

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 12 July 2021
- b. **Date Received:** 19 July 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 receiving a general discharge due to fighting an AWOL charge. The applicant states being falsely accused by the company commander. The applicant contends being diagnosed with depression, anxiety and a bad back. The applicant is 100 percent disabled.

c. **Board Type and Decision:** In a records review conducted on 14 August 2025, and by a 3-2 vote, the Board determined the discharge is inequitable based on the applicant's Dysthymic Disorder outweighing the applicant's AWOL offenses. 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:** Misconduct (Serious Offense) / AR 635-200, Chapter 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 30 October 2012

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 13 September 2012

(2) **Basis for Separation:** The applicant was informed of the following reasons: On multiple occasions, the applicant went AWOL, in violation of Article 86, UCMJ.

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

(4) **Legal Consultation Date:** 13 September 2012

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

(6) **Separation Decision Date / Characterization:** undated / General (Under Honorable Conditions) / After having reviewed both the administrative separation packet and the medical evaluation board proceedings pertaining to the applicant, the separation authority

determined the applicant's medical condition was not a direct or substantial contributing cause of the conduct which led to the recommendation for administrative separation. The separation authority also determined there are no other circumstances in this case which would warrant disability processing instead of further processing for administrative separation.

4. SERVICE DETAILS:

- a. **Date / Reenlistment Under Review:** 30 July 2009 / 3 years
- b. **Age at Enlistment / Education / GT Score:** 20 / GED / 95
- c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 11B1O, Infantryman / 5 years, 8 months, 4 days
- d. **Prior Service / Characterizations:** ARNG, 22 November 2006 – 14 November 2007/NA
IADT, 15 November 2007 – 14 March 2008 / HD
ARNG, 15 March 2008 – 29 July 2009 / HD
- e. **Overseas Service / Combat Service:** Korea / None
- f. **Awards and Decorations:** AAM, NDSM, GWOTSM, KDSM, ASR, OSR
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:** CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 20 June 2011, for on or about 31 May 2011, without authority, failed to go at the time prescribed to the applicant's appointed place of duty. The punishment consisted of extra duty for 7 days.

CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 14 August 2012, for failing to go at the time prescribed to the applicant's appointed place of duty. The punishment consisted of a forfeiture of \$347, and extra duty and restriction for 14 days.

Twelve Personnel Action forms reflect the applicant's duty status changed as follows:

- From Absent Without Leave (AWOL), to Present for Duty (PDY), effective 13 September 2011;
- From Present for Duty (PDY) to Confined by Military Authorities (CMA), effective 28 November 2011;
- From Confined by Military Authorities (CMA) to Present for Duty (PDY), effective 4 January 2012;
- From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 10 April 2012;
- From Absent Without Leave (AWOL), to Present for Duty (PDY) effective 10 April 2012;
- From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 25 April 2012;
- From Absent Without Leave (AWOL), to Present for Duty (PDY) effective 2 May 2012;
- From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 1 June 2012;
- From Absent Without Leave (AWOL), to Present for Duty (PDY) effective 12 June 2012;
- From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 16 July 2012;
- From AWOL to Dropped From Rolls (DFR), effective; 16 July 2012 and;
- From Dropped From Rolls (DFR) to Present for Duty (PDY), effective 14 August 2012.

Medical Evaluation Board Proceedings, 21 December 2011, reflect the applicant received one unfitting diagnosis: Lumbar spine degenerative disc disease with disc protrusion. Fails AR 40-501 Ch. 3-39h.

Physical Evaluation Board (PEB) Proceedings, 14 June 2012, the Board found the applicant was physically unfit and recommended a combined rating of 10 percent.

Department of Veterans Affairs Letter, 12 July 2012, reflects a rating of 80 percent with an overall evaluation of 100 percent.

Three Developmental Counseling Forms for not showing up to formation and violation of Article 86.

i. Lost Time / Mode of Return: 3 months, 1 day:

- AWOL, 4 September 2011 – 12 September 2011 / NIF
- CMA, 28 November 2011 – 3 January 2012 / Released from Confinement
- AWOL, 25 April 2012 – 1 May 2012 / NIF
- AWOL, 1 June 2012 – 11 June 2012 / NIF
- AWOL, 16 July 2012 – 13 August 2012 / NIF
- AWOL, 26 October 2012 – 29 October 2012 / 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: None

(2) AMHRR provided: Chronological Record of Medical Care, 3 November 2011, Axis I: Insomnia.

Report of Mental Status Evaluation, 15 August 2012, reflects 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. The applicant had been screened for PTSD and mTBI. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider the influence of these conditions.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge and a VA 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. 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), 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.

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.

(2) 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. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record. Paragraph 14-12c, states a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

(3) 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 "JKK" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, Misconduct (Serious offense).

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 available evidence reflects the applicant was notified of the intent to discharge them from the U.S. Army for on multiple occasions, the applicant went AWOL, in violation of Article 86, UCMJ.

c. The applicant contends being diagnosed with depression, anxiety and a bad back. The applicant provided a Department of Veterans Affairs letter, 12 July 2012, reflecting a rating of 80 percent with an overall evaluation of 100 percent without a diagnosis. The AMHRR includes a Chronological Record of Medical Care, 3 November 2011, Axis I: Insomnia. A Medical Evaluation Board Proceedings, 21 December 2011, reflects the applicant received one unfitting diagnosis: Lumbar spine degenerative disc disease with disc protrusion. Fails AR 40-501 Ch. 3-39h. A Physical Evaluation Board (PEB) Proceedings, 14 June 2012, the Board found the applicant was physically unfit and recommended a combined rating of 10 percent. A Report of Mental Status Evaluation, 15 August 2012, reflecting 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. The applicant had been screened for PTSD and mTBI. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider the influence of these conditions.

d. The applicant contends being falsely accused by the company commander of going AWOL. The applicant did not submit evidence other than their statement to support the contention. The AMHRR includes multiple DA Form 4187s, reflecting the applicant's AWOL status. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

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: Dysthymic Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant is service connected by the VA for Dysthymic Disorder which establishes that the condition existed during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the applicant is service connected by the VA for Dysthymic Disorder (i.e., Persistent Depressive Disorder). Given the nexus between Dysthymic Disorder, avoidance, decreased motivation, low energy, and feelings of hopelessness, the applicant's Dysthymic Disorder likely contributed to the AWOLs. Accordingly, the AWOLs that led to the separation are mitigated by the applicant's Dysthymic Disorder.

(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 Dysthymic Disorder outweighed the applicant's AWOL offenses.

b. Response to Contention(s):

(1) The applicant contends being diagnosed with depression, anxiety and a bad back. The Board liberally considered this contention and determined that the applicant's Dysthymic Disorder outweighed the applicant's AWOL offenses. Therefore, a discharge upgrade is warranted.

(2) The applicant contends being falsely accused by the company commander of going AWOL. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Dysthymic Disorder outweighing the applicant's AWOL offenses.

c. The Board determined the discharge is inequitable based on the applicant's Dysthymic Disorder outweighing the applicant's AWOL offenses. 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.

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.

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Dysthymic Disorder outweighed the applicant's AWOL offenses. 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.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210016927

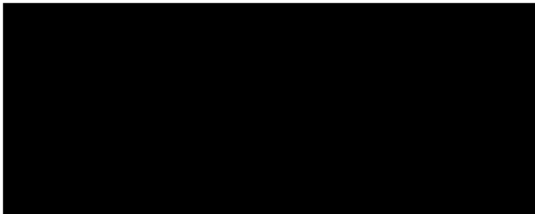
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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



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