

1. Applicant's Name: [REDACTED]

- a. Application Date: 15 July 2021
- b. Date Received: 15 July 2021
- c. Counsel: None

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

- a. **Applicant's Requests and Issues:** The current characterization of service for the period under review is General (Under Honorable Conditions). The applicant requests an upgrade to Honorable and a narrative reason change.
- b. The applicant seeks relief contending, their discharge was inequitable due to a non-diagnosed case of posttraumatic stress disorder (PTSD) related to their time in service in Operation Iraqi Freedom. Prior to their discharge, the applicant was seeking mental health help from the Fort Campbell Behavioral Health providers.
- c. **Board Type and Decision:** In a records review conducted on 23 July 2025, the Board unanimously determined by a 5–0 vote, that the applicant's discharge was inequitable. The applicant's diagnosed conditions of Major Depressive Disorder and PTSD were found to partially mitigate some of the misconduct, multiple FTRs and a period of AWOL. The applicant's length, quality and combat service outweighed the remaining infractions of misuse of a government credit card and driving without a license. Accordingly, the Board granted relief by upgrading the discharge characterization to Honorable and directed the issuance of a revised DD Form 214. The updated form reflects a change in separation authority to AR 635-200, paragraph 14-12a, a new narrative reason of Misconduct (Minor Infractions), and a separation code of JKN. The Board determined that the RE Code was both proper and equitable, and elected not to change it. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. (Board member names 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:** 27 January 2009

- c. **Separation Facts:**

- (1) **Date of Notification of Intent to Separate:** 17 December 2008

- (2) **Basis for Separation:** They received a Field Grade Article 15 for having been absent without leave on or between 29 October – 3 December 2008; They received a FG Article 15 for disrespect and misuse of their government credit card; and they were continuously disrespectful and shown a lack of accountability, integrity, and had no further rehabilitative potential.

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

- (4) **Legal Consultation Date:** 18 December 2008

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 15 January 2009 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 2 April 2004 / 6 years

b. Age at Enlistment / Education / GT Score: 18 / High School Diploma / 115

c. Highest Grade Achieved / MOS / Total Service: E-5 (SGT) / 15N10 Avionic Mechanic / 4 years, 8 months, 22 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq / 9 months, 23 days

- 18 March – 25 January 2006 / 1 month, 24 days
- 27 July – 26 October 2007 / 3 months
- 21 June – 22 August 2007 / 2 months, 2 days
- 7 February – 3 April 2008 / 1 month, 27 days
- 23 July – 22 August 2008 / 1 month

f. Awards and Decorations: Iraq Campaign Medal

- Army Commendation Medal
- Army Achievement Medal
- Army Good Conduct Medal
- National Defense Service Medal
- Global War on Terrorism Expeditionary Medal
- Global War on Terrorism Service Medal
- Noncommissioned Officer Professional Development Ribbon
- Army Service Ribbon
- Overseas Service Ribbon

g. Performance Ratings: SGT (E-5) / 1 May 2007 – 30 April 2008 / Among the Best

h. Disciplinary Action(s) / Evidentiary Record:

(1) On 2 April 2004, the applicant enlisted in the Regular Army (RA) for 6 years as a private second class, PV2 (E-2). They promoted to private first class, PFC (E-3) on 2 April 2005; to specialist, SPC (E-4) on 5 December 2008; and to sergeant, SGT (E-5) on 1 May 2007. They deployed to Iraq on five occasions between 2006 – 2008, totaling 10 months.

(2) On 5 May 2006, they received nonjudicial punishment (NJP) for dereliction of duty (Article 92, UCMJ) due to having failed to perform a proper toolbox inventory before leaving their forward location and was subsequently given 14 days of extra duty and restriction. Between 5 April 2006 – 19 September 2008, the applicant received twelve event-oriented counseling's for various acts of misconduct for failing to report on multiple occasions, failing a barracks inspection, driving without a license, improper use of their government charge card, and for disrespect towards a NCO.

