

1. Applicant's Name: [REDACTED]**a. Application Date:** 11 May 2021**b. Date Received:** 2 June 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 and representative requests an upgrade to honorable.

b. The applicant seeks relief contending, in effect, while out processing, the applicant had a DD Form 214 Worksheet that reflected an honorable discharge up until it was time for the last signature and was changed to general under honorable.

(1) After the applicant was relocated to Fort Drum, NY the applicant tried their best to work hard and bury the applicant's problems, however, the applicant's problems started to resurface when the applicant learned of the applicant's aunt's cancer diagnosis who was like another mother. The applicant was a hard working soldier while in service and after Iraq, the applicant started to have issues. The unit was aware of the applicant's depression and anxiety issues and that the applicant's aunt was given 30 or more days left to live. The unit did nothing to help or support the applicant's situation. The applicant went through the chain of command for help but kept being shrugged off. The applicant was a valuable asset to an upcoming task; however, another soldier could have performed the task. The applicant snapped and left to spend time with the applicant's aunt. The applicant returned after seeking help at the VA in Syracuse, NY. While away, the applicant's belongings were either stolen or vandalized. The applicant was admitted in a psych ward for a week because of how upset the applicant was.

(2) The applicant feels the unit did a last minute change to the discharge characterization to get back at the applicant for reporting the applicant's missing items as being stolen and the unit's failure to lock the applicant's room after their inventory. The applicant was already punished with 25 days in jail and reduction in rank. And the applicant was discharged from the military the same day of their expiration term of service. The applicant would like to attend school using the post 9/11 GI Bill.

(3) The applicant's representative contends, after separation, the applicant's discharge was changed, 2 days being subtracted from the applicant's time served, and the discharge designation from honorable to under honorable conditions. The applicant was struggling with grief and loss, and a command element unwilling to allow the applicant to grieve in the way needed. After returning from being AWOL, the applicant was found to have drugs in the applicant's system, because of a moment of weakness when a close relative died. The applicant was suffering, and self-medicating, due to injuries to the applicant's mental health connected to service in Iraq.

c. Board Type and Decision: In a records review conducted on 24 January 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, the circumstances surrounding the discharge (OBHI and PTSD

diagnoses), and post-service accomplishments. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it
Please see Section 9 of this document for more detail regarding the Board's decision.

(Board member names available upon request)

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct (Drug Abuse) / AR 635-200, Chapter 14-12c (2) / JKK / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 16 March 2007

c. Separation Facts: The applicant's AMHRR contains the case separation file. However, the applicant provided a partial case separation file which is described below in 3c (1) through (6).

(1) Date of Notification of Intent to Separate: 8 March 2007

(2) Basis for Separation: The applicant was informed of the following reasons: Between on or about 22 May 2006 and 22 June 2006, the applicant wrongfully used marijuana. Prior to receiving UCMJ for the applicant's misconduct, the applicant went AWOL from 11 August 2006 to 8 November 2006. The applicant subsequently was convicted at a Summary Court-Martial for the applicant's misconduct.

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

(4) Legal Consultation Date: 8 March 2007

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: Undated / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 18 March 2003 / 4 years

b. Age at Enlistment / Education / GT Score: 20 / High School Graduate / 105

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92G10, Food Service Specialist / 3 years, 11 months, and 29 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Germany / None

f. Awards and Decorations: AGCM, NDSM, GWOTEM, GWOTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) The applicant provided Developmental Counseling Form, 2 April 2006, for March 2006 monthly performance showing the applicant was crossed trained in the administration office due to the applicant's competency on shift work in the kitchen. The applicant had to take charge of the administration office and supervise one soldier due to the noncommissioned officer in charge deployed and the corporal went to the primary leadership development course.

(2) Developmental Counseling Form, 1 May 2006, for April 2006 monthly performance counseling shows the applicant's performance was outstanding. The applicant was still in the administration office and in charge of 2 soldiers.

(3) On 16 June 2006, the company commander directed a drug test for the applicant.

(4) The applicant provided Armed Forces Institute of Pathology (AFIP) letter, 28 June 2006, showing the applicant tested positive for tetrahydrocannabinol.

(5) Developmental Counseling Form, 6 July 2006, for June 2006 monthly performance counseling shows the applicant continued to progress in the administrative office.

(6) On 11 August 2006, the applicant's duty status changed from present for duty (PDY) to AWOL, effective 11 August 2006.

(7) On 10 September 2006, the applicant's duty status changed from AWOL to Dropped From Rolls (DFR), effective 10 September 2006.

