

1. Applicant's Name: [REDACTED]**a. Application Date:** 30 July 2021**b. Date Received:** 4 August 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 general (under honorable conditions). The applicant in effect, requests reconsideration of their request for an upgrade to honorable previously denied in Army Discharge Review Board Docket Number AR20130000144, dated 24 April 2013.

(2) The applicant seeks relief contending they were suffering from depression during their time in the military. They have since been diagnosed with depression. At the time, they didn't understand their symptoms which included depressed mood most of the day, diminished interest or pleasure in all activities, fatigue and loss of energy nearly every day, feeling of worthlessness, excessive guilt daily, diminished ability to think or concentrate or indecisiveness, and a suicide attempt with specific plan for committing suicide, which they were hospitalized for.

b. Board Type and Decision: During a records review conducted on 23 July 2025, the Board thoroughly evaluated the applicant's request, supporting documentation, evidentiary record, medical review, and applicable Department of Defense guidance regarding liberal consideration of discharge upgrade requests. By a 3-2 majority vote, the Board determined that the applicant's characterization of service and Reentry (RE) code were both proper and equitable, and therefore declined to make changes to them. However, the Board directed the issuance of a revised DD Form 214 to update the separation authority to AR 635-200, paragraph 14-12a, and to amend the narrative reason for separation to "Misconduct (Minor Infractions)/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, (Absence Without Leave (AWOL)) / Army Regulation 635-200, Paragraph 14-12C (1) / JKD / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 16 December 2009**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 21 October 2009

(2) **Basis for Separation:** on or about 22 September 2008, without authority, absent themselves from their place of duty, and did so remain absent until or about 30 September 2008.

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

(4) Legal Consultation Date: 21 October 2009

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 18 November 2009 / General
(Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 8 May 2008 / 3 years, 16 weeks

b. Age at Enlistment / Education / GT Score: 17 / Test-Based Equivalent Diploma / 106

c. Highest Grade Achieved / MOS / Total Service: E-2 / 21B1O, Combat Engineer /
1 year, 7 months, 2 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DA Form 2627 (Record of Proceedings under Article 15, Uniform Code of Military Justice (UCMJ)) dated 18 August 2009 reflects the applicant received nonjudicial punishment for, at or near Fort Lewis, WA, on or about 22 September 2008, without authority, absent themselves from their place of duty and did remain so absent until on or about 30 September 2008, in violation of Article 86, UCMJ; and at or Fort Lewis, WA, on or about 19 November 2008, 12 January 2009 and 3 February 2009, without authority, failed to go at the time prescribed to their appointed place of duty, in violation of Article 86, UCMJ. Their punishment consisted of a reduction in rank/grade from private two/E-2 to private/E-1, forfeiture of \$699.75 pay for two months, and extra duty and restriction for 45 days. The applicant elected not to appeal.

(2) A Medical Command Form 699-R (Mental Status Evaluation) dated 24 September 2009, reflects the psychologist states the applicant has the mental capacity to understand and participate in the proceedings, meets retention requirements and was mentally responsible. The Soldier is cleared for any administrative actions deemed appropriate by command.

(3) A DD Form 2808 (Report of Medical Evaluation) dated 23 September 2009 reflects the examining physician marked "Normal" for all items examined, except for item 37 (Identifying Body Marks, Scars, Tattoos); the applicant is qualified for service retention/separation. Item 77 (Summary of Defects and Diagnosis) the examiner states there are many transverse cutting scars on left forearm.

(4) A memorandum, 22nd Engineer Clearance Company, 14th Engineer Battalion, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], undated, the applicant's company commander notified the applicant of their intent to separate them under the provisions of Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense with a recommended characterization of

service of general (under honorable conditions) for, absent without leave from 22 September 2008 until 30 September 2008. On 21 October 2009 the applicant acknowledged receipt of separation notice and of the rights available to them.

