

1. Applicant's Name: [REDACTED]**a. Application Date:** 12 July 2021**b. Date Received:** 19 July 2021**c. Representative:** 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 the separation code should be removed.

(2) The applicant seeks relief contending in April 2014 they were discharged for parenthood because their spouse was seriously ill and they were awarded separation pay. In October 2014 they were arrested and placed into custody, told they were in an absence without leave (AWOL) status, and was placed in debt for their separation pay. Their charges were all found to be untrue, and they were separated from the Army once again in December 2014 after two congressional inquiries. The commander who changed their status to AWOL was relieved from command for similar issues. The debt was supposed to be erased as they were deemed eligible for separation pay. They have disputed this debt on numerous occasions to no avail. Their general (under honorable conditions) characterization of service has been affecting live and their credit score for seven years. They have served our country honorably for eight years, earning a bronze star medal and a combat medic badge for their service in Afghanistan.

b. Board Type and Decision: In a records review conducted on 31 January 2025, and by a 3-2 vote, the Board denied the request to upgrade the characterization and re-entry code upon finding the separation was both proper and equitable. The Board voted 5-0 to upgrade narrative reason to Misconduct Minor Infractions with a separation code of JKN. Please see Section 9 of this document for more detail regarding the Board's decision.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct, (Serious Offense) / Army Regulation 635-200, Paragraph 14-12C / JKQ / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 19 December 2014

c. Separation Facts: The applicant's case separation file from their Army Military Human Resource Record (AMHRR) only contains the Separation Authority memorandum from previous separation proceedings.

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 23 March 2012 / 3 years

b. Age at Enlistment / Education / GT Score: 30 / HS Graduate / 97

c. Highest Grade Achieved / MOS / Total Service: E-5 / 68W20, Health Care Specialist / 8 years, 5 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq (9 October 2007 – 22 December 2008), Afghanistan (22 January 2013 – 4 August 2013)

f. Awards and Decorations: ACM-CS, BSM, ARCOM-2, AAM-2, AGCM-2, NDSM, GWTSM, ICM-CS, NCOPDR, ASR, OSR, NATOMDL

g. Performance Ratings:

- 1 April 2011 – 22 July 2011 / Among the Best
- 23 July 2011 – 15 May 2012 / Fully Capable
- 16 May 2012 – 15 May 2013 / Among the Best

h. Disciplinary Action(s) / Evidentiary Record:

(1) A memorandum, Headquarters, 1st Air Cavalry Brigade, 1st Cavalry Brigade subject: Separation of under Army Regulation 635-200, Paragraph 5-8, Involuntary Separation due to Parenthood, [Applicant], dated 8 April 2014, the separation authority reviewed the separation packet of the applicant and directed they be separated from the Army prior to the expiration of their current term of service and their service be characterized as Honorable. The separation authority after reviewing the rehabilitative transfer requirement determined the requirements do not apply to this action.

(2) A Headquarters, III Corps and Fort Hood Orders 119-0125, dated 29 April 2014, reflects the applicant was assigned to the U.S. Army transition point for transition processing with a date of discharge of 4 June 2014.

(3) A DA Form 4187 (Personnel Action) dated 21 May 2014, reflects the applicant's commander changed their status from Leave to AWOL effective 0900 hours, 22 May 2014. In Section IV (Remarks) the commander states the applicant is AWOL due to the applicant forged their leave form.

(4) A DA Form 4187 (Personnel Action) dated 23 May 2014, reflects the applicant's commander changed their status from AWOL to Dropped From Rolls effective 0900 hours, 23 May 2014. In Section IV (Remarks) the commander states the applicant is being dropped from rolls less than 90 days due to forging their commander's signature on numerous documents to include their leave form. The brigade commander requests the applicant return to the unit.

