

1. Applicant's Name: [REDACTED]**a. Application Date:** 23 July 2021**b. Date Received:** 29 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.

b. The applicant seeks relief contending, in effect, the misconduct (absent without leave (AWOL) narrative reason for separation should reflect the applicant's mental condition. The applicant went AWOL because help was not available for the applicant's mental condition. The applicant sought out a civilian doctor who treated the applicant for bipolar and depression during the 2 years the applicant was AWOL, however, the applicant stayed in contact with the Army. A civilian lawyer on behalf of the applicant was in contact with Major I__ at Fort Lewis. Once the doctor gave the applicant an OK to return to Fort Lewis the applicant went back to the company and remained there until being separated. The applicant states that the applicant's condition was not preexistent to joining the Army as stated by Major I__. Being in the Army has exasperated the applicant's condition. The applicant is currently under a doctor's care for anxiety and high blood pressure.

c. Board Type and Decision: In a records review conducted on 9 April 2025, and by a 5-0 vote, the board determined the discharge is inequitable based on the applicant's Bipolar Disorder and in service factors (length, combat) mitigated the applicant's misconduct (AWOL). 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, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. 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 (AWOL) / AR 635-200, Chapter 14-12c (1) / JKD / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 29 May 2009**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 13 April 2009

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant was absent without leave (AWOL) from on or about 23 June 2006 to 4 February 2009.

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

(4) Legal Consultation Date: 20 April 2009

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 23 April 2009 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 20 September 2005 / 3 years and 19 weeks

b. Age at Enlistment / Education / GT Score: 18 / High School Graduate / 91

c. Highest Grade Achieved / MOS / Total Service: E-3 / 11B10, Infantryman / 1 year, 5 months, and 29 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDS, GWOTSM, and ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Three Personnel Action forms, shows the applicant's duty status changed as follows:

- From "Present for Duty (PDY)," to "AWOL," effective 23 June 2006.
- From "AWOL" to "Dropped From Rolls (DFR)," effective 23 July 2006; and
- From "DFR" to "PDY", effective 4 February 2009

(2) The applicant's Enlisted Record Brief, 30 April 2009, shows the applicant was flagged for adverse action (AA), effective 22 June 2006.

i. Lost Time / Mode of Return: 2 years, 7 months, and 13 days (AWOL, 23 June 2006 - 4 February 2009 / NIF

j. Behavioral Health Condition(s):

(1) Applicant provided: See two letters from Dr. W___, 26 August 2006 and 26 June 2008; DD Form 2808 (Report of Medical Examination), 25 February 2009, and DD Form 2807-1 (Report of Medical History), 25 February 2009; DD Form 2697 (Report of Medical Assessment), 25 February 2009; Mental Status Evaluation, 6 April 2009; and Western Regional Medical Command and Madigan Army Medical Center Memorandum for Record, 26 March 2009.

(2) AMHRR Listed: DD Form 2808 (Report of Medical Examination), 25 February 2009, and DD Form 2807-1 (Report of Medical History), 25 February 2009 (missing pages not provided by the applicant)

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; two letters from Dr. W___; Report of Medical Examination; Report of Medical History; Report of Medical Assessment; Mental Status Evaluation; and Medical Memorandum for Record.

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

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) 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.

(4) 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.

(5) Paragraph 14-12c (1) allows for an absentee returned to military control from a status of absent without leave or desertion to be separated for commission of a serious offense.

(6) 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 "JKD" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c (1), misconduct (awol).

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 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. 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 and 29 days. The applicant was AWOL for 2 years, 7 months, and 13 days. The applicant's DD Form 214 shows the applicant was discharged on 29 May 2009 under the provisions of AR 635-200, Chapter 14, paragraph 14-12c (1), by reason of Misconduct (AWOL), with a characterization of service of general (under honorable conditions).

c. The applicant contends, in effect, the misconduct (AWOL) narrative reason for separation should reflect the applicant's mental condition. The applicant went AWOL because help was not available for the applicant's mental condition. For 2 years, the applicant was treated for bipolar and depression by a civilian dr. while AWOL. The applicant states that the applicant's condition was not preexistent to joining the Army and was exasperated by the Army. The applicant is currently under a doctor's care for anxiety and high blood pressure.

