

**1. Applicant's Name:** [REDACTED]**a. Application Date:** 3 May 2021**b. Date Received:** 11 June 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 Under Other Than Honorable Conditions (UOTHC). The applicant requests an upgrade to honorable.

(2) The applicant seeks relief contending their UOTHC was inequitable as it was based upon a pattern of behavior that was clearly caused by their physical and psychological injuries sustained as the result of their two deployments to Iraq. They sought medical treatment but their command often prevented them from attending appointments. When their psychological stated they had deteriorated most severely they sought help from the medical community but their command elected to consider their actions as intentional misbehavior without recognition of the relationship of the behavior to the psychological injuries caused by their deployed service or experiences with the command after being medically evaluated from the combat zone. Their overall service should be the basis of an Honorable discharge. The misbehavior leading to the UOTHC discharge was a manifestation of mental illness and should have been recognized and treated as such and occurred over the final months of an otherwise productive enlistment.

**b. Board Type and Decision:** In a records review conducted on 5 March 2025, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's PTSD mitigating the applicant's misconduct of multiple AWOLs, multiple FTRs, wrongful marijuana use, and disrespect. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General (Under Honorable Conditions). The Board determined the narrative reason/SPD code were proper and equitable and voted not to change them. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's BH diagnoses warranting consideration prior to reentry of military service.

*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:** In Lieu of Trial by Court-Martial / Army Regulation 635-200, Chapter 10 / KFS / RE-4 / Under Other Than Honorable Conditions

**b. Date of Discharge:** 15 June 2006**c. Separation Facts:**

(1) **Dates and Charges Preferred (DD Form 458, Charge Sheet):** On 16 May 2006 the applicant was charged with –

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**AR20210016867**

(a) Charge I – violation of Article 86 (Absence Without Leave), Uniform Code of Military Justice (UCMJ), with three Specifications of, without authority, absent themselves from their unit on three difference occasions, on or about 13 January 2006 until on or about 30 January 2006; on or about 25 February 2006 until on or about 24 March 2006; and on or about 11 April 2006 until on or about 10 May 2005. With six Specifications of, without authority, failed to go at the time prescribed to their appointed place of duty on six difference occasions.

(b) Charge II – violation of Article 91 (Insubordinate Conduct Toward NCO), UCMJ, for on or about 9 February 2006, was disrespectful in language toward an NCO.

(c) Charge III – violation of Article 112a (Wrongful Use, of Controlled Substance), did at or near Fort Campbell, Kentucky, between on or about 25 February 2006 and 24 March 2006, wrongfully use marijuana.

**(2) Legal Consultation Date:** 31 May 2006

**(3) Basis for Separation:** Pursuant to the applicant's request for discharge under the provisions of Army Regulation 635-200, Chapter 10, in lieu of trial by court-martial.

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

**(5) Separation Decision Date / Characterization:** 7 June 2006 / Under Other Than Honorable Conditions

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 10 October 2002 / 4 years

**b. Age at Enlistment / Education / GT Score:** 18 / HS Diploma / 124

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 25Q1O, Multichannel Transmission System Operator/Maintainer / 3 years, 6 months, 19 days.

**d. Prior Service / Characterizations:** None

**e. Overseas Service / Combat Service:** SWA Iraq / (15 April 2004 – 14 March 2005 and 18 September 2005 – 2 December 2005)

**f. Awards and Decorations:** NDSM, ICM, GWTEM, GWTSM, ASR, OSR

**g. Performance Ratings:** NA

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

(1) A DA Forms 2627 (Record of Proceedings under Article 15, UCMJ), dated 17 August 2005, reflects the applicant received nonjudicial punishment for, five occurrences of failing to go at the time prescribed to their place of duty, between on or about 27 July 2005 to on or about 28 July 2005. Their punishment consisted of a reduction in rank/grade from specialist/E-4 to private first class/E-3 and extra duty and restriction for 14 days. The applicant elected not to appeal and signed the form.