(5) A DA Form 458 (Charge Sheet) dated 16 June 2014, reflects charges were preferred against the applicant for violation of Article 86 (AWOL), Uniform Code of Military Justice (UCMJ), in that they did, on or about 22 May 2014, without authority, and with the intent to stay there from permanently, absent themselves from their unit; and for violation of Article 85 (Desertion), UCMJ, in that they did, on or about 23 May 2014, without authority, and with the intent to stay there from permanently, absent themselves from their unit. [Note: the applicant's case files for approved separation are void from their AMHRR.]

(6) On 19 December 2014, the applicant was discharged from the U.S. Army. Their DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects they completed 8 years and 5 days of net active service this period and completed their first full term of service. The DD Form 214 shows in:

- item 24 (Character of Service) – General (Under Honorable Conditions)

- item 26 (Separation Code) – JKQ
- item 27 (Reentry Code) – 3
- item 28 (Narrative Reason for Separation) – Misconduct, (Serious Offense)
- item 29 (Dates of Time Lost During This Period) – 20140522-20141023

i. Lost Time / Mode of Return: 22 May 2014 – 23 October 2014 / NIF

j. Behavioral Health Condition(s): None

5. APPLICANT-PROVIDED EVIDENCE: None

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. 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 and DoD Directive 1332.41 and DoD Instruction 1332.28.

d. 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) A 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) Paragraph 5-8 (Involuntary Separation Due to Parenthood) stated Soldiers will be considered for involuntary separation when parental obligations interfere with fulfillment of military responsibilities. Unless the reason for separation requires a specific characterization, a Soldier being separated for the convenience of the Government will be awarded a character of service of honorable, under honorable conditions, or an uncharacterized description of service if in entry-level status.

(5) 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 (Commission of a Service Offense), stated 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.

(6) 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.

e. 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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 14-12c, 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 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.

g. 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 the following Article 85 (Desertion) and 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. A review of the available evidence provides an administrative irregularity in the proper retention of records, specifically the AMHRR case files for approved separation only contains the separation authority memorandum for involuntary separation due to parenthood for their previous separation proceedings. However, the applicant's available evidence then reflects a period of AWOL/Desertion from 22 May 2014 through 23 October 2014, in violation of Article 85 (Desertion), UCMJ and Article 86 (AWOL), UCMJ, and was involuntarily discharge 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, (serious offense). They completed 8 years and 5 days of net active service this period and completed their first full term of service; however, they did not complete their 3-year reenlistment contractual 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 diagnosis: PTSD

(2) Did the condition exist, or experience occur during military service? **Yes.** Trauma for service connected condition occurred in-service, combat.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that there is no indication trauma related to the discharge given they continue to contend they had been discharged for a family care plan; They are not asserting the discharge was due to AWOL.

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends in April 2014 they were discharged for parenthood because their spouse was seriously ill. The Board considered this condition and found that the applicant had been discharged for being AWOL.

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 considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The Board concurred with the conclusion of the medical advising official that there is no indication trauma related to the discharge given he continues to contend he had been discharged for a family care plan; he is not asserting discharge was due to AWOL for PTSD application. Based on a preponderance of evidence, the Board determined that character of service the applicant received upon separation were proper and equitable. However, the Board decided by a 3-2 vote that because of the applicant's length, Quality and combat the reason was changed to JKN minor misconduct.

e. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service because, despite applying liberal consideration of all the evidence before the Board, the applicant's PTSD did not excuse or mitigate the offenses of going AWOL. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process.

(2) The Board voted to change the applicant's reason for discharge to Misconduct Minor Infractions with an SPD code of JKN.

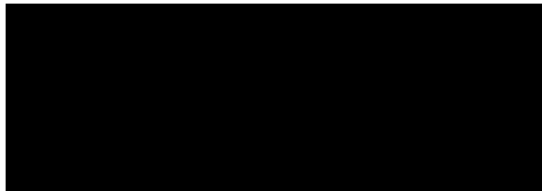
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- f. Issue a New DD-214 / Separation Order: No**
- g. Change Characterization to: No Change**
- h. Change Reason / SPD code to: Misconduct (Minor Infractions)/JKN**
- i. Change RE Code to: No Change**
- j. Change Authority to: No Change**

Authenticating Official:

3/17/2026



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

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