

1. Applicant's Name: [REDACTED]**a. Application Date:** 9 July 2021**b. Date Received:** 12 July 2021**c. Counsel:** [REDACTED]**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 through counsel requests an upgrade to honorable, separation code change, reentry code change and a narrative reason change.

(1) The applicant states in effect, since their discharge they have become a model citizen, and have improved their behavior for the better. Additionally, they have learned how to serve others.

(2) The applicant through counsel seeks relief contending in effect, they served honorably, the offenses committed against the applicant during their years in ROTC caused mental health issues and they were diagnosed with psychological conditions. The applicant's conditions manifested symptoms of disturbances in emotions and conduct, the symptoms mirrored the perceived confrontational attitude and missed accountability formation. The applicant's behaviors were not willful misconduct, they sought help managing their mental health symptoms; therapy and counseling's were effective treatments.

b. Board Type and Decision: In a records review conducted on 20 December 2024, and by a 5-0 vote, the Board determined the discharge is inequitable, 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 15-180, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to KFF.

Please see Section 9 of this document for more detail regarding the Board's decision.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Unacceptable Conduct / AR 600-8-24, Chapter 4-2b and 4-20a (1) / BNC / General (Under Honorable Conditions)

b. Date of Discharge: 5 November 2020

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** NIF

(2) **Basis for Separation:** NIF

(3) **Legal Consultation Date:** NIF

(4) **Board of Inquiry (BOI):** NIF

(5) GOSCA Recommendation Date / Characterization: NIF

(6) DA Board of Review for Eliminations: NIF

(7) Separation Decision Date / Characterization: NIF

4. SERVICE DETAILS:

a. Date / Period of Appointment: 23 May 2017 / 3 years.

b. Age at Enlistment / Education: 24 / Baccalaureate Degree

c. Highest Grade Achieved / MOS / Total Service: 1LT / 74A Chemical, Biological, Radiological and Nuclear Officer / 3 years, 5 months, 13 days.

d. Prior Service / Characterizations: ARNG; 20140121 – 20170509 / Honorable

e. Overseas Service / Combat Service: Germany / None

f. Awards and Decorations: NDSM, GWTSM, ASR

g. Performance Ratings: 20170505 – 20181101; Highly Qualified
 20181102 – 20190301; Highly Qualified
 20190302 – 20191218; Qualified
 20191219 – 20201105; Qualified

h. Disciplinary Action(s) / Evidentiary Record:

(1) Orders 295–821 indicates that the applicant was promoted to First Lieutenant on 27 November 2018.

(2) A Developmental Counseling Form indicates that the applicant received their initial counseling on 19 March 2019 regarding their duties and responsibilities as the HHC Executive Officer and BN Chemical Officer.

(3) Seven Developmental Counseling Forms indicates that the applicant was counseled for various acts of misconduct between 28 November 2018 – 28 June 2019.

(4) Five Memorandum For Record documents electronically signed by the applicant's immediate commander indicates that between 26 February 2019 – 22 April 2019 the applicant failed to report on numerous occasions, they failed to follow orders on numerous occasions, and between 29 April 2019 – 8 May 2019 they generated Assumption of Command orders and signed a DA Form 31, and a DA Form 1687 without authorization.

(5) On 16 May 2019 the applicant received a letter of counseling (Memorandum for Record) that provides since the clearance of their Medical Evaluation Board and being designated as fit for duty, the applicant demonstrated a concerning pattern. On multiple occasions the applicant displayed unsatisfactory behavior and performance.

(6) A Report to Suspend Favorable Personnel Actions (Flag) document indicates that the applicant was flagged for Adverse Action on 24 June 2019.

(7) On 17 July 2019 the applicant received a General Officer Memorandum of Reprimand for failing to follow orders, failing to report to duty, and for conduct in an unprofessional manner. The applicant acknowledged receipt of the reprimand and submitted written matters on their behalf.

(8) An Officer Record Brief (ORB) indicates that the applicant was flagged for involuntary separation on 18 September 2019.