(2) A DA Form 4856 (Developmental Counseling Form) dated 12 January 2006 reflects the applicant received counseling for failure to report to physical training formation and

disobeying a lawful order from a commissioned officer. The applicant agreed with the information, provided no comments, and signed the form.

(3) Two DA Forms 4187 (Personnel Action) dated 17 January 2006 and 30 January 2006, reflects the applicant's unit changed their duty status from Present for Duty to Absent Without Leave (AWOL) effective 13 January 2006 and from AWOL to Present for Duty effective 30 January 2006.

(4) A DA Form 2627 (Record of Proceedings under Article 15, UCMJ) dated 31 January 2006, reflects the applicant received nonjudicial punishment for, four occurrences of, without authority, failed to go at the time prescribed to their appointed place of duty, between on or about 6 January 2006 and on or about 10 January 2006, in violation of Article 86, UCMJ; for, having receiving a lawful command from their superior commissioned officer, did, at Fort Campbell, KY, on or about 9 January 2006, willfully disobey the same, in violation of Article 90 (Willfully Disobeying Superior Commissioned Officer), UCMJ; for on or about 9 January 2006, were disrespectful in language and deportment toward and NCO, in violation of Article 91, UCMJ, and for on or about 9 January 2006, with intent to deceive, made an official statement, which statement was totally false, and was then known by them to be so false, in violation of Article 107 (False Official Statement), UCMJ. Their punishment consisted of a reduction in rank/grade from specialist/E-4 to private/E-1, forfeiture of \$637.00 pay for two months, and extra duty and restriction for 45 days. The applicant elected not to appeal.

(5) Eight DA Forms 4856 (Developmental Counseling Form) dated 30 January 2006 through 24 March 2006, reflects the applicant received event oriented counseling for multiple acts of misconduct to includes periods of AWOL, failure to report, disrespect to an NCO, disobeying a direct order, and for sleeping on duty. The applicant agreed with the information and signed the forms.

(6) Two DA Forms 4187 (Personnel Action) dated 27 February 2006 and 24 March 2006, reflects the applicant's unit changed their duty status from Present for Duty to Absent Without Leave (AWOL) effective 25 February 2006 and from AWOL to Present for Duty effective 24 March 2006.

(7) A memorandum, subject: Drug Urine Positive, dated 10 April 2006, reflects the applicant tested positive for Oxycodone (OXCOD), Oxymorphone (OXMOR), and Tetrahydrocannabinol (THC).

(8) Two DA Forms 4187 (Personnel Action) dated 12 April 2006 and 15 May 2006, reflects the applicant's unit changed their duty status from Present for Duty to Absent Without Leave (AWOL) effective 11 April 2006 and from AWOL to Hospital (Civilian) effective 9 May 2006.

(9) A DD Form 458 (Charge Sheet) dated 15 May 2006, reflects charges referred against the applicant described in previous paragraph 3c(1).

(10) A memorandum, Office of the Staff Judge Advocate, Fort Campbell, subject: [Applicant], 48-Hour Pretrial Confinement Probable Cause Determination, dated 18 May 2006, the Chief, Legal Assistance states, confinement is necessary because it is foreseeable that [Applicant] will not appear at trial, pretrial hearing or investigation. [Applicant] has failed to report on many occasions to their unit of assignment and has been AWOL on two occasions for a total of 56 days, indicating that [Applicant] is likely to absent themselves without authority prior to completion of action against them. Based upon the evidence presented, they find that further confinement is warranted.

