

1. Applicant's Name: [REDACTED]

a. **Application Date:** 2 August 2021

b. **Date Received:** 9 August 2021

c. **Counsel:** None

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

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

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect being deployed to Afghanistan twice. Upon return from combat service, the applicant was diagnosed with PTSD Major Depressive Disorder (MDD) and severe Anxiety. The applicant claims undergoing treatment while in the Army. The applicant contends their mental health has been deteriorating post service and has resulted in over ten in-patient mental health facilities. The applicant is currently living in a homeless shelter.

c. **Board Type and Decision:** In a records review conducted on 09 March 2026, and by a 3-0 vote, the Board determined the discharge is inequitable and granted clemency based on the applicant's length and quality of service, to include combat 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 General (Under Honorable Conditions). Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

3. DISCHARGE DETAILS:

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

b. **Date of Discharge:** 25 April 2014

c. **Separation Facts:** The applicant's Army Military Human Resource Record (AMHRR) is void of the case separation file.

(1) **Date and Charges Preferred / DD Form 458 (Charge Sheet):** NIF

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

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

(4) **CDR / Intermediate CDR Recommended Characterization:** NIF

(5) **Separation Approval Decision Date / Characterization:** 16 April 2014 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

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a. Date / Period of Enlistment: 23 October 2008 / 3 years, 24 weeks. The applicant's DD214 reflects the applicant not completing the first enlistment. The applicant was discharged on 25 April 2014. Per the DD4 dates, the applicant should have completed the initial enlistment on 8 April 2012.

b. Age at Enlistment / Education / GT Score: 21 / High School Graduate / 96

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92G10, Food Service Specialist

d. Prior Service / Characterizations: NIF

e. Overseas Service / Combat Service: SWA / Afghanistan (30 November 2009 – 4 November 2010)

f. Awards and Decorations: ACM-2CS, MSM, ARCOM-2, AAM-3, MUC, AGCM, NDSM, GWOTSM, ASR, OSR-3, NATOMDL, CAB

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Two Personnel Action forms indicate the applicant's duty status changed as follows:

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 7 March 2014 – 10 March 2014;

From PDY to AWOL, effective 21 March 2014 – 23 March 2014.

(2) Memorandum For Commander, 16 April 2014, reflects the applicant was accused with four specifications in violation of Article 86, UCMJ Absence Without Leave, one specification of Article 92, UCMJ, Failure to Obey a Lawful General Regulation; one specification in violation of Article 108, Wrongful Damage of Military Property; one specification in violation of 112a, Wrongful use of a controlled substance; and one specification of Simple Assault. The applicant requested for discharge in lieu of trial by court-martial, Chapter 10 discharge.

(3) Developmental Counseling Form, 21 November 2013, document an instance of the applicant formally being notified of the Debt Counseling. The applicant was in debt to the U.S. Government for a Re-enlistment bonus of \$1,743.40 and Advance pay of \$524. The counseling was dated 21 November 2013, but the document reflects the applicant signing on 21 April 2014.

i. Lost Time / Mode of Return: 5 Days

AWOL, 7 March 2014 – 10 March 2014 / NIF

AWOL, 21 March 2014 – 23 March 2014 / NIF

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

(1) **Applicant provided:** VA rating

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; VA Rating Decision, Third-party letter, Certificate of Release or Discharge from Active Duty.

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

c. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

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

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

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

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

f. Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes:

- RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.
- RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.
- RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

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

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

(a) An honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(b) A general discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(c) An under other-than-honorable-conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

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

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

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

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

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

(d) Paragraph 10-8b stipulates Soldiers who have completed entry-level status, characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be improper.

(2) Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu Trial by Court-Martial.