(9) Three Law Enforcement Reports dated 25 January 2018, 29 October 2018, and 24 September 2019

(10) Orders 300–0120 indicates that the applicant was discharged from the Department of The Army on 5 November 2020.

(11) Three Law Enforcement Reports (CID) dated 25 January 2018, 29 October 2018, and 24 September 2019.

i. **Lost Time / Mode of Return:** None

j. **Behavioral Health Condition(s):** PTSD, other mental health.

(1) **Applicant provided:** Twenty seven pages of medical records.

(2) **AMHRR Listed:**

5. APPLICANT-PROVIDED EVIDENCE: Two DD Form 293 (Record Review) applications, Two DD Form 214, NGB Form 22, Brief in Support of Application with supporting documents, 27 pages of medical records, and a letter of recommendation in support of their applications.

6. POST SERVICE ACCOMPLISHMENTS: The applicant successfully completed the Post Graduate Program in Data Science and Business Analytics, and they volunteered at a Medic Blood Center providing administrative help and by donating plasma.

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), 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.

d. Army Regulation 600-8-24 (Officer Transfers and Discharges) sets forth the basic authority for the separation of commissioned and warrant officers.

(1) Paragraph 1-23 provides the authorized types of characterization of service or description of separation.

(2) Paragraph 1-23a, states an officer will normally receive an honorable characterization of service when the quality of the officer's service has met the standards

of acceptable conduct and performance of duty, or the final revocation of a security clearance under DODI 5200.02 and AR 380-67 for reasons that do not involve acts of misconduct for an officer.

(3) Paragraph 1-23b, states an officer will normally receive a general (under honorable conditions) characterization of service when the officer's military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge. A separation under general (under honorable conditions) normally appropriate when an officer: Submits an unqualified resignation; Separated based on misconduct; discharged for physical disability resulting from intentional misconduct or neglect; and, for final revocation of a security clearance.

(4) Chapter 4 outlines the policy and procedure for the elimination of officers from the active Army for substandard performance of duty.

(5) Paragraph 4-2b, prescribes for the elimination of an officer for misconduct, moral or professional dereliction, or in the interests of national security.

(6) Paragraph 4-20a (previously 4-24a), states an officer identified for elimination may, at any time during or prior to the final action in the elimination case elect one of the following options: (1) Submit a resignation in lieu of elimination; (2) request a discharge in lieu of elimination; and (3) Apply for retirement in lieu of elimination if otherwise eligible.

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 "BNC" as the appropriate code to assign commissioned officers who are discharged under the provisions of Army Regulation 600-8-24, Chapter 4-2b, unacceptable conduct; and 4-20a (1), resignation in lieu of elimination.

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, SPD code change, reentry code change and a narrative reason change. The applicant's DD Form 214 indicates the applicant received a General (under honorable conditions) characterization of service.

b. Based on the available evidence the applicant was ordered to Active Duty with a three year obligation. They were promoted on 27 November 2018, one day later they were counseled for their failure to report. The applicant received a counseling to discuss their duties and responsibilities on 19 March 2019, they were counseled for their failure to report on 27 March and on 29 March 2019. The applicant received numerous counseling's for their various acts of misconduct followed by a GOMOR in a four month period.

c. A Review of the record provides administrative irregularity occurred in the proper retention of official records, specifically, the AMHRR includes partial facts and circumstances concerning the events which led to applicant's discharge and their resignation in lieu of elimination from the Army. The AMHRR is void of the applicant's separation packet. Notwithstanding the lack of evidence, the applicant's AMHRR does contain an Officer Record Brief which shows they were flagged for involuntary separation on 18 September 2019. Additionally, they AMHRR contains a properly constituted DD Form 214, which was authenticated by the applicant's signature. The DD Form 214 indicates that the applicant was

discharged under the provisions of AR 600-8-24, CH 4-2b, and 4-20a (1) by reason of Unacceptable Conduct, with a general, under honorable conditions characterization of service.

