

1. Applicant's Name: [REDACTED]**a. Application Date:** 18 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 under other than honorable conditions. The applicant requests an upgrade to honorable discharge.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect the applicant was subjected to sexual harassment because the applicant is gay. The applicant contends the applicant develop anxiety and depression as a direct result of the sexual harassment experience during the applicant's military service. The applicant experienced ongoing sexual harassment in the 494 BSB after a Sergeant First Class disclosed the applicant's sexual orientation. Soldiers repeatedly made gay jokes, mocked the applicant's lack of attraction to women, showed the applicant pornographic images, and used slurs toward the applicant.

Before service, the applicant had no history of anxiety or depression. During and after service, the applicant developed severe anxiety, depression, panic attacks, and unhealthy alcohol use to cope. The applicant eventually became unable to attend Drill Weekends and felt the unit offered no support or trust.

The applicant contends the resulting under other than honorable discharge does not reflect the applicant's character or service.

c. Board Type and: In a records review conducted on 5 February 2026, and by a 3-0 vote, the Board granted the request upon finding the separation was inequitable. The record indicates the applicant was not notified of any specific factors which would warrant a general (under honorable conditions) characterization of service. The Board determined the narrative reason, SPD code, and RE code were proper and equitable and voted not to change them. The available files indicate the applicant had outstanding attendance prior to medical issues related to the MST. Taking this into consideration, along with medical mitigation the board voted to upgrade the characterization to Honorable. 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: NIF / AR 135-178 / NIF / NIF / NIF / Under Other Than Honorable Conditions

b. Date of Discharge: 3 October 2015

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

(1) Date of Notification of Intent to Separate: NIF

(2) Basis for Separation: NIF

(3) Recommended Characterization: NIF

(4) Legal Consultation Date: NIF

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: NIF

4. SERVICE DETAILS:

a. Date / Period of Enlistment/Reenlistment Under Review: 8 March 2010 / 6 years

b. Age at Enlistment / Education / GT Score: 20 / HS Graduate / NIF

c. Highest Grade Achieved / MOS / Total Service: E-3 / 92G10, Food Service / Culinary Specialist / 5 years, 0 months, 0 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: NIF

f. Awards and Decorations: NDSM, ASR

g. Performance Ratings: NA

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

i. Lost Time / Mode of Return: 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: The applicant provided a listing of prescriptions taken for depression and anxiety

(2) AMHRR provided: NIF

5. APPLICANT-PROVIDED EVIDENCE: Prescription list, 3-Character Reference letters, Orders 12-271-00393

6. POST SERVICE ACCOMPLISHMENTS: Transit Operator with involvement with local high school students explore trade jobs

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

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.

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.

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.

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.

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.

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.

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.

Army Regulation 135-178 prescribes the policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of Army National Guard of the United States (ARNGUS) and U.S. Army Reserve (USAR) enlisted Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) Paragraph 2-9a prescribes an honorable characterization 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) Paragraph 2-9b, prescribes, if a Soldier's service has been honest and faithful, it is appropriate to characterize that service as general (under honorable conditions). Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

(3) Paragraph 2-9c, prescribes the service may be characterized as under other than honorable conditions only when discharge is for misconduct, fraudulent entry, unsatisfactory participation, or security reasons, and under other circumstances.

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 AMHRR is void of the specific facts and circumstances concerning the events which led to the discharge from the Army Reserve. The applicant's AMHRR does contain a properly constituted discharge order: Orders 15-271-00393, 3 October 2015. The orders indicate the applicant was discharged under the provisions of AR 135-178, with an under other than honorable conditions characterization of service.

c. The applicant contends the applicant was subjected to sexual harassment because the applicant is gay. The applicant experienced ongoing sexual harassment in the 494 BSB after a Sergeant First Class disclosed the applicant's sexual orientation. Soldiers repeatedly made gay jokes, mocked the applicant's lack of attraction to women, showed the applicant pornographic images, and used slurs toward the applicant. The applicant provided a listing of prescriptions taken for depression and anxiety. The applicant's AMHRR is void of any evidence pertaining sexual harassment reported. However, under current laws and regulations, Soldiers who are homosexual can serve openly. Former Soldiers discharged under previous policies may request a revision to their separation reason to align with the current standard. The Board reviews any aggravating factors, and in the absence of such factors, will amend the narrative reason for

discharge to Secretarial Authority. The applicant's record does not indicate any aggravating factors as defined in AR 635-200.

