of the specific facts and circumstances concerning the events which led to the discharge from the Army Reserve. The applicant's AMHRR does contain a properly constituted discharge order: Orders 13-350-00008 16 December 2013. The orders indicate the applicant was reduced in rank from specialist to private and discharged from USAR under the provisions of AR 135-178, with an under other than honorable conditions discharge.

c. The applicant contends the applicant would like to possibly reenlist. At the time of discharge, the applicant received a characterization of service of under other than honorable conditions. Army Regulation 601-210, Chapter 4, establishes an under other than honorable conditions discharge as a non-waivable disqualification, making the applicant ineligible for reenlistment.

d. The applicant contends the separation represents a failure of due process and a miscarriage of justice. If this case does not overcome the presumption of administrative regularity, no case does. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

e. The applicant seeks a change to the narrative reason and RE Code. Soldiers discharged from the U.S. Army Reserve receive published orders specifying the effective date and characterization of service. Narrative reasons and RE Codes typically do not appear in discharge orders, and the applicant's order does not include these elements. No justification exists for modifying the discharge order. Local recruiters can assess reenlistment eligibility if the applicant wishes to return to military service. Recruiters provide guidance on Army requirements and process necessary waivers for reentry eligibility.

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 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: None

c. Response to Contention(s):

(1) The applicant also contends the separation represents a failure of due process and a miscarriage of justice. The Board considered this contention and reviewed the applicant's assertions regarding procedural error, concluding that while the concern was noted, the upgrade was granted on the basis of overall length and quality of service, combat deployment, and substantial post-service accomplishments.

d. The Board determined the discharge is inequitable based on the applicant's length and quality of service, combat deployment, and substantial post-service accomplishments, which collectively outweigh the basis for separation for unsatisfactory participation. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 135-178, Chapter 13, and the narrative reason for separation to Secretarial Authority.

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 upgrade the applicant's characterization of service to Honorable because, after applying liberal consideration to all the evidence before it, the applicant's length and quality of service, combat deployment, and substantial post-service accomplishments mitigate the basis for separation for unsatisfactory participation.

(3) The Board voted to change the applicant's narrative reason for discharge to Secretarial Authority, as the reason the applicant was discharged was both improper and inequitable.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

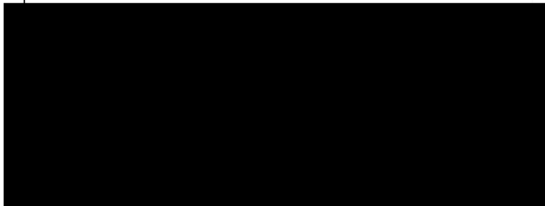
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10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Authority to: AR 135-178, Chapter 13

Authenticating Official:

2/19/2026



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
FTR – Failure to Report

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