(5) On 21 October 2009, the applicant completed their election of rights, signing they had been advised by their consulting counsel of the basis for the contemplated action to separate them for Commission of a Serious Offense, and its effects; of their rights available to them and of the effect of any action taken by them in waiving their rights. They requested consulting counsel and elected not to submit statements on their behalf. They understand that they may expect to encounter substantial prejudice in civilian life if a general (under honorable conditions) discharge is issued to them.

(6) A memorandum, 22nd Engineer Clearance Company, 14th Engineer Battalion, subject: Separation under Army Regulation 635-200, Chapter 14, undated, the applicant's company commander submitted a request to separate them prior to their expiration term of service. The commander does not consider it feasible or appropriate to accomplish other disposition as the applicant is unwilling to display the fortitude and the ability to train or meet the Army's standard. All forms of corrective training has failed. The applicant has conveyed on several occasions that they do not want to be in the military and is unwilling to adhere to the Army's standards.

(7) A memorandum, Headquarters, 555th Engineer Brigade, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 18 November 2009, the separation authority reviewed the separation packet of the applicant and after careful consideration of all matters, directed the applicant be separated from the U.S. Army prior to the expiration of their current term of service. The commander directed the applicant's service be characterized as General (Under Honorable Conditions).

(8) On 18 August 2008, the applicant was discharged accordingly, their DD Form 214 (Certificate of Release or Discharge from Active Duty) provides they completed 3 years, 6 months, and 7 days of net active service this period. They did not complete their full 4-year, 18-week contractual enlistment obligation. The DD Form 214 shows in –

- item 4a (Grade, Rate or Rank) – Private
- item 4b (Pay Grade) – E-1
- item 12i (Effective Date of Pay Grade) – 18 August 2009
- item 24 (Characterization of Service) – General (Under Honorable Conditions)
- item 28 (Narrative Reason for Separation) – Misconduct (AWOL)
- item 29 (Dates of Time Lost During This Period) – 20080922 - 20080930

(9) A DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States) dated 18 December 2012 reflects that applicant's request for an upgrade of their character of service to honorable. The applicant states they were discharged they were sleeping a lot, causing conflict with their work. They went to doctors, including a psychiatrist, who diagnosed them with Major Depression and Borderline Personality Disorder. The psychiatrist stated these diagnoses cause them to sleep more than usual. The U.S. Army chose to discharge them rather than work with them, hurried the process, thus causing unclarity in the separation paperwork and not they are unable to reenlist. They would like to reenlist or use their GI Bill.

(10) On 24 April 2013 the Army Discharge Review Board determined the applicant's discharge was both proper and equitable and voted to deny the applicant's request.

- there were no mitigating factors to merit an upgrade
- the discharge was appropriate because the quality of the applicant's service was not consistent with the Army's standards of acceptable personal conduct and performance of duty by military personnel
- by their misconduct, they diminished the quality of service below that meriting a fully honorable discharge
- the applicant provided no independent corroborating evidence demonstrating that either the command's actions were erroneous or that their service mitigated the misconduct or poor duty performance
- the applicant contends they were diagnosed with major depression and borderline personality disorder; however, their service record does not support their contention
- the record does not contain any medical evidence to indicate a problem which would have rendered the applicant disqualified for further military service with either medical limitation or medication
- the applicant had other options besides committing the misconduct that resulted

i. Lost Time / Mode of Return: 9 Days (22 September 2008 – 30 September 2008) / Retuned from AWOL

j. Behavioral Health Condition(s):

(1) Applicant provided: On 27 January 2025 the Army Review Boards Agency requested the applicant provide their medical documents to support their mental health issues, as of this date there has been no response.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- Army Review Boards Agency Letter – Group C
- Enlistment Documents
- DD Form 214

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 June 2005, 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) 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. An absentee returned to military control from a status of absent without leave or desertion may be separated for commission of serious offense.

(5) 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 "JKD" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 14-12c (1), misconduct (Absence Without Leave).

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 waivable. Eligibility: Ineligible unless a waiver is granted.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaivable 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 (2008 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 Article 85 (Desertion) and Article 86 (Absence Without Leave).