d. The applicant contends the applicant develop anxiety and depression as a direct result of the sexual harassment experienced during the applicant's military service. The applicant provided a listing of prescriptions taken for depression and anxiety. The applicant's AMHRR is void of any evidence pertaining sexual harassment reported. However, under current laws and regulations, Soldiers who are homosexual can serve openly. Former Soldiers discharged under previous policies may request a revision to their separation reason to align with the current standard. The Board reviews any aggravating factors, and in the absence of such factors, will amend the narrative reason for discharge to Secretarial Authority. The applicant's record does not indicate any aggravating factors as defined in AR 635-200.

e. The applicant contends the resulting under other than honorable discharge does not reflect the applicant's character or service. The applicant's AMHRR is void of the specific facts and circumstances concerning the events which led to the discharge from the Army Reserve.

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: Depression, Anxiety. Additionally, the applicant asserts MST, which may be sufficient evidence to establish the existence of a condition that could mitigate or excuse the discharge.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board found that the applicant self-asserted anxiety, depression, and MST associated with sexual harassment for being gay during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board applied liberal consideration and opined that the applicant self-asserted anxiety, depression, and MST associated with sexual harassment for being gay. The applicant submitted medical documentation that he was treated for anxiety and depression in 2021, but there is no medical evidence to support that the applicant's asserted anxiety and depression existed during military service. Accordingly, the applicant's self-asserted anxiety and depression do not provide any mitigation. The applicant also self-asserted MST associated with sexual harassment for being gay. The applicant's self-assertion is sufficient evidence that the MST occurred during military service. Victims of repeated sexual harassment can experience a wide range of behavioral, psychological, and emotional responses to include avoidance of the source of the harassment. Accordingly, the applicant's MST likely contributed to missing drill weekends. If the Board accepts that the applicant's basis of separation is Unsatisfactory Performance due to missing drill weekends, then the MST mitigates the discharge.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the condition or experience outweighed the basis of separation.

b. Prior Decisions Cited: N/A**c. Response to Contention(s):**

(1) The applicant contends the applicant was subjected to sexual harassment because the applicant is gay. The Board determined that this contention was valid and voted to upgrade the characterization of service due to self-asserted anxiety, depression and MST partially mitigating the applicant's missed weekend drills.

(2) The applicant contends the applicant developed anxiety and depression as a direct result of sexual harassment during his military service. The Board recognizes and appreciates the applicant's willingness to re-enter service and considered this contention during board proceedings along with the totality of the applicant's service record.

(3) The applicant contends the under other than honorable discharge does not adequately reflect his character or service. 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 self-asserted anxiety, depression and MST outweighing the missed weekend drills, which was a basis for separation.

d. The Board determined in a records review conducted on 5 February 2026—by a 3-0 vote—the separation was inequitable, and the characterization of service was improper. The record indicates the applicant was not notified of any specific factors which would warrant a general (under honorable conditions) characterization of service. Therefore, the characterization not being proper and equitable, the Board granted relief in the form of an upgrade to Honorable. The Board determined the narrative reason, SPD code, and RE code were proper and equitable and voted not to change.

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) In a records review conducted on 5 February 2026, and by a 3-0 vote, the Board granted the request upon finding the separation was inequitable. The Board determined that the characterization of service was improper. The record indicates the applicant was not notified of any specific factors which would warrant a general (under honorable conditions) characterization of service. The Board determined the narrative reason, SPD code, and RE code were proper and equitable and voted not to change them. The available files indicate the applicant had outstanding attendance prior to medical issues related to the MST. Taking this into consideration, along with medical mitigation the board voted to upgrade the characterization to Honorable.

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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210017040

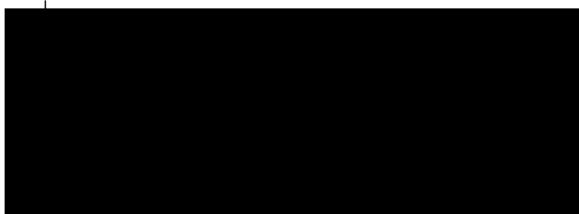
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214 / Separation Order:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD code to:** No Change
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** No Change

Authenticating Official:

3/3/2026



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