(1) The applicant was separated under the provisions of Chapter 14, paragraph 14-12c (1), 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 (AWOL)," and the separation code is "JKD." Army Regulation 635-8 (Separation Processing and Documents) governs preparation of the DD Form 214, and dictates entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be exactly as listed in tables 2-2 or 2-3 of AR 635-5-1 (SPD Codes). The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

(2) The applicant provided two letters from Dr. W __, 26 August 2006 and 26 June 2008; DD Form 2808 (Report of Medical Examination), 25 February 2009, and DD Form 2807-1 (Report of Medical History), 25 February 2009; DD Form 2697 (Report of Medical Assessment),

25 February 2009; Mental Status Evaluation, 6 April 2009; and Western Regional Medical Command and Madigan Army Medical Center Memorandum for Record, 26 March 2009, for Board review.

d. 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: Bipolar Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** Bipolar Disorder.

(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 diagnosis of Bipolar Disorder at the time of AWOL, related symptoms interfering with accurate perceptions and appropriate decision making, and reliance on a civilian provider with strong negative beliefs about the Army with related recommendation he does not return during a time the applicant would have relied on professionals for guidance, the basis is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** The Board concurred with the opinion of the Board's Medical Advisor, a voting member. As a result, the ADRB applied liberal consideration and found that the applicant's Bipolar Disorder outweighed the misconduct (AWOL) - basis of separation for the aforementioned reason.

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant requests an upgrade to honorable. The board considered this contention during proceedings and determined that the applicant Bipolar Disorder mitigated the applicant's misconduct (AWOL), therefore relief was warranted.

d. The board determined that the discharge was inequitable due to a confirmed diagnosis of Bipolar Disorder and mitigating in-service factors, including service length and combat experience, which mitigate the applicant's AWOL misconduct. As a result, the board voted to grant relief by upgrading the applicant's characterization of service to Honorable. The separation authority was changed to AR 635-200, Chapter 15, with the narrative reason updated to Secretarial Authority and the separation code to JFF. While the applicant has exhausted appeal options through the Army Discharge Review Board (ADRB), they may still seek relief from the Army Board for Correction of Military Records (ABCMR). The applicant must meet the burden of proof and submit adequate documentation or evidence to demonstrate that the original discharge was improper or unjust.

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e. Rationale for Decision:

(1) The board voted to change the applicant's characterization of service to Honorable because the applicant's Bipolar Disorder and mitigating in-service factors, including service length and combat experience, which mitigate the applicant's AWOL misconduct. Thus, the prior characterization is no longer appropriate.

(2) The board voted to change the applicant's reason for discharge to Secretarial Authority under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JFF.

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

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes**
- b. Change Characterization to: Honorable**
- c. Change Reason / SPD code to: Secretarial Authority / JFF**
- d. Change RE Code to: No Change**
- e. Change Authority to: AR 635-200, Chapter 15**

Authenticating Official:

7/29/2025



Legend:

AWOL – Absent Without Leave
AMHRR – Army Military Human Resource Record
BCD – Bad Conduct Discharge
BH – Behavioral Health
CG – Company Grade Article 15
CID – Criminal Investigation Division
ELS – Entry Level Status
FG – Field Grade Article 15

GD – General Discharge
HS – High School
HD – Honorable Discharge
IADT – Initial Active Duty Training
MP – Military Police
MST – Military Sexual Trauma
N/A – Not applicable
NCO – Noncommissioned Officer
NIF – Not in File
NOS – Not Otherwise Specified

OAD – Ordered to Active Duty
OBH (I) – Other Behavioral Health (Issues)
OMPF – Official Military Personnel File
PTSD – Post-Traumatic Stress Disorder
RE – Re-entry
SCM – Summary Court Martial
SPCM – Special Court Martial

SPD – Separation Program Designator
TBI – Traumatic Brain Injury
UNC – Uncharacterized Discharge
UOTHC – Under Other Than Honorable Conditions
VA – Department of Veterans Affairs