

1. Applicant's Name: [REDACTED]**a. Application Date:** 23 May 2021**b. Date Received:** 2 June 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 Under Other Than Honorable Conditions. The applicant requests an upgrade of their U.S. Army Reserve (USAR) character of service.

(2) The applicant seeks relief contending they served 6 years in the USAR, a year of that on active duty on foreign soil in Iraq. There were granted inactive reserve status and didn't receive it. They were suffering from Post Traumatic Stress Disorder (PTSD) and they wanted to separate themselves and took the decision into their own hands. They regret not showing up for USAR duty until the paperwork granted inactive status which resulted in receiving a dishonorable discharge.

b. Board Type and Decision: In a records review conducted on 14 March 2025, and by a 5-0 vote, the Board granted relief in the form of an upgrade of the characterization of service to General (Under Honorable Conditions). There will be no change to the narrative reason for separation or SPD code as the applicant did not have these codes. There is no reentry code as the applicant was in the U.S. Army Reserves. Please see Section 9 of this document for more detail regarding the Board's decision.

3. DISCHARGE DETAILS:

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

b. Date of Discharge: 21 July 2007

c. Separation Facts: The applicant's case separation file is void from their Army Military Human Resource Record (AMHRR). On 25 October 2021 the Army Review Boards Agency requested the applicant provide their discharge packet (case separation files), as of this date there has been no response.

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 29 February 2000 / 8 years (ARNG)

b. Age at Enlistment / Education / GT Score: 17 / HS Diploma / 95

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92A10, Automated Logistical Specialist / 7 years, 4 months, 23 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq (22 February 2004 – 21 February 2005)

f. Awards and Decorations: ASR, NDSM-2, ARCOM, ARCAM, ICM

g. Performance Ratings: None

h. Disciplinary Action(s) / Evidentiary Record:

(1) A Headquarters, 335th Theater Signal Command Orders 12-237-00027, dated 24 July 2007, reflects the applicant was reduced in rank/grade from specialist/E-4 to private/E-1, effective 21 July 2007 and was discharged from the USAR, with a type of discharge of Under Other Than Honorable Conditions, effective 21 July 2007.

(2) A DA Form 5016 (Chronological Statement of Retirement Points) dated 19 November 2024 reflects the applicant –

- From 1 March 2006 to 28 February 2007, earned 4 Inactive Duty Points (equivalent to 2 days of unit drills) and zero Active Duty Points
- from 1 March 2007 to 21 July 2007, earned zero Inactive Duty Points (equivalent to 0 day of unit drills) and zero Active Duty Points

i. Lost Time / Mode of Return: NIF

j. Behavioral Health Condition(s): None

(1) **Applicant provided:** On 25 October 2021 the Army Review Boards Agency requested the applicant provide their medical documents to support their mental health issues (PTSD, nightmares and flashbacks), as of this date there has been no response.

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE: None provided with application.

- DD Form 149 (Application for Correction of Military Records under the Provisions of Title 10, U.S. Code, Section 1552)
- excerpt of military service documents
- two 3rd Party Statements

6. POST SERVICE ACCOMPLISHMENTS: None provided with 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, 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. Multiple Department of Defense (DoD) 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; Title 10 U.S. Code; Section 1553, DoD Directive 1332.41, and DoD Instruction 1332.28.

d. Army Regulation 135-91 (Service Obligations, Methods of Fulfillment, Participation Requirements, and Enforcement Procedures) dated 1 March 2005, defines ARNG of the United States and USAR service obligations. It prescribes policies and procedures governing the various types of service obligations and participation requirements. Paragraph 3-1 (Satisfactory

Participation in TPU) states TPU Soldiers are required to participate in at least 48 scheduled inactive duty training, and not less than 14 days, exclusive of travel time, of annual training. Satisfactory participation is defined –

- Attending all scheduled inactive duty training unless excused by the unit commander or granted a leave of absence
- Attending and satisfactorily completing the entire period of annual training unless excused by proper authority
- Obtaining a unit assignment during an authorized leave of absence

e. Army Regulation 135-178 (Enlisted Administrative Separations), dated 13 April 2007, set policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of ARNGUS and USAR enlisted Soldiers for a variety of reasons.