(8) Charge Sheet, 10 September 2006, shows the applicant was charged with: Violation of the UCMJ, Article 86, for without authority absent oneself from the unit on or about 8 August 2006, was DFR, and continued to remain absent.

(9) Deserter/Absentee Wanted by the Armed Forces form, 11 September 2006, shows the applicant was considered a deserter.

(10) The applicant provided their aunt's death certificate, 3 October 2006, showing the applicant's aunt's date of death as 30 September 2006. (Due to personally identifiable information, the death certificate can be found in the applicant's original application package below the line in the Army Review Board Agency Case Tracking System)

(11) On 8 November 2006, the applicant's duty status changed from DFR to PDY, effective 8 November 2006.

(12) The applicant provided their sworn statement, 8 November 2006, stating the applicant was not authorized to leave the unit on 10 August 2006. The applicant's aunt was dying from cancer and was given only a month to live. At the time the applicant had physical ailments with their shoulder and legs, had depression, anxiety, PTSD, and mood swings.

(13) The applicant was admitted to the Claxton Hepburn Medical Center, Mental Health Center Discharge Order, Patient Plan, and Instructions, from 14 - 21 November 2006.

(14) Charge Sheet, 20 December 2006, shows the applicant was charged with:

- Violation of the UCMJ, Article 112a, wrongful use of marijuana between on or about 22 May 2006 and on or about 22 June 2006
- Violation of the UCMJ, Article 86, for without authority absent oneself from the unit on or about 11 August 2006 until on or about 8 November 2006

(15) On 20 December 2006, the company commander recommended a summary court-martial.

(16) On 22 December 2006, the applicant was advised by defense counsel with regards to the summary court-martial and the possible consequences of their consent or objection to a trial by summary court-martial. The applicant acknowledged notification to appear before a summary court-martial.

(17) The applicant provided Record of Trial by Summary Court-Martial, 28 December 2006, showing the applicant was charged with the following. The summary of offenses, pleas, findings, and sentence:

- Violation of Article 86, Specification: On or about 11 August 2006 until on or about 8 November 2006, the applicant without authority absent oneself from the unit; guilty, consistent with the plea
- Violation of Article 112a, Specification: Between on or about 22 May 2006 and on or about 22 June 2006, the applicant wrongfully used marijuana; guilty, consistent with the plea
- The sentence adjudged: Reduction to E-1; and confinement for 30 days

(18) Report of Result of Trial, 8 December 2006, reflects the same as the Record of Trial by Summary Court-Martial above.

(19) Report of Mental Status Evaluation (MSE), 21 February 2007, shows the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. Given the applicant's pending ETS date of 17 March 2007 and given the extenuating circumstances surrounding the applicant's AWOL offense and the applicant's associated psychiatric admission, the psychiatrist would agree with a plan to allow the applicant to ETS from the service as scheduled. In the opinion of the undersigned the applicant had the mental capacity, and was without mental illness limiting the applicant's ability, to participate in any and all administrative and legal proceedings as deemed appropriate by command.

(20) Memorandum to Legal Claims, subject: (Applicant) Property Loss, 15 March 2007, shows the company commander reported the background on the loss of the applicant's personal property. A Financial Liability Investigation of Property Loss was being processed for the applicant's TA-50 with an anticipated completion by mid-April 2007.

(21) The applicant's Enlisted Record Brief (ERB), 16 March 2007, shows the applicant was flagged for adverse action (AA), effective 11 August 2011. The Assignment Eligibility Availability code reflects the applicant was being DFR as a deserter and confined as a result of conviction by special or general court-martial, or civil court.

(22) The applicant provided:

(a) Memorandum For Director, Human Resources, ATTN: IMNE-DRM-HRM (Transition Center), Fort Frum, NY, subject: Separation Under AR 635-200, Chapter 14-12c, (Applicant),

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undated, showing the separation authority directed the applicant be discharged under the authority of AR 635-200, paragraph 14-12c, with a narrative reason of Misconduct (Serious Offense) with a characterization of service of general (under honorable conditions).