8. SUMMARY OF FACT(S):

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

b. The available evidence reflects the applicant received nonjudicial punishment under the provision of Article 15, UCMJ for a period of AWOL from 22 September 2008 to 30 September 2008 and for three occurrences of failure to go at the time prescribed to their appointed place of duty and was involuntary 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, (AWOL). They completed 1 year, 7 months, and 2 days of net active service this period; however, they did not complete their 3-year, 16-week contractual enlistment 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. The applicant's AMHRR does not reflect documentation of a behavioral health diagnosis, nor did the applicant provide such evidence.

e. 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 diagnoses/experiences: Major Depressive DO. [Note-diagnoses of Adjustment DO, Adjustment DO with anxiety and depressed mood are subsumed under diagnosis of MDD. Diagnoses of ADHD and Borderline PD are considered pre-existing to service and do not fall under liberal consideration purview.].

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found MDD was diagnosed during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the applicant has a mitigating BH condition, MDD. As there is an association between MDD and avoidant behavior, there is a nexus between his diagnosis of MDD and his period of AWOL.

(4) Does the condition or experience outweigh the discharge? **No.** The Board gave the case thoughtful and liberal consideration, including input from its Medical Advisor, who is a voting member. However, the majority concluded that the applicant's behavioral health conditions did not outweigh the reasons for separation. Therefore, the discharge was deemed both proper and equitable. Nonetheless, the Board directed the issuance of a new DD Form 214, updating the separation authority to AR 635-200, paragraph 14-12a, and revising the narrative reason for separation to "Misconduct (Minor Infractions)/JKN."

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends they were suffering from depression during their time in the military. They have since been diagnosed with depression. The Board reviewed this contention and concluded that, based on the current evidence of record, the discharge remains proper and equitable. However, the Board directed the issuance of a revised DD Form 214 to update the separation authority to AR 635-200, paragraph 14-12a, and to amend the narrative reason for separation to "Misconduct (Minor Infractions)/JKN."

(2) The applicant contends at the time, they didn't understand their symptoms which included depressed mood most of the day, diminished interest or pleasure in all activities, fatigue and loss of energy nearly every day, feeling of worthlessness, excessive guilt daily, diminished ability to think or concentrate or indecisiveness, and a suicide attempt with specific plan for committing suicide, which there were hospitalized for. The Board reviewed this contention and concluded that, based on the current evidence of record, the discharge remains proper and equitable as outlined above in paragraph 9a (4) and 9b (1).

d. The Board concluded that, based on the current evidence of record, the discharge is presently proper and equitable. The applicant has exhausted all appeal options available through the Army Discharge Review Board (ADRB). However, the applicant may still seek relief by applying to the Army Board for Correction of Military Records (ABCMR). It is the applicant's

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responsibility to meet the burden of proof by submitting documentation or other evidence sufficient to support their claim that the discharge was improper or inequitable.

e. Rationale for Decision:

(1) The Board voted against changing the applicant's characterization of service, citing the absence of mitigating factors. Given that the applicant was discharged for being AWOL, a General (Under Honorable Conditions) discharge is deemed both proper and equitable. The discharge adhered to all procedural and substantive regulatory requirements, fell within the discretion of the separation authority, and the applicant was afforded full administrative due process.

(2) The Board directed the issuance of a new DD Form 214, updating the separation authority to AR 635-200, paragraph 14-12a, and revising the narrative reason for separation to "Misconduct (Minor Infractions)/JKN."

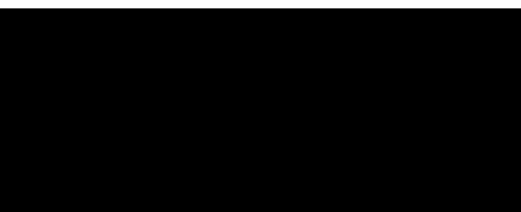
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214:** Yes
- b. Change Characterization to:** No Change
- c. Change Reason / SPD code to:** Misconduct (Minor Infractions)/JKN
- d. Change RE Code to:** No Change
- e. Change Authority to:** AR 635-200, paragraph 14-12a

Authenticating Official:

2/3/2026



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
UOTHHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs