

1. Applicant's Name: [REDACTED]**a. Application Date:** 26 July 2021**b. Date Received:** 2 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 claiming undiagnosed PTSD at the time of separation and claimed having a 70% disability rating through the VA in 2010.

c. Board Type and Decision: In a records review conducted on 17 February 2026, and by a 2-1 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, and the circumstances surrounding the discharge (PTSD). Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed 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: 8 July 2004

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 10 May 2004

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant disrespected a non-commissioned officer on 21 June 02, was absent without leave on 26 February 2003, four counts of disobeying lawful orders on 6 October 2003, and was disrespectful to a non-commissioned officer on 2 December 2003.

(3) Recommended Characterization: Under Other Than Honorable Conditions

(4) Legal Consultation Date: 10 May 2004