(a) On 19 September 2008, they received NJP for having failed to report (Article 86, UCMJ) to their prescribed duty (reenlistment ceremony) and punishment-imposed forfeitures of \$1,123.00 for two months, suspended, to be automatically remitted if not vacated by 19 March 2009; extra duty for 30 days; restriction for 30 days; and an oral reprimand. The applicant's duty statuses changed from present for duty (PDY) to AWOL on 29 October 2008; dropped from the rolls (DFR) on 28 November 2008; and upon their return to military control (PDY) on 3 December 2008, they were flagged, Suspend Favorable Personnel Actions (FLAG), for adverse action (AA) and field-initiated involuntary separation (BA). On 5 December 2008, the applicant received NJP for having been AWOL for over 30 days (Article 86, UCMJ) and was consequently reduced to SPC; adjudged forfeitures of \$1,023 pay per month, for two months; and extra duty and restriction for 45 days.

(3) On 17 December 2008, the company commander notified the applicant of their intent to initiate separation proceedings under the provisions of AR 635-200, Chapter 14-12B, Pattern of Misconduct, for the above and recommended a General (Under Honorable Conditions) characterization of service, in which the battalion commander concurred with. The applicant acknowledged receipt of their separation notice, elected to consult with legal, and declined to submit a statement on their behalf. On 15 January 2009, the separation authority approved the discharge and on 20 January 2009, the separation orders were issued. A DD Form 214 (Certificate of Release or Discharge from Active Duty) provides the applicant was discharged accordingly on 27 January 2009, with 5 years, 1 month, and 24 days of total service. Their physical signature was provided, and they had not completed their first full term of service.

i. Lost Time / Mode of Return: 29 October – 2 December 2008 (1 month, 4 days)

j. Behavioral Health Condition(s): The applicant asserts PTSD, and the mental status evaluation identified Alcohol Abuse.

(1) Applicant provided: A VA Summary of Benefits Letter, dated 8 July 2021, provides the applicant was awarded a 90% combat-related service-connection; however, their disabilities are not listed.

(2) AMHRR Listed: On 7 October 2008, they completed a MSE and diagnosed with Alcohol Abuse and was psychologically cleared for administrative proceedings deemed necessary.

5. APPLICANT-PROVIDED EVIDENCE: ACTS Online Application; Veterans Affairs Summary of Benefits Letter

6. POST SERVICE ACCOMPLISHMENTS: None provided with this application.

7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health

condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo]).

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. Army Regulation 15-180 (Army Discharge Review Board), 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.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), 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 and provides:

- (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) Chapter 14 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. 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 14-12b (Pattern of Misconduct), stated, a pattern of misconduct consisting of one of the following – discreditable involvement with civil 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 UCMJ, Army regulations, the civil law, and time-honored customs and traditions of the Army.
- (5) Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.
- (6) 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 14-12B, Pattern of Misconduct.
- (7) 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 waivable and nonwaivable 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.

e. Army Regulation 631-10 (Absence, Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings) provides policies and procedures for reporting unauthorized absentees and deserters, the administering of absent without leave (AWOL) personnel and deserters, returning absentees and deserters to military control and the surrendering of military personnel to civilian law enforcement authorities. When a soldier returns from an absence that is or appears to be unauthorized, the unit commander informally investigates whether disciplinary action should be taken and if the soldier be charge with time lost.

(1) Classification of an absence is dependent upon such factors as the following:

- Order and instructions, written/oral, the Soldier received before/during absence
- Age, military experience, and general intelligence of the Soldier
- Number and type of contact the Soldier had with the military absent
- Complete or incomplete results of a court-martial decision if any

(2) An absence immediately following authorized leave is classified as AWOL. Should the absence subsequently be reclassified, the soldiers leave is corrected to reflect the reclassified absence, except if the absence is caused by the following:

- Mental incapacity
- Detention by civilian authorities
- Early departure of a mobile unit due to operational commitments

f. Manual for Courts-Martial (2008 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. Article 86 (absent without leave for more than 30 days) states in the subparagraph, the maximum punishment consists of a dishonorable discharge, forfeiture of all pay and allowances, and confinement for one year.

g. 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): 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 and a narrative reason change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The available evidence provides the applicant enlisted in the RA, promoted to SGT, and deployed to Iraq on five occasions, totaling nearly 10 months between 2006-2008. They served 4 years, 8 months, and 22 days of their 6-year contractual obligation.