(1) 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. When a Soldier is discharged before expiration of the service obligation for a reason for which an honorable characterization is discretionary, the following considerations apply, to include –

(a) An honorable characterization may be awarded when disqualifying entries in the Soldier's military record are outweighed by subsequent honorable and faithful service over a greater period of time during the current term of service.

(b) It is a pattern of behavior and not an isolated instance which should be considered the governing factor in determining the character of service.

(c) Unless otherwise ineligible, a Soldier may receive an honorable characterization of service if he or she has, during his or her current enlistment, or any extension thereof, received a personal decoration.

(2) A General discharge is if a Soldier's service has been honest and faithful, it is appropriate to characterize that service as under honorable conditions. Characterization of service as general (under honorable conditions) is warranted when significant negative aspect of the Soldier's conduct or performance of duty outweighs positive aspects of the Soldier's military record.

(3) A Under Other Than Honorable Conditions Discharge, service may, but is not required to be characterized as under other than honorable conditions only when discharge is for misconduct, fraudulent entry, homosexual conduct, unsatisfactory participation, or security reasons. The Adjutant General will direct reduction in grade to private/E-1 when the Soldier is discharged under other than honorable conditions.

(4) Chapter 13 (Unsatisfactory Participation in the Ready Reserve) stated a Soldier is subject to discharge for unsatisfactory participation when it is determined that the Soldier is unqualified for further military service because the Soldier is an unsatisfactory participant as described in Army Regulation 135-91, chapter 4 and attempts to have the Soldier respond or comply with order or correspondence have resulted in the Soldier's refusal to comply with orders or correspondence; or a notice sent by certified mail was refused, unclaimed, or otherwise undeliverable; or verification that the Soldier has failed to notify the command of a change of address and reasonable attempts to contact the Soldier have failed. Characterization of service

normally will be Under Other Than Honorable Conditions, but characterization as General (Under Honorable Conditions) may be warranted.

(5) Paragraph 13-1 (Basis) stated, a Soldier is subject to discharge for unsatisfactory participation when it is determined that the Soldier is unqualified for further military service because: the Soldier is an unsatisfactory participant as prescribed in Army Regulation 135-91, chapter 4; and attempts to have the Soldier respond or comply with orders or correspondence have resulted in the Soldier's refusal to comply with order or correspondence; or a notice sent by certified mail was refused, unclaimed, or otherwise undeliverable; or verification that the Soldier has failed to notify the command of a change of address and reasonable attempts to contact the Soldier have failed.

(6) Paragraph 13-3 (Characterization of Service) stated characterization of service normally will be Under Other Than Honorable Conditions, but characterization as General (Under Honorable Conditions) may be warranted. For Soldiers who have completed entry level status, characterization of service as Honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be inappropriate. In such cases, separation for unsatisfactory participation with an Honorable characterization will be approved by the separation authority.

f. Army Regulation 135-180 (Retirement for Non-Regular Service) dated 1 August 1987, implemented statutory authorities governing the granting of retired pay to Soldiers and former Reserve components Soldiers. Paragraph 2-10 (Computation of Service) stated one point for each authorized participation in drills or periods of instruction which conform to the requirements prescribed by the Secretary of the Army.

g. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) prescribes policies and standards to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. It prescribes the policies, procedures, authority for separation of Soldiers, and the general provisions governing the separation of Soldiers before Expiration Term of Service or fulfillment of active duty obligation to meet the needs of the Army and its Soldiers. Chapter 15 (Secretarial Plenary Authority) 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.

8. SUMMARY OF FACT(S):

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

b. A review of the available evidence provides an administrative irregularity in the proper retention of records, specifically the AMHRR is void of the case files for approved separation. Due to the lack of evidence, the specific facts and circumstances surrounding the misconduct that led to their discharge under the provision on Army Regulation 135-178 are unknown. Notwithstanding the absence of records, their discharge order from the USAR provides the applicant was discharged with a character of service of Under Other Than Honorable Conditions. They completed 7 years, 4 months, 23 days Reserve Component service; however, they did not complete their 8-year enlistment obligation.

c. The applicant's AMHRR does not reflect documentation of a diagnosis of PTSD, nor did the applicant provide evidence of a diagnosis of PTSD, during their military service.

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 diagnoses/experiences: The applicant self-asserts his misconduct was related to PTSD.

(2) Did the condition exist, or experience occur during military service? **Yes.** The applicant self-asserted PTSD during service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Unknown.** A review of the military EMR and VA EMR (JLV) was void of any BH treatment history for the applicant and they do not have a service connected disability. No hardcopy military, DoD, or civilian BH records were available for review. Additionally, the Basis of Separation for the applicant is not in file. The applicant suggests they were separated from service due to failure to attend battle assembly and the DA 5016 reflecting that they earned a total of 4 Inactive Duty Points for period 1 March 2006 to 28 February 2007 appears to support this claim. The applicant asserts their failure to attend battle assembly was due to PTSD, however, a review of the available information is void of any BH diagnosis or treatment history for the applicant and they did not provide medical documentation supporting the assertion of PTSD. There is insufficient evidence to establish the applicant's misconduct was related to, or mitigated by, PTSD and insufficient support for an upgrade based on medical mitigation.

(4) Does the condition or experience outweigh the discharge? **No.** Based on liberally considering all the evidence before the Board, the ADRB determined that the condition or experience did not outweigh the basis of separation. However, the Board voted to upgrade the characterization upon consideration of the applicant's in-service factors of length, quality, combat and post-service accomplishments making the characterization of Under Other Than Honorable Conditions too harsh.

b. Response to Contention(s):

(1) The applicant contends they served 6 years in the USAR, a year of that on active duty on foreign soil in Iraq. There were granted inactive reserve status and didn't receive it. The Board considered this contention and voted to upgrade the characterization due to the applicant's in-service factors of length, quality, combat and post-service accomplishments making the characterization of Under Other Than Honorable Conditions too harsh.

(2) The applicant contends he was suffering from PTSD and wanted to separate himself and took the decision into his own hands.

The Board considered this contention; however, a review of the available information is void of any BH diagnosis or treatment history for the applicant, and the applicant did not provide medical documentation supporting the assertion of PTSD.

(3) The applicant contends they regret not showing up for USAR duty until the paperwork granted inactive status which resulted in receiving a dishonorable discharge. The Board considered this contention and found the applicant's DA 5016 reflected that they earned only 4 Inactive Duty Points for period 1 March 2006 to 28 February 2007 appears to support this claim.

c. The Board determined the Under Other Than Honorable Conditions discharge was inequitable and the characterization too harsh for the basis of separation given the applicant's in-service factors of length, quality, combat and post-service accomplishments. These factors outweighed the applicant's basis of separation – Unsatisfactory Participation (failure to attend Battle Assembly). Thus, the Board voted to upgrade the characterization of service to General (Under Honorable Conditions). Without full medical mitigation or further evidence for the Board to consider, the Board determined that the applicant's conduct fell below that level of meritorious service warranted for an upgrade to Honorable discharge.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to General (Under Honorable Conditions) by applying liberal consideration of all the evidence before the Board. The applicant's in-service factors of length, quality, combat and post service accomplishments outweighed the basis of separation – Unsatisfactory Participation (failure to attend Battle Assembly).

(2) As there were no Reasons/SPD Codes/RE-codes listed on the applicant's discharge paperwork, due to being in the Army Reserves, no upgrade actions are required for these items.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210015300

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: General, Under Honorable Conditions
- c. Change Authority to: No Change

Authenticating Official:

3/18/2025

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