**(11)** A memorandum, Headquarters, Fort Campbell Installation, subject: Advice on Disposition of Court-Martial Charges – United States v. [Applicant], dated 25 May 2006, reflects the Staff Judge Advocate states they reviewed the charges, their specifications and the allied papers in the case of the applicant. The total maximum punishment for a Special Court-Martial empowered to adjudge a bad conduct discharge is forfeiture of two thirds pay, confinement for one year and a bad conduct discharge. The chain of command recommendation consisted of a Special Court-Martial empowered to adjudge a Bad Conduct Discharge. The Staff Judge Advocate recommended the charges and their specifications be tried by a special court-martial empowered to adjudge a bad conduct discharge.

**(12)** The applicant's memorandum, subject: Request for Discharge in Lieu of Trial by Court-Martial, dated 31 May 2006, reflects the applicant voluntarily requested discharge in lieu of trial by court-martial, under Army Regulation 635-200, chapter 10. They understand they may request discharge in lieu of trial by court-martial because charges have been preferred against them under the UCMJ, which authorizes the imposition of a Bad Conduct or Dishonorable Discharge. They are making this request of their own free will and have not been subjected to any coercion whatsoever by any person.

**(a)** By submitting this request for discharge, the acknowledge that they are guilty of the charges against them or of lesser-included offenses therein contained which also authorizes the imposition of a Bad Conduct or Dishonorable Discharge. Moreover, they hereby state that under no circumstances do they desire further rehabilitation, for they have no desire to perform further military service.

**(b)** Prior to completing this form, they have been afforded the opportunity to consult with an appointed defense counsel. They have been fully advised of the nature of their rights under the UCMJ. They understand that if their request for discharge is accepted, they may be discharged under conditions other than honorable. They have been advised and understand the possible effects of an under other than honorable conditions discharge and that, as a result, they will be deprived of many or all Army benefits, that they may be ineligible for many or all benefits as a veteran under both Federal and State law. They also understand that they may expect to encounter substantial prejudice in civilian life because of an under other than honorable conditions discharge. They have been advised that they may submit any statements they desire in their own behalf.

**(13)** A memorandum, Headquarters, Fort Campbell Installation, subject: Request for Discharge in Lieu of Trial by Court-Martial – [Applicant], dated 7 June 2006, the Staff Judge Advocate states the applicant's chain of command recommends approval of the applicant's chapter 10 request. The Staff Judge Advocate recommends approval of the chapter 10 request

**(14)** A memorandum, Headquarters, Fort Campbell Installation, subject: Request for Discharge in Lieu of Trial by Court-Martial – [Applicant], dated 7 June 2006, reflects the separation authority approved the applicant's request for discharge in Lieu of Trial by Court-Martial. The commander states upon execution of the discharge, the charges and their specifications are thereby dismissed without prejudice to the government.

**(15)** A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 15 June 2006. The DD Form 214 shows in –

- item 4a (Grade, Rate or Rank) – Private
- item 4b (Pay Grade) – E-1
- item 12c (Net Active Service This Period) – 3 years, 6 months, 19 days

- item 12h (Effective Date of Pay Grade) – 31 January 2006
- item 18 (Remarks) – in part, MEMBER HAS NOT COMPLETED FIRST FULL TERM OF SERVICE
- item 24 (Character of Service) – Under Other Than Honorable Conditions
- item 25 (Separation Authority) – Army Regulation 635-200, Chapter 10
- item 26 (Separation Code) – KFS [In Lieu of Trial by Court-Martial]
- item 27 (Reentry Code) – 4
- item 28 (Narrative Reason for Separation) – In Lieu of Trial by Court-Martial

**i. Lost Time / Mode of Return:**

- 13 January 2006 – 29 January 2006 / NIF
- 21 February 2006 / NIF
- 25 February 2006 – 23 March 2006 / NIF

**j. Behavioral Health Condition(s):**

**(1) Applicant provided:** Department of Veterans Affairs (VA) Rating Decision reflecting service connection for PTSD with alcohol, cannabis and stimulant disorder granted with an evaluation of 70-percent, effective 8 September 2016.

