

**1. Applicant's Name:** [REDACTED]

- a. **Application Date:** 4 August 2021
- b. **Date Received:** 9 August 2021
- c. **Counsel:** None

**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. **Applicant Requests:** The current characterization of service for the period under review is under other than honorable conditions. The applicant requests an upgrade to honorable.

b. **Applicant Contention(s) / Issue(s):** The applicant requests relief contending, in effect, to understand and regret the decision to go absent without leave (AWOL). At the time, the applicant was facing a stressful time from the previous tour in Iraq and the 4th Infantry Division's upcoming move to Fort Carson. The applicant's spouse had recently left the applicant, and the couple's child, with the applicant. The applicant did not possess a reliable family care plan. The applicant was forced to move back to Saint Louis, Missouri, with family for assistance with caring for and providing for the applicant's child. Since the applicant's discharge, the applicant has not been in any trouble. The applicant's child is doing well in school and has a part-time job.

c. **Board Type and Decision:** In a records review conducted on 7 August 2025, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's length and quality of service, to include combat service, partially outweighing the discharge. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

**3. DISCHARGE DETAILS:**

a. **Reason / Authority / Codes / Characterization:** In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / Under Other Than Honorable Conditions

b. **Date of Discharge:** 1 September 2011

**c. Separation Facts:**

(1) **Date Charges Preferred / DD Form 458 (Charge Sheet):** On 21 July 2011, the applicant was charged with:

(a) [Charge I]: Violating Article 86, UCMJ, Specifications 1 and 2: The applicant, on two occasions, without authority, was absent from the unit from 24 June to 11 August 2005, and from 27 August to 29 August 2005.

(b) [Charge II]: Violating Article 85, UCMJ, The Specification: The applicant was absent in desertion from 2 September 2005 until apprehended on 11 March 2011.

(2) **Legal Consultation Date:** 8 August 2011

**(3) Basis for Separation:** Pursuant to the applicant's voluntary request for discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial. (The applicant's AMHRR is void of the first page of the request.)

**(4) CDR / Intermediate CDR Recommended Characterization:** Under Other Than Honorable Conditions

**(5) Separation Approval Decision Date / Characterization:** 18 August 2011 / Under Other Than Honorable Conditions

#### 4. SERVICE DETAILS:

**a. Date / Reenlistment Under Review:** 13 December 2003 / 2 years / The AMHRR is void of any enlistment contract retaining the applicant on active duty after the most recent enlistment period.

**b. Age at Enlistment / Education / GT Score:** 19 / HS Graduate / 91

**c. Highest Grade Achieved / MOS / Total Service:** E-5 / 13B2O, Cannon Crewmember / 4 years, 2 months, 6 days

**d. Prior Service / Characterizations:** RA, 18 October 2001 – 12 December 2003 / HD

**e. Overseas Service / Combat Service:** SWA / Iraq (5 March 2003 – 15 April 2004)

**f. Awards and Decorations:** NDSM, GWOTSM, ICM-CS, ASR, OSR

**g. Performance Ratings:** NIF

**h. Disciplinary Action(s) / Evidentiary Record:**

**(1)** Eleven Personnel Action forms reflect the applicant's duty status changed as follows:

- From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 24 June 2005
- From AWOL to Dropped From Rolls (DFR), effective 24 July 2005
- From DFR to PDY, effective 11 August 2005
- From PDY to AWOL, effective 27 August 2005
- From AWOL to PDY, effective 29 August 2005
- From PDY to AWOL, effective 2 September 2005
- From AWOL to DFR, effective 3 September 2005
- From DFR to PDY, effective 11 March 2011
- From PDY to DFR, effective 11 March 2011
- From DFR to Confined by Military Authorities (CMA), effective 11 March 2011
- From CMA to PDY, effective 11 March 2011

**(2)** The applicant's statement, 8 August 2011, submitted at the time of discharge, provided the reasons the applicant went AWOL. The applicant indicated while serving in Iraq, the unit's forward operating base was attacked on several occasions. When the applicant redeployed the applicant found out the applicant's spouse was cheating, the spouse left the applicant with the couple's child, and the applicant had to become the sole provider and caretaker for the child.

**i. Lost Time / Mode of Return:** 5 years, 8 months, 9 days:

- AWOL, 24 June 2005 – 11 August 2005 / Surrendered to Military Authorities
- AWOL, 27 August 2005 – 29 August 2005 / Surrendered to Military Authorities
- AWOL, 2 September 2005 – 18 March 2011 / Confined by Military Authorities

**j. Behavioral Health Condition(s):** The following documents have been provided to the ARBA Medical Advisor, if applicable. See “**Board Discussion and Determination**” for Medical Advisor Details.

**(1) Applicant provided:** None

**(2) AMHRR provided:** None

**5. APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge; self-authored statement.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant has not been in any trouble and the applicant’s child is doing well.

**7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):**

**a.** Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

**b.** Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

**c.** Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans

for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

d. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

e. Army Regulation 15-180 (Army Discharge Review Board), dated 25 September 2019, sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

f. Army Regulation 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:

- 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.