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

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

b. The applicant's Army Military Human Resources Record (AMHRR) is void of the specific facts and circumstances concerning the events leading to the discharge from the Army. The applicant's AMHRR includes a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was authenticated by the applicant's electronic signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 10, by reason of In Lieu of Trial by Court-Martial, with a characterization of service of under other than honorable conditions.

c. The applicant contends suffering from PTSD, MDD, and severe Anxiety upon returning from overseas service. The applicant's AMHRR does not reflect any mental health evaluations or diagnoses. The applicant provided a VA Rating Decision Letter. The VA granted the claim for all three. The applicant was not given a percentage rating because the applicant characterization of service disqualifies compensation, annotated in the decision justification.

d. The applicant contends experiencing homelessness and needing assistance. Veteran housing support programs fall outside the Army Discharge Review Board's purview. The applicant should contact a local Department of Veterans Affairs office for further support. Additionally, veterans at risk of homelessness or seeking housing assistance can call the National Call Center for Homeless Veterans hotline at 1-877-424-3838 for free and confidential help.

e. Block 18 in the applicant's DD214 seems to have an error. Block 18 reflects the applicant not completing the first contract. The applicant's DD Form 4 reflects the initial contract being 3 years and 24 weeks from 23 October 2014. The applicant's AMHRR is missing a second DD Form 4 for the reenlistment or an extension.

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: MDD, PTSD

(2) Did the condition exist or experience occur during military service? **Yes.** The applicant was diagnosed during active service with MDD. The VA service connection for PTSD establishes nexus with active service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that the applicant has two BH conditions, MDD and PTSD, which mitigate some of the misconduct. As there is an association between MDD, PTSD, self-medication with illicit drugs and avoidant behaviors, there is a nexus between the wrongful use of a controlled substance and instances of AWOL. Neither MDD nor PTSD mitigate the offenses of failing to obey a lawful general order, wrongfully damaging military property or engaging in simple assault since neither of these conditions affects one's ability to distinguish right from wrong and act in accordance with the right.

(4) Does the condition or experience outweigh the discharge? **No.** Based on liberally considering all the evidence before the Board, the ADRB determined that the MDD and PTSD did not outweigh the unmitigated failure to obey a lawful general order, wrongfully damaging military property or engaging in simple assault.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends suffering from PTSD, MDD, and severe Anxiety upon returning from overseas service. The Board considered this contention and mitigated some of the misconduct found in the basis of separation, however failure to obey a lawful general order, wrongfully damaging military property or engaging in simple assault were not mitigated.

(2) The applicant contends experiencing homelessness and needing assistance. The Board considered this contention during deliberations and granted relief in the form of an upgrade.

d. The Board determined the current discharge inequitable because the misconduct was partially mitigated by severe Behavioral Health (BH) conditions. The medical advisor opined that the applicant has two BH conditions, MDD and PTSD, which mitigate the wrongful use of a controlled substance and instances of AWOL. The Board weighed the remaining misconduct, failing to obey a lawful general order, wrongfully damaging military property or engaging in simple assault, against the applicant's notable record, including length, significant quality of service as well as their two combat deployments. The Board found that the applicant's overall conduct did not meet the high standards of meritorious service required for an Honorable discharge. However, applying liberal consideration, the Board granted relief, upgrading the discharge to General (Under Honorable Conditions) with no change to the Separation or Reenlistment (RE) codes.

e. Rationale for Decision:

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

(2) The Board voted to change the applicant's characterization of service to General (Under Honorable Conditions) because the applicant's Post Traumatic Stress Disorder, length and quality of service, to include combat, outweighed the applicant's misconduct of wrongful use of a controlled substance, failure to obey a lawful general order, wrongfully damaging military property, simple assault, and AWOL. Thus, the prior characterization is no longer appropriate.

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

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

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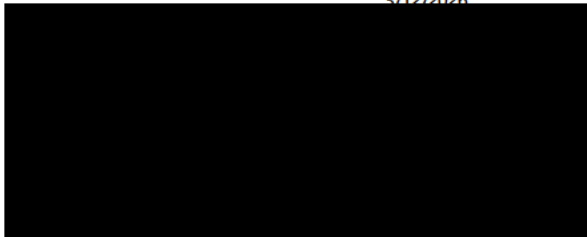
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10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214 / Separation Order:** 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:

3/12/2026



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
FTR – Failure to Report

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

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

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