

1. Applicant's Name: [REDACTED]

a. **Application Date:** 28 July 2021

b. **Date Received:** 28 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 general (under honorable conditions). The applicant requests an upgrade to honorable and a narrative reason change.

b. The applicant seeks relief contending, in effect, the applicant's discharge determination during and after the applicant's summary court martial was inequitable because the applicant's medical conditions were misdiagnosed while in the Army. The applicant experienced trauma through physical and psychological instability which led to the applicant's issues and discharge from the Army.

(1) The applicant believes if the correct diagnosis was determined the applicant's command team would not have treated the applicant as if the applicant was lying about the applicant's conditions. Most of the misconduct that led to the discharge were minor until the applicant's injuries became worse. The applicant was sent to a psychological hospital in Landstuhl, Germany to be evaluated by a psychologist in Heidelberg, Germany. The applicant's actions at the time was because the applicant's command team thought the applicant was lying and the applicant was threatened by a member of the applicant's command team and intimidated with provocation tactics while being reprimanded alone with no other people around. This situation was very adverse to the applicant's psychological state, then and years after. Having to type this made the applicant kind of uneasy and the applicant hoped not to have a nightmare about it.

(2) The applicant lives life peacefully and serves the applicant's community and the people around the applicant daily. Through all the applicant's hardships and issues the applicant had in the military the applicant is still disciplined. The applicant is grateful for the applicant's upgraded discharge in 2005 and did not think the applicant could receive a higher upgrade.

(3) The applicant is aware that the applicant does not have the best record to be asking for a change to the narrative reason for separation, however the applicant believes this request should be based on the trauma and injuries the applicant experienced. The applicant does not show the applicant's DD Form 214 often due to misconduct narrative reason.

c. **Board Type and Decision:** In a records review conducted on 11 April 2025, the board, through a unanimous 5-0 vote, found the applicant's discharge to be inequitable. This determination was based on the applicant's behavioral health condition and Chronic Adjustment DO (CAD), which outweighed the cited misconduct (failure to obey a lawful order, breaking restriction, disrespect toward a noncommissioned officer (NCO), and failure to report (FTR)). As a result, the board granted relief by upgrading the applicant's characterization of service to Honorable, directed the issuance of a new DD Form 214, updated the separation authority to AR 635-200, paragraph 14-12a, revised the narrative reason for separation to Misconduct (Minor Infractions), and changed the separation code to JKN. The board determined that the reentry (RE) code is appropriate and equitable and voted not to change it.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210015155

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, Chapter 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 29 June 2002

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 15 May 2002

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

- 19 March 2002, failed to obey a lawful general order by going outside the specified limits
- 15 March 2002, broke restriction
- 15 March 2002, failed to obey a lawful order from a noncommissioned officer (NCO) to perform physical training on the gliding machine
- 19 December 2001, disrespected an NCO by walking away from the NCO
- 27 November 2001, failed to obey a lawful order from an NCO to do pushups
- 27 November 2001, disobeyed two lawful orders from an NCO to go to the orderly room to make an appointment at the Darmstadt Medical Clinic and to go to the first sergeant's office
- 27 November 2001, disobeyed a lawful command from the first sergeant to return to the first sergeant's office
- 18 November 2001, disobeyed a lawful order from the first sergeant to open the applicant's door
- 17 March 2002, failed to report to the applicant's designated place of duty
- 2 July 2001 and 11 April 2001, the applicant lost the applicant military identification card

(3) Recommended Characterization: Under Other Than Honorable Conditions

(4) Legal Consultation Date: On 17 May 2002, the applicant waived legal counsel.

(5) Administrative Separation Board: On 17 May 2002, the applicant unconditionally waived consideration of the case before an administrative separation board.

(6) Separation Decision Date / Characterization: NIF / Under Other Than Honorable Conditions (Initial DD Form 214 shows as voided and changed to show the applicant's characterization as General (Under Honorable Conditions))

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 10 August 2000 / 4 years

b. Age at Enlistment / Education / GT Score: 18 / High School Graduate / 94

c. Highest Grade Achieved / MOS / Total Service: E-3 / 63B10, Light Vehicle Mechanic / 1 year, 10 months, and 11 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Germany / None

f. Awards and Decorations: NDSM and ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) The applicant provided:

(a) Chronological Record of Medical Care, 20 April 2001, showing the applicant was seen for left knee pain and had history of patellar tendonitis.

