

**1. Applicant's Name:** [REDACTED]

- a. **Application Date:** 27 August 2021
- b. **Date Received:** 30 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 general (under honorable conditions). The applicant requests an upgrade to honorable.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, the applicant was suffering from medical conditions.

c. **Board Type and Decision:** In a records review conducted on 13 August 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, outweighing the applicant's offenses of disobeying an NCO, FTRs, AWOL, and falsifying an official statement. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 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 **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:** Pattern of Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 9 February 2009

**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** In an undated memorandum.

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant received an Article 15 for one charge of Disobeying a Noncommissioned Officer and one charge of Failure to Report on 25 May 2011. The applicant then received another Article 15 for four charges of Failure to Report, one charge of AWOL, one charge of Disobeying a Noncommissioned Officer, and one charge of falsifying an official statement on 21 November 2011.

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

(4) **Legal Consultation Date:** On 18 January 2012, the applicant waived legal counsel.

(5) **Administrative Separation Board:** NA

(6) **Separation Decision Date / Characterization:** 9 February 2012 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

- a. **Date / Period of Enlistment:** 20 January 2009 / 3 years, 21 weeks
- b. **Age at Enlistment / Education / GT Score:** 20 / NIF / 113
- c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 92G1O, Food Service Operation Specialist / 3 years, 12 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** SWA / Iraq (30 December 2009 – 25 July 2010)
- f. **Awards and Decorations:** ARCOM, NDSM, ICM-CS, ASR, OSR
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:**

(1) CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 25 May 2011, for receiving a lawful order from SGT L. C, a non-commissioned officer (NCO), to return to post within 10 hours and contact the NCO to notify when the applicant was back in the area, on 16 March 2011, did willfully disobey. This was in violation of Article 91, UCMJ; on or about 21 March 2011 without authority failed to appear at the appointed place of duty. This is a violation of Article 86. The punishment consisted of a reduction to E-3, forfeiture of \$429 pay, extra duty and restriction for 14 days.

(2) FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 21 November 2011, for on or about 10 October 2011, the applicant knowingly made a false statement to SGT L. R. S. regarding a non-functional cell phone with intent to deceive, violating Article 107. On 17 October 2011, the applicant failed to report to the appointed place of duty without authorization, missing a 0500 field exercise. The applicant also missed 0630 accountability formations on 18 and 19 October 2011. On 18 October 2011, the applicant willfully disobeyed a lawful order from SGT L. R. C. to report to the DFAC in cook whites, constituting a violation of Article 91. Additionally, the applicant was absent without authority from on or about 20 October until 24 October 2011, in violation of Article 86. The punishment consisted of a reduction to E-1, forfeiture of \$733 pay per month for two months (suspended), and extra duty and restriction for 45 days.

- i. **Lost Time / Mode of Return:** 3 days (AWOL, 20 October 2011 – 23 October 2011) / 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 Rated Disabilities, reflects: Adjustment Disorder, without Service-connection.

(2) **AMHRR Listed:** None

**5. APPLICANT-PROVIDED EVIDENCE:** VA Health Summary; VA Service-Connected Disabilities with a combined service-connected disability rating of 40 percent; VA Summary of Benefits with a disability rating of 50 percent as of 25 August 2021; Application for the Review of Discharge.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant states receiving the proper treatment for condition(s).

**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 635-200 (Active Duty Enlisted Administrative Separations), 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.

**(2)** Paragraph 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

**(3)** 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.

**(4)** 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.

**(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 14-12b, addresses a pattern of misconduct consisting of either discreditable involvement with civilian or military authorities or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the Uniform Code of Military Justice, Army Regulations, the civilian law and time-honored customs and traditions of the Army.

**e.** Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKA" as

the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12b, pattern of misconduct.

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.

**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.

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.

The applicant was notified with intent to separate in an undated memorandum, for the following the applicant received an Article 15 for one charge of disobeying a NCO and one charge of Failure to Report on 25 May 2011. The applicant then received another Article 15 for four charges of Failure to Report, one charge of AWOL, one charge of Disobeying a NCO, and one charge of falsifying an official statement on 21 November 2011. The recommendation was a general (under honorable conditions) characterization of service. The applicant waived legal counsel on 18 January 2011. The separation authority considered the recommendation and directed a general (under honorable conditions) discharge on 25 January 2012, under the provisions of AR 635-200, chapter 14-12b, Pattern of Misconduct.

The applicant contends the events leading to the discharge were caused by medical conditions. The applicant submitted medical diagnoses from the VA and disability ratings, but did not submit anything further to support the contention. The applicant's application includes a VA Rated Disabilities summary, reflecting: Adjustment Disorder, without Service-connection. The applicant's AMHRR is void of a mental status evaluation.

The applicant contends the event leading to the discharge from the Army was an isolated incident. The applicant's AMHRR confirms multiple occasions of misconduct listed in the Article 15's. Army Regulation 635-200, paragraph 3-5 in pertinent part, stipulates there are circumstances in which the conduct or performance of duty reflected by a single incident provides the basis for a characterization.

#### **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: Adjustment Disorder, Somatization Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with an Adjustment Disorder and Somatization Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of BH conditions, but the conditions do not provide any mitigation for the basis of separation. The applicant was diagnosed in service with an Adjustment Disorder and Somatization Disorder. An Adjustment Disorder is a low level, temporary difficulty coping with a stressor that does not provide mitigation in the absence of another mitigating BH condition. Somatization Disorder is a condition associated with experiencing more physical symptoms than can be explained medically and has no natural sequela to any of the misconduct that led to the applicant's separation. Accordingly, neither the applicant's Adjustment Disorder or Somatization Disorder directly contributed to or provide any mitigation for the disobeying an NCO, FTRs, AWOL, and falsifying an official statement that led to the separation.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the available evidence did not support a conclusion that the applicant's Adjustment Disorder and Somatization Disorder outweighed the applicant's medically unmitigated offenses of disobeying an NCO, FTRs, AWOL, and falsifying an official statement.

b. Response to Contention(s): The applicant contends the events leading to the discharge were caused by medical conditions. The Board liberally considered this contention but determined that the available evidence did not support a conclusion that the applicant's Adjustment Disorder and Somatization Disorder outweighed the applicant's medically unmitigated offenses of disobeying an NCO, FTRs, AWOL, and falsifying an official statement. However, the Board found that the applicant's record of service outweighed these offenses. Therefore, a discharge upgrade is warranted.

c. The Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, outweighing the applicant's offenses of disobeying an NCO, FTRs, AWOL, and falsifying an official statement. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 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.

d. 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.

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**

**AR20210016908**

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's length and quality of service, to include combat service, outweighed the applicant's offenses of disobeying an NCO, FTRs, AWOL, and falsifying an official statement. Thus, the prior characterization is no longer appropriate.

(3) 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.

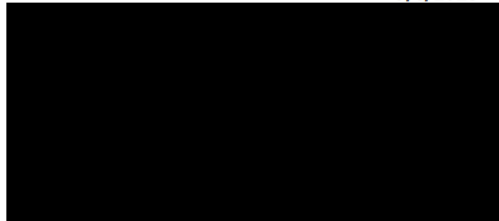
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

**10. BOARD ACTION DIRECTED:**

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

**Authenticating Official:**

9/8/2025



**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  
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