(b) DD Form 214 Worksheet, shows in:

- Block 12a (Date Entered Active Duty This Period) - 18 March 2003
- Block 12b (Separation Date This Period) - 17 March 2007
- Block 12c (Net Active Service This Period) - 4 years
- Block 18 (Remarks), in part - Service in Germany 9 September 2001 - 8 September 2003
- Block 21 (Signature of Member Being Separated) - Worksheet
- Block 23 (Type of Separation) - Release from Active Duty
- Block 24 (Character of Service) - Honorable
- Block 25 (Separation Authority) - Army Regulation 635-200, Chapter 4
- Block 28 (Narrative Reason for Separation) - Completion of Required Active Service
- Block 29 (Dates of Time Lost During This Period) - None listed

(c) DD Form 214 (Certificate of Release or Discharge from Active Duty), shows in:

- Block 12a (Date Entered Active Duty This Period) - 18 May 2003
- Block 12b (Separation Date This Period) - 16 March 2007
- Block 12c (Net Active Service This Period) - 3 years, 11 months, 29 days
- Block 18 (Remarks), in part - Service in Germany 7 September 2001 - 8 September 2003
- Block 21 (Signature of Member Being Separated) - authenticated with the applicant's signature
- Block 23 (Type of Separation) - Discharge
- Block 24 (Character of Service) - General (Under Honorable Conditions)
- Block 28 (Narrative Reason for Separation) - Misconduct (Drug Abuse)
- Block 29 (Dates of Time Lost During This Period) - 11 August 2006 - 8 November 2006

i. Lost Time / Mode of Return: 90 days (AWOL, 11 August 2006 - 8 November 2006 / NIF)

j. Behavioral Health Condition(s):

(1) Applicant provided: Department of Veterans Affairs Disability Rating Decision, 25 September 2012, shows the applicant was rated 50 percent disabled for anxiety disorder, not otherwise specified.

(2) AMHRR Listed: Report of Medical Examination, 21 February 2007, the examining medical physician noted the applicant's medical conditions in the comments section: Anxiety and depression

The ARBA's medical advisor reviewed DoD and VA medical records and not solely those documents listed in 4j(1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: two DD Forms 293; DD Form 214; DD Form 214 Worksheet; Congressional letters; Washington County Veterans Service Officer letter; partial case separation packet; and Department of Veterans Affairs Disability Rating Decision letter.

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the application.

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), 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 600-85, (The Army Substance Abuse Program), paragraph 10-12a defines the Limited Use Policy and states unless waived under the circumstances listed in paragraph 10-13d, Limited Use Policy prohibits the use by the government of protected evidence against a Soldier in actions under the UCMJ or on the issue of characterization of service in administrative proceedings. Additionally, the policy limits the characterization of discharge to "Honorable" if protected evidence is used. Protected evidence under this policy includes: Results of command-directed drug or alcohol testing that are inadmissible under the military rules of evidence (MRE).

e. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), provides the basic authority for the separation of enlisted personnel.

(1) Paragraph 3-5, in pertinent part, states characterization at separation will be based upon the quality of the soldier's service, including the reason for separation and guidance in paragraph 3-7, subject to the limitations under the various reasons for separation.

(2) Paragraph 3-7a states 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.

(3) Paragraph 3-7b states 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.

(4) Paragraph 3-8a states a Soldier is entitled to an honorable characterization of service if limited-use evidence (see AR 600-85) is initially introduced by the Government in the discharge proceedings, and the discharge is based upon those proceedings. The separation authority will consult with the servicing Judge Advocate in cases involving limited use evidence.

(5) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

(6) Paragraph 14-3 prescribes 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.

(7) Paragraph 14-12c(2) terms abuse of illegal drugs as serious misconduct. It continues; however, by recognizing relevant facts may mitigate the nature of the offense.

Therefore, a single drug abuse offense may be combined with one or more minor disciplinary infractions or incidents of other misconduct and processed for separation under paragraph 14-12a or 14-12b as appropriate.

(8) Chapter 15 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.

f. Army Regulation 635-5-1 (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 "JKK" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, misconduct (drug abuse).

g. 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:

(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.

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. The applicant's AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's AMHRR contains possible limited use information. The separation packet contains Memorandum For Guthrie Urgent Care Clinic, subject: Command Directed Drug Test, 16 June 2006, shows the applicant was directed to submit a drug test. The applicant tested positive for tetrahydrocannabinol.

c. On 4 November 2024, the Army Review Boards Agency (ARBA) legal advisor rendered an advisory opinion in the processing of this case. It was opined:

(1) This case was referred to the ARBA Legal Office for input as to whether the positive urinalyses used to discharge the applicant from service violated the Limited Use policy.

(2) In the legal advisor's opinion, a preponderance of evidence did not indicate that the 16 June 2006 positive urinalysis test result violated the Limited Use Policy. The legal advisor did not recommend that the applicant's discharge be upgraded to Honorable due to a Limited Use Policy violation. The Army Discharge Review Board's two page legal review is provided for the Board's review.

d. The applicant contends, in effect, while out processing, the applicant had a DD Form 214 Worksheet that reflected an honorable discharge up until it was time for the last signature and was changed to general under honorable.