(b) A Radiologic Examination Report, 9 November 2001, showing the applicant had a normal lumbosacral spine.

(2) Four Developmental Counseling Forms, for loss of identification card three times, failure to follow instructions on two occasions, failure to obey a lawful order, failure to follow sick call procedures, and malingering.

(3) On 19 February 2002, the applicant was flagged for involuntary separation/field initiated (BA), effective 19 February 2002.

(4) Developmental Counseling Form, 26 February 2002, for failure to be at proper place of duty.

(5) The applicant wrote a self-authored letter to the battalion commander, 15 March 2002, stating between April and November 2001 the applicant had several family issues, the applicant's fiancé lost the applicant's baby and no longer wanted to be with the applicant, the applicant's father told the applicant that the applicant was not the father's child, and the applicant's two brothers robbed a bank and was in jail. The applicant hurt the applicant's back four times and due to this and the family issues, the applicant began being disrespectful to leadership. The applicant's commander had the applicant placed in the mental ward at Landstuhl Medical Facility for depression, stress, and mood swings. The applicant attempted to commit suicide and had no value for the applicant's life. The applicant went absent without leave because the felt mistreated by the command.

(6) Five Developmental Counseling Forms, for insubordination, failure to obey a direct order on three occasions, failure to be at proper place of duty, and the commander preferred summary court martial charges against the applicant for continued misconduct.

(7) The applicant provided Chronological Record of Medical Care, 4 April 2002, showing the applicant reinjured the applicant's lower back.

(8) Headquarters, V Corps, Office of the Staff Judge Advocate notification under RCM 1101 and AR 27-10, paragraph 5-26, United States versus the applicant, shows the applicant was tried in a Summary Court-Martial on 24 April 2002. The applicant was charged with five specifications. The summary of offenses, pleas, and findings:

(a) Violation of Article 91: Disobey an NCO; guilty, consistent with the plea.

(b) Violation of Article 86: Two specifications of failure to report; guilty consistent with the plea.

(c) Violation of Article 134: Break said restriction; guilty, consistent with the plea; and

(d) Violation of Article 92: Disobey a lawful general order; guilty, consistent with the plea.

(e) Sentence: Confined for 15 days, reduction from E-2 to E-1; and forfeiture of \$619.70 pay for 1 month. Sentence was adjudged on 24 April 2002.

(f) Pretrial agreement concerning sentence was to disapprove any confinement in excess of 14 days. All other lawful punishments may be approved.

(g) The commander's report, 17 May 2002, indicates the applicant received nonjudicial punishment which is not in the AMHRR.

(9) On 17 and 21 May 2002, the battalion and brigade commanders recommended the applicant be separated with an other than honorable discharge.

(10) On an unspecified date, the separation authority approved the applicant's unconditional waiver of an administrative separation board and separation from the Army with an under other than honorable conditions discharge and reduction to the lowest enlisted grade.

(11) The applicant's Enlisted Record Brief, 25 June 2002, shows the applicant was reduced from E-3 to E-2 effective 18 December 2001 and from E-2 to E-1 effective 24 April 2002.

i. **Lost Time / Mode of Return:** 10 days (CMA, 24 April 2002 - 3 May 2002) / Released from Confinement

j. Behavioral Health Condition(s):

(1) **Applicant provided:** Department of Veterans Affairs (VA) documents and applicant's statement in support of PTSD.

(2) **AMHRR Listed:** Medical Record-Supplemental Medical Data, 19 December 2001, Physical Profile Record, 27 December 2001, Regional Medical Center Inpatient Psychiatry Service, memorandum to commander, subject: Report of Mental Status Evaluation on (Applicant), and Discharge Note, 27 December 2001, Report of Medical Examination, 22 February 2002, and Report of Medical History, 22 February 2002.

The ARBA's medical advisor reviewed DoD and VA medical records and not solely those documents listed in 4j (1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293; Self-Authored Letter; medical records; Three VA letters, Service Compensation, letter requesting additional information, and working claim notification; applicant's statement in support of PTSD; and QTC Medical Services appointment notification.

6. POST SERVICE ACCOMPLISHMENTS: Community service unspecified.

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) 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) provides the basic authority for the separation of enlisted personnel.

(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) 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.

(5) Paragraph 14-3 prescribes 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.

(6) Paragraph 14-12c prescribes 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.