d. The applicant contends the narrative reason for the discharge needs changed. The applicant was separated under the provisions of Chapter 4, paragraph 4-2b, and 4-20a (1), AR 600-8-24 with an honorable conditions discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Unacceptable Conduct," and the separation code is "BNC." Army Regulation 635-8 (Separation Processing and Documents) governs preparation of the DD Form 214 and dictates the entry of the narrative reason for separation. The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

e. The applicant contends the SPD code should be changed. SPD codes are three-character alphabetic combinations that identify reasons for, and types of, separation from active duty. The primary purpose of SPD codes is to provide statistical accounting of reasons for separation. They are intended exclusively for the internal use of DoD and the Military Services to assist in the collection and analysis of separation data. SPD Codes are controlled by OSD and then implemented in Army policy AR 635-5-1 (Separation Program Designator (SPD) Codes) to track types of separations. The SPD code specified by Army Regulations for a discharge under Chapter 4, paragraph 4-2b and 4-20a (1), is "BNC."

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 held in-service diagnoses of PTSD and Anxiety Disorder due to MSTs, variations of Adjustment Disorder, and unsubstantiated Personality Disorder. The applicant reported pre-enlistment diagnoses of Autism and Auditory Processing Disorder. Post-service, she is service connected for PTSD due to MSTs.

(2) Did the condition exist, or experience occur during military service? **Yes.** The applicant held in-service diagnoses of PTSD and Anxiety Disorder due to MSTs, variations of Adjustment Disorder, and unsubstantiated Personality Disorder. The applicant reported pre-enlistment diagnoses of Autism and Auditory Processing Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that given trauma occurred prior to the misconduct and nexus between trauma, avoidance, difficulty with authority, interpersonal challenges secondary to power and control needs, and exhaustive list of trauma related symptoms driving presentation, the FTRs, disobeying, unprofessional/unsatisfactory conduct/performance, and related are mitigated. Regarding not changing equipment and signing Assumption of Command orders these do not appear to be linked to the trauma, although it is possible the Auditory Processing Disorder complicated by elements of Autism could have created a misunderstanding about her authority as the OIC. Lastly, there does appear to be an issue of impropriety as it is this advisor's opinion the applicant should have received a MEB irrespective of her attempts to minimize to be retained as a means of avoiding returning to an abusive home environment; there was more than enough information and testing to support an

MEB irrespective of the applicant's desire to be retained.

(4) Does the condition or experience outweigh the discharge? **No.** Based on liberally considering all the evidence before the Board, it was determined that the applicant's in service connected PTSD, Anxiety Disorder due to MSTs, Adjustment Disorders, and Personality Disorder, VA service connected PTSD due to MSTs, and pre-enlistment Autism and Auditory Processing Disorder outweighed the following portion of the basis of separation – FTRs, disobeying, unprofessional/unsatisfactory conduct/performance. However, the remaining portions of the basis of separation – not changing equipment and signing Assumption of Command orders – are not medically mitigated, as there is no natural sequela between the BH conditions and the misconduct.

b. Prior Decisions Cited: None

c. Response to Contention(s): None

d. The Board determined the discharge is inequitable, 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 15-180, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to KFF.

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service because, based on liberally considering all the evidence before the Board, it was determined that the applicant's in service connected PTSD, Anxiety Disorder due to MSTs, Adjustment Disorders, and Personality Disorder, VA service connected PTSD due to MSTs, and pre-enlistment Autism and Auditory Processing Disorder outweighed the following portion of the basis of separation – FTRs, disobeying, unprofessional/unsatisfactory conduct/performance. However, the remaining portions of the basis of separation – not changing equipment and signing Assumption of Command orders – are not medically mitigated, as there is no natural sequela between the BH conditions and the misconduct. With partial medical mitigation, and in consideration of the applicant's length of service, the Board voted to upgrade the discharge to Honorable, and the narrative reason for separation to Secretarial Authority.

(2) The Board voted to change the applicant's narrative reason for discharge to Secretarial Authority, with a corresponding separation code to KFF, as the reason the applicant was discharged was both improper and inequitable.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210015773

(3) The RE is not applicable as applicant was an officer.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes**
- b. Change Characterization to: Honorable**
- c. Change Reason / SPD code to: Secretarial Authority / KFF**
- d. Change Authority to: AR 15-180**

Authenticating Official:

3/4/2025



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