**(2) AMHRR Listed:** None

**5. APPLICANT-PROVIDED EVIDENCE:** None submitted with the application.

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), with attachments
  - Attachment 1 – Personal Statement
  - Attachment 2 – Medical Review
  - Attachment 3 – Discharge Packet
  - Attachment 4 – Selected Service Medical Records
  - Attachment 5 – VA Form 21-4138 (Statement in Support of Claim) dated 20 March 2017
  - Attachment 6 – VA Compensation and Pension Examination Note, dated 6 June 2017
  - Attachment 7 – VA Rating Decision dated 24 June 2019, with Client Information Record

**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.** Title 32, Code of Federal Regulations, Section 70.9 (Discharge Review Standards) provides the objective of a discharge review is to examine the propriety and equity of the applicant's discharge and to effect changes, if necessary. The standards of review and the underlying factors that aid in determining whether the standards are met shall be historically consistent with criteria for determining honorable service. No factors shall be established that require automatic change or denial of a change in discharge. Neither a Discharge Review Board nor the Secretary of the Military Department concerned shall be bound by any methodology of weighting of the factors in reaching a determination. In each case, the Discharge Review Board or the Secretary of the Military Department concerned shall give full, fair, and impartial considerations to all applicable factors before reaching a decision. An applicant may not receive

less favorable discharge than that issued at the time of separation. This does not preclude correction of clerical errors.

**d.** 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.

**e.** Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), 6 July 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)** 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.

**(4)** Paragraph 1-33 (Disposition Through Medical Channels) stated, except in separation actions under chapter 10, disposition through medical channels takes precedence over administrative separation processing. Disability processing is inappropriate in separation actions under chapter 10.

**(5)** Chapter 10 (Discharge in Lieu of Trial by Court-Martial) stated a Soldier who has committed an offense or offenses, the punishment for which under the UCMJ and the Manual or Courts-Martial, 2012, includes a bad conduct or dishonorable discharge, may submit a request for discharge in lieu of trial by court-martial. The Soldier's written request will include an acknowledgment that he/she understands the elements of the offense(s) charged and is guilty of the charge(s) or of a lesser included offense(s) therein contained which also authorizes the imposition of a punitive discharge.

**(6)** Paragraph 10-8 (Types of Discharge, Characterization of Service) stated a discharge under other than honorable conditions normally is appropriate for a Soldier who is discharged in lieu of trial by court-martial. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record during the current enlistment. For 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.

(7) 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.

f. 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 of Trial by Court-Martial.

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 Department of Defense Instructions 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.

h. Manual for Courts-Martial (2005 Edition), United States, states 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 orders 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 86 (Absence Without Leave), Article 91 (Insubordinate Conduct Toward NCO), and Article 112a (Wrongful Use, of Controlled Substance).

i. Title 38, U.S. Code, Sections 1110 and 1131, permits the VA to award compensation for a medical condition which was incurred in or aggravated by active military service. The VA, however, is not required by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual's medical condition, although not considered medically unfitting

for military service at the time of processing for separation, discharge, or retirement, may be sufficient to qualify the individual for VA benefits based on an evaluation by the agency.

## 8. SUMMARY OF FACT(S):

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

b. The evidence in the applicant's AMHRR confirms the applicant received two occurrences of nonjudicial punishment under the provisions of Article 15, UCMJ and was charged with the commission of an offenses punishable under the UCMJ with a punitive charge. The applicant, in consultation with legal counsel, voluntarily requested, in writing, a discharge under the provisions of Army Regulation 635-200, chapter 10, in lieu of trial by court-martial. In this request, the applicant admitted to the offense, or a lesser included offense, and indicated an understanding a 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. They completed 3 years, 6 months, and 19 days of net active service this period and they did not complete their contractual enlistment service obligation of 4 years.

c. Army Regulation 635-200 states a Chapter 10 is a voluntary discharge request in-lieu of trial by court-martial. A discharge under other than honorable conditions normally is appropriate for a Soldier who is discharged in lieu of trial by court-martial. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record during the current enlistment.

d. 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: Depression, PTSD, variety of Substance Disorders.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant was diagnosed with depression and substance disorders 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 given the PTSD diagnosis occurred prior to the misconduct and nexus between trauma, avoidance, substance

use, and difficult with authority, the multiple FTRs, multiple AWOLs, disrespect, and wrongful marijuana use basis for separation is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's PTSD outweighed the FTRs, multiple AWOLs, disrespect, and wrongful marijuana use basis for separation.