(7) Chapter 15 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.

e. Army Regulation 635-5-1 (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:

(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.

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 and a narrative reason change. The applicant's AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's DD Form 214 shows the applicant served 1 year, 10 months, and 11 days. The applicant was found guilty at a summary court-martial for five specifications. The applicant's DD Form 214 shows the applicant was discharged under the provisions of AR 635-200, Chapter 14, paragraph 14-12c, by reason of Misconduct, with a characterization of service of general (under honorable conditions).

c. The applicant requests the narrative reason for the discharge to be changed. The applicant was separated under the provisions of Chapter 14, paragraph 14-12c, AR 635-200 with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Misconduct (Serious Offense)," and the separation code is "JKQ." Army Regulation 635-8 (Separation Processing and Documents) governs the preparation of the DD Form 214 and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

d. The applicant contends, in effect, the applicant's discharge determination during and after the applicant's summary court martial was inequitable because the applicant's medical conditions were misdiagnosed while in the Army. The applicant experienced trauma through physical and psychological instability which led to the applicant's issues and discharge from the Army.

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 diagnoses/experiences: Chronic Adjustment DO (0%SC).

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found VA service connection establishes nexus with active service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that the applicant has a BH condition, CAD, which mitigates most of his misconduct. As there is an association between CAD, difficulty with authority figures and avoidant behaviors, there is a nexus between his diagnosis of CAD, his multiple instances of failing to follow orders and being disrespectful to NCOs and his failure to report. CAD does not mitigate the applicant losing their ID card as CAD does not affect one's memory.

(4) Does the condition or experience outweigh the discharge? **No.** After liberally considering the evidence, including the opinion of the Board Medical Advisor, the board concluded that the available information did not substantiate a finding that the applicant's Chronic Adjustment Disorder outweighed the medically unmitigated misconduct related to the loss of their ID card. However, the board granted partial relief, determining that the applicant's Chronic Adjustment Disorder served as a mitigating factor for the other misconduct (repeated failures to follow orders, acts of disrespect toward noncommissioned officers, and failure to report). CAD does not mitigate the applicant losing their ID card as CAD does not affect one's memory.

b. Response to Contention: The applicant contends, in effect, the applicant's discharge determination during and after the applicant's summary court martial was inequitable because the applicant's medical conditions were misdiagnosed while in the Army. The applicant experienced trauma through physical and psychological instability which led to the applicant's issues and discharge from the Army.

The board considered this contention and determined relief was warranted based on the applicant's behavioral health condition Chronic Adjustment DO, which mitigates most of the applicant misconduct (difficulty with authority figures and avoidant behaviors, failure to follow orders and disrespectful to NCOs and FTR). The narrative reason of Misconduct (Minor Infractions) addresses the misconduct (loss of ID card).

c. The board determined the discharge is inequitable based on the applicant's behavioral health condition (chronic adjustment disorder) partially mitigates the applicant's misconduct (repeated failures to follow orders, acts of disrespect toward noncommissioned officers, and failure to report). The minor misconduct of loss of ID card is covered by the narrative reason

Misconduct (Minor Infractions). 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 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. Based on the applicant's medical diagnosis the board determined the reentry code was proper and equitable and voted not to change it. The applicant has no further appeal options with the ADRB but can apply to the Army Board for Correction of Military Records. They must provide sufficient evidence to prove the reentry code was improper or inequitable.

d. Rationale for Decision:

(1) The board voted to change the applicant's characterization of service because the applicant's behavioral health condition (chronic adjustment disorder), partially mitigated the applicant's misconduct (difficulty with authority figures and avoidant behaviors, failure to follow orders and disrespectful to NCOs and FTR). The narrative reason for separation Misconduct (Minor Infractions) addresses the loss of ID card (the medically unmitigated misconduct). Thus, the prior characterization is no longer appropriate.

(2) The board voted to change the applicant's reason for discharge to Misconduct (Minor Infractions) under the same rationale, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

(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

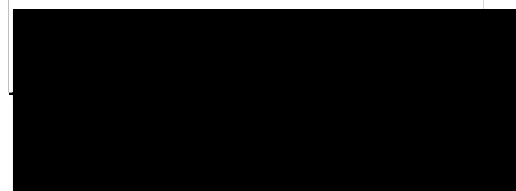
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10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: Misconduct (Minor Infractions)/JKN
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200

Authenticating Official:

4/23/2025



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