(1) The applicant provided:

(a) Memorandum For Director, Human Resources, ATTN: IMNE-DRM-HRM (Transition Center), Fort Frum, NY, subject: Separation Under AR 635-200, Chapter 14-12c, (Applicant), undated, showing the separation authority directed the applicant be discharged under the authority of AR 635-200, paragraph 14-12c, with a narrative reason of Misconduct (Serious Offense) with a characterization of service of general (under honorable conditions).

(b) AFIP letter, 28 June 2006, showing the applicant tested positive for tetrahydrocannabinol.

(c) DD Form 214 Worksheet showing an honorable characterization of service.

(d) DD Form 214 (Certificate of Release or Discharge from Active Duty) showing the applicant served 3 years, 11 months, and 29 days. The applicant's DD Form 214 shows the applicant was discharged on 16 March 2007 under the provisions of AR 635-200, Chapter 14, paragraph 14-12c (2), by reason of Misconduct (Drug Abuse), with a general (under honorable conditions) characterization of service.

(2) Evidence in the AMHRR shows the applicant was AWOL from 11 August 2006 - 8 November 2006.

(3) AR 635-200, paragraph 3-5, in pertinent part, states characterization at separation will be based upon the quality of the soldier's service, including the reason for separation and guidance in paragraph 3-7, subject to the limitations under the various reasons for separation.

e. The applicant contends, in effect, after Iraq, the applicant started to have issues. The unit was aware of the applicant's depression and anxiety issues and that the applicant's aunt was given 30 or more days left to live. And they did nothing to help or support the applicant's situation

(1) The applicant provided Department of Veterans Affairs Disability Rating Decision, 25 September 2012, showing the applicant was rated 50 percent disabled for anxiety disorder, not otherwise specified.

(2) The AMHRR contains:

(a) Claxton Hepburn Medical Center, Mental Health Center Discharge Order, Patient Plan, and Instructions, shows the applicant was admitted from 14 - 21 November 2006.

(b) Report of Medical Examination, 21 February 2007, shows the applicant was diagnosed with anxiety and depression

(c) MSE, 21 February 2007, shows the applicant could understand and participate in administrative proceedings; and could appreciate the difference between right and wrong. In the opinion of the undersigned the applicant had the mental capacity, and was without mental illness limiting the applicant's ability, to participate in any and all administrative and legal proceedings as deemed appropriate by command. The MSE does not indicate any diagnosis.

(3) The applicant did not provide evidence of service in Iraq. The AHMRR does not reflect service in Iraq, however it shows service in Germany.

f. The applicant contends, in effect, the applicant feels the unit did a last minute change to the discharge characterization to get back at the applicant for reporting the applicant's missing items as being stolen and the unit's failure to lock the applicant's room after their inventory. The applicant was already punished with 25 days in jail and reduction in rank. And the applicant was discharged from the military the same day of their expiration term of service.

(1) The applicant provided their DD Form 214 showing they was discharged on 16 March 2007.

(2) The applicant's Enlistment/Reenlistment Document Armed Forces of the United States shows the applicant enlisted in the regular Army for 4 years. Based on this information the applicant's ETS would have been 18 March 2007.

(3) Memorandum to Legal Claims, subject: (Applicant) Property Loss, (Applicant) Property Loss, 15 March 2007, shows the company commander reported the background on the loss of the applicant's personal property. A Financial Liability Investigation of Property Loss was being processed for the applicant's TA-50 with an anticipated completion by mid-April 2007.

(4) MSE, 21 February 2007, states given the applicant's pending ETS date of 17 March 2007 and given the extenuating circumstances surrounding the applicant's AWOL offense and the applicant's associated psychiatric admission, the psychiatrist would agree with a plan to allow the applicant to ETS from the service as scheduled.

g. The applicant contends an upgrade would allow educational benefits through the GI Bill. Eligibility for veteran's benefits to include educational benefits under the Post-9/11 or Montgomery GI Bill does not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

h. The applicant's representative contends, after separation, the applicant's discharge was changed, 2 days being subtracted from the applicant's time served, and the discharge designation from honorable to under honorable conditions.

(1) Analyst notes the applicant's DD Form 214 has administrative irregularities as follows:

(a) Block 12a (Date Entered Active Duty This Period) shows as 18 May 2003, according to the applicant's DA Form 4 in the applicant's AMHRR, the date entered active duty is 18 March 2003.

(b) The DD Form 214 Worksheet provided by the applicant does not include lost time in block 29 (Dates of Time Lost During This Period).

(c) The DD Form 214, reflects lost time in block 29 (Dates of Time Lost During This Period) as 11 August 2006 - 8 November 2006 (total of 90 days).