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

(1) The applicant contends their UOTHC was inequitable as it was based upon a pattern of behavior that was clearly caused by their physical and psychological injuries sustained as the result of their two deployments to Iraq.

The Board voted to upgrade the applicant's characterization of service to General (Under Honorable Conditions) due to the applicant's PTSD mitigating the applicant's FTRs, multiple AWOLs, disrespect, and wrongful marijuana use. However, the Board determined the applicant's narrative reason for separation does not warrant a change as the applicant was involuntarily separated for misconduct, and the behavioral health condition does not fully excuse the applicant's responsibility for the misconduct.

(2) The applicant contends they sought medical treatment but their command often prevented them from attending appointments. When their psychological stated they had deteriorated most severely they sought help from the medical community, but their command elected to consider their actions as intentional misbehavior without recognition of the relationship of the behavior to the psychological injuries caused by their deployed service or experiences with the command after being medically evaluated from the combat zone. The Board considered this contention and determined there is insufficient evidence to support the command prevented the applicant from attending medical appointments. Ultimately, the Board voted to upgrade the applicant's characterization of service to General (Under Honorable Conditions) due to the applicant's PTSD mitigating the applicant's FTRs, multiple AWOLs, disrespect, and wrongful marijuana use. However, the Board determined the applicant's narrative reason for separation does not warrant a change as the applicant was involuntarily separated for misconduct, and the behavioral health condition does not fully excuse the applicant's responsibility for the misconduct.

(3) The applicant contends their overall service should be the basis of an Honorable discharge. The misbehavior leading to the UOTHC discharge was a manifestation of mental illness and should have been recognized and treated as such and occurred over the final months of an otherwise productive enlistment.

The Board voted to upgrade the applicant's characterization of service to General (Under Honorable Conditions) due to the applicant's PTSD mitigating the applicant's FTRs, multiple AWOLs, disrespect, and wrongful marijuana use. However, the Board determined the applicant's narrative reason for separation does not warrant a change as the applicant was involuntarily separated for misconduct, and the behavioral health condition does not fully excuse the applicant's responsibility for the misconduct.

**c.** The Board determined that the characterization of service was inequitable based on the applicant's PTSD mitigating the applicant's multiple AWOLs, multiple FTRs, wrongful marijuana use, and disrespect. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General (Under Honorable Conditions). The Board determined the narrative reason/SPD code were proper and equitable and voted not to change them. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's BH diagnoses warranting consideration prior to reentry of military service. However,

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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) The Board voted to change the applicant's characterization of service to General (Under Honorable Conditions) because the applicant's PTSD mitigated the applicant's misconduct of multiple AWOLs, multiple FTRs, wrongful marijuana use, and disrespect. Thus, the prior characterization is no longer appropriate.

(2) 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. The Board determined the applicant's narrative reason for separation does not warrant a change as the behavioral health condition does not fully excuse the applicant's responsibility for the misconduct.

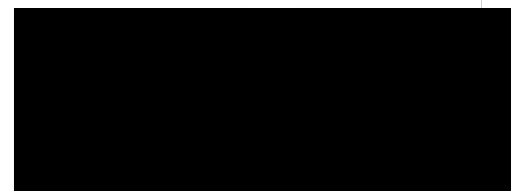
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

**10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214:** Yes
- b. Change Characterization to:** 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:**

4/18/2025

**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

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