- 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.

- 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.** Army Regulation 635-200 provides the basic authority for the separation of enlisted personnel.

**(1)** Chapter 3, Section II provides the authorized types of characterization of service or description of separation. It states:

**(a)** 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.

**(b)** 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.

**(c)** 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.

**(2)** Chapter 10, Discharge in Lieu of Trial by Court Martial is applicable to members who had committed an offense or offenses for which the authorized punishment included a bad conduct, or dishonorable discharge could submit a request for discharge for the good of the service. The request could be submitted at any time after the charges had been preferred. Although an honorable or general discharge was authorized, an under other than honorable conditions discharge was normally considered appropriate, unless the record was so meritorious it would warrant an honorable.

**(a)** After receiving legal counseling, the soldier may elect to submit a request for discharge in lieu of trial by court-martial. The soldier will sign a written request, certifying that they have been counseled, understands their rights, and may receive a discharge under other than honorable conditions.

**(b)** The following documents will accompany the request for discharge:

- A copy of a Charge Sheet (DD Form 458)
- Report of medical examination and mental status evaluation, if conducted
- A complete copy of all reports of investigation
- Any statement, documents, or other matter considered by the commanding officer in making his/her recommendation, including any information presented for consideration by the soldier or consulting counsel.
- A statement of any reasonable ground for belief that the soldier is, or was at the time of misconduct, mentally defective, deranged, or abnormal. When appropriate, evaluation by a psychiatrist will be included.

**(c)** Paragraph 10-6 stipulates medical and mental examinations are not required but may be requested by the Soldier under AR 40-501, chapter 8.

(d) Paragraph 10-8b stipulates 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 improper.

(3) 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 "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu Trial by Court-Martial.

**8. SUMMARY OF FACT(S):** Standard of Review. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

a. The applicant requests an upgrade to honorable. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The evidence in the applicant's Army Military Human Resource Record (AMHRR) confirms the applicant was charged with the commission of an offense punishable under the UCMJ with a punitive discharge. In consultation with legal counsel, the applicant voluntarily requested, in writing, a discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial. The applicant indicated an understanding an under other than honorable conditions discharge could be received, and the discharge would have a significant effect on eligibility for veterans' benefits. The under other than honorable conditions discharge received by the applicant was normal and appropriate under the regulatory guidance. (The applicant's AMHRR is void of the first page of the request for discharge.)

c. The applicant contends stress and family issues affected behavior leading to the discharge. The applicant's AMHRR contains a letter from the applicant, which was submitted at the time of discharge, explaining the reasons the applicant went AWOL. There is no evidence in the AMHRR the applicant ever sought assistance before committing the misconduct, which led to the separation action under review. The applicant's AMHRR is void of a mental status evaluation and any documentation of a mental health diagnosis. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

d. The applicant contends not getting into any trouble and the applicant's child is doing well. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. No law or regulation provides for the upgrade of an unfavorable discharge based solely on the passage of time or good conduct in civilian life after leaving the service. The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character.

**9. BOARD DISCUSSION AND DETERMINATION:**

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **No.** The Board reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found insufficient medical evidence to support any mitigating BH conditions. The applicant was not diagnosed in service with any BH

conditions and is not service connected by the VA for any BH conditions. In addition, the applicant does not self-assert any BH conditions. The applicant contends experiencing stressful times when going AWOL and self-reported a suicide attempt in 2005. However, there is no medical evidence supporting the self-reported suicide attempt or any BH conditions. In the absence of supporting medical evidence, there is no mitigation for the AWOLs that led to the separation.

- (2) Did the condition exist, or experience occur during military service? **N/A**
- (3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**
- (4) Does the condition or experience outweigh the discharge? **N/A**

**b. Response to Contention(s):**

(1) The applicant contends stress and family issues affected behavior leading to the discharge. The Board considered the applicant's rationale for going AWOL (to care for the applicant's daughter) but determined that it did not mitigate the applicant's AWOL offense as the Army affords many avenues to Soldiers including seeking separation for hardship. However, the Board determined that an upgrade to General characterization of service is warranted based on the applicant's combat service and length of service.

(2) The applicant contends not getting into any trouble and the applicant's child is doing well. The Board considered the applicant's post-service accomplishments but did not find that they mitigate or excuse the applicant's AWOL offense.

**c.** The Board determined that the characterization of service was inequitable based on the applicant's length and quality of service, to include combat service, partially outweighing the discharge. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the issues before the Board. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

**d. Rationale for Decision:**

(1) Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or not. In reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

(2) The Board voted to change the applicant's characterization of service to General because the applicant's Post Traumatic Stress Disorder length and quality of service, to include combat service, partially outweighed the applicant's AWOL offense. Thus, the prior characterization is no longer appropriate.

(3) The Board voted not to change the applicant's reason for discharge or accompanying SPD code, as the reason the applicant was discharged was both proper and equitable.

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**

**AR20210015538**

(4) 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: General, Under Honorable Conditions
- c. Change Reason / SPD Code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

**Authenticating Official:**

	8/19/2025
	

**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  
FTR – Failure to Report

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

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

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