(d) AR 635-5, states for block 29 (Dates of Time Lost During This Period), verify that time lost as indicated by Defense Finance and Accounting Service agencies has been subtracted from Net Active Service This Period (block 12c) if the lost time was not "made good." If the ETS was adjusted as a result of lost time and the soldier served until ETS, the lost time was "made good."

(2) This does not fall within this Board's purview; however, the applicant may apply to the ABCMR, using the enclosed DD Form 149 regarding this matter. A DD Form 149 may also be obtained from a Veterans' Service Organization.

i. Analyst notes the applicant's DD Form 214 has additional administrative irregularities as follows:

(1) Block 12f (Foreign Service) of the DD Form 214, shows the total of foreign service as 2 years and 2 days.

(2) Block 18 (Remarks) of the DD Form 214 shows foreign service in Germany as 7 September 2001 - 8 September 2003 (2 years, 2 months, and 2 days). The DA Form 4 in the applicant's AMHRR, shows the applicant did not enter active duty until 18 March 2003.

(3) The DA Form 2-1 (Personnel Qualification Record - Part II) shows the applicant's service in Germany as 14 September 2003 to 13 November 2005 (2 years and 2 months).

(4) The ERB shows the applicant's service in Germany from 8 September 2003 to 9 November 2005 (2 years, 2 months, and 2 days).

(5) AR 635-5, states from the ERB, enter the total amount of foreign service completed during the period covered in block 12c (Net Active Service this Period).

(6) This does not fall within this Board's purview; however, the applicant may apply to the ABCMR, using the enclosed DD Form 149 regarding this matter. A DD Form 149 may also be obtained from a Veterans' Service Organization.

j. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

9. BOARD DISCUSSION AND DETERMINATION:

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

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found

that the applicant has the following potentially-mitigating diagnoses: PTSD, Adjustment Disorder, Generalized Anxiety Disorder (GAD), substance disorders.

(2) Did the condition exist or experience occur during military service? **Yes.** PTSD, Adjustment Disorder, substance disorders.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given the consistent reports of trauma related symptoms in-service with in- and post-service PTSD diagnoses, misconduct occurred after trauma, and nexus between trauma, avoidance, and substance use, mitigates the basis of separation (AWOL and drug abuse).

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the condition or experience outweighed the basis of separation.

b. Prior Decisions Cited: None.

c. Response to Contention(s):

(1) The applicant contends, in effect, while out processing, the applicant had a DD Form 214 Worksheet that reflected an honorable discharge up until it was time for the last signature and was changed to general under honorable. The applicant contends, in effect, the unit did a last-minute change to the discharge characterization to get back at the applicant for reporting the applicant's missing items as being stolen and the unit's failure to lock the applicant's room after their inventory. The applicant was already punished with 25 days in jail and reduction in rank. The applicant was discharged from the military the same day of their expiration term of service. The applicant did not provide sufficient evidence to support this contention. The Board reviewed all available evidence but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse and AWOL offenses.

(2) The applicant contends, in effect, after Iraq, the applicant started to have issues. The unit was aware of the applicant's depression and anxiety issues and that the applicant's aunt was given 30 or more days left to live. The Board liberally considered this contention and determined that it was valid due to the applicant's Post Traumatic Stress Disorder outweighing the applicant's illegal substance abuse and AWOL offenses. Therefore, a discharge upgrade is warranted.

(3) The applicant contends an upgrade would allow educational benefits through the GI Bill. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

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 found sufficient evidence of in-service mitigating factors (Length, Quality) and concurred with the conclusion of the medical advising official that the applicant's (PTSD) does mitigate the applicant's drug abuse and AWOL. Based

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on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was inequitable.

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder outweighed the applicant's misconduct of marijuana abuse and AWOL. Thus, the prior characterization is no longer appropriate.

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

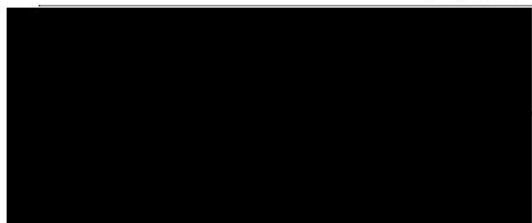
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes**
- b. Change Characterization to: Honorable**
- c. Change Reason / SPD code to: Misconduct (Minor Infractions)/JKN**
- d. Change RE Code to: No Change**
- e. Change Authority to: No Change**

Authenticating Official:

8/19/2025



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
UCMJ – Uniform Code of Military
Justice
VA – Department of Veterans
Affairs