(1) The applicant received multiple counseling's for various acts of indiscipline such as for failing to report on multiple occasions, failing a barracks inspection, driving without a license, improper use of their government charge card, and for disrespect towards an NCO. Further, they received two NJPs in violation of Article 92, UCMJ (dereliction of duty) for having lost a tool needed for duty and Article 86, UCMJ (failure to report) for failing to report to a ceremony and was punished with restriction. Four months after their last redeployment, the applicant received NJP for having been AWOL from 29 October – 3 December 2008 and was consequently, reduced to SPC. Separation proceedings were initiated under the provisions of AR 635-200, Chapter 14-12B, with a General (Under Honorable Conditions) characterization of service. The applicant elected to consult with legal and declined to submit a statement on their behalf.

(2) The applicant completed a medical exam which qualified them for separation without any diagnoses or recommendations indicated. The mental status evaluation provided a diagnosis of Alcohol Abuse and psychiatrically cleared them for administrative proceedings. Lastly, the applicant provided a VA benefits letter which identified their 90% service-connection disability rating.

c. Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is 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.

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 a 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/experiences: Major Depressive DO; PTSD (70% SC). [Note-diagnoses of Depression and Sleep-Wake Schedule DO are subsumed under diagnosis of MDD.].

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found MDD was diagnosed during service. VA service connection for PTSD (70%) 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 his misconduct. As there is an association between these conditions and avoidant behavior, there is a nexus between his diagnoses of MDD, PTSD, his multiple FTRs and his period of AWOL. As there is an association between PTSD and problems with authority figures, there is a nexus between his diagnosis of PTSD and his disrespectfulness towards his NCOs. PTSD and MDD do not mitigate misuse of a government credit card or driving without a license as neither PTSD nor MDD affects one's ability to distinguish between right and wrong and act in accordance with the right.

(4) Does the condition or experience outweigh the discharge? **Partial.** After applying liberal consideration to the evidence, including input from the Board Medical Advisor, the Board determined that the applicant's Major Depressive Disorder and PTSD mitigate the multiple FTRs and the period of AWOL. The applicant's length of service, quality of performance, and combat experience mitigate the remaining misconduct, misuse of a government credit card and driving without a license.

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant seeks relief contending, their discharge was inequitable due to a non-diagnosed case of PTSD related to their time in service in Operation Iraqi Freedom. Prior to their discharge, the applicant was seeking mental health help from the Fort Campbell Behavioral Health providers and provides a copy of their VA disability letter. The Board reviewed this contention during the proceedings and voted to grant relief in the form of an upgrade to Honorable discharge.

d. The Board determined the discharge is inequitable based on the applicant's Major Depressive Disorder and PTSD which mitigates the misconduct of multiple FTRs and his period of AWOL. The applicant's length of service, quality of performance, and combat experience mitigate the remaining misconduct, misuse of a government credit card and driving without a license. Therefore, the Board voted to grant relief by upgrading the characterization of service to Honorable and changed the narrative reason to Misconduct (Minor Infractions) with a corresponding SPD code of JKN. The Board voted not to change the RE Code. The applicant has exhausted their appeal options available with ADRB. However, the applicant may still apply to the Army Board for Correction of Military Records. 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.

e. Rationale for Decision:

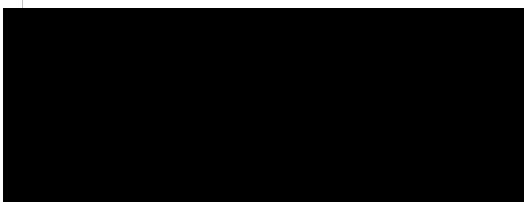
(1) The Board voted to upgrade the applicant's characterization of service to Honorable based on the applicant's partial medical mitigation and in-service factors. The applicant's diagnoses of Major Depressive Disorder and PTSD mitigate the applicant's misconduct of multiple failures to report and a period of AWOL. The applicant's length of service, quality of performance, and combat experience were deemed mitigated the remaining misconduct of misuse of a government credit card and driving without a license. Therefore, the prior characterization is no longer appropriate.

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

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

10. BOARD ACTION DIRECTED:**a. Issue a New DD-214: 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, paragraph 14-12a****f. Authenticating Official:**

7/31/2025

**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
UOTHC – Under Other Than Honorable Conditions
VA – Department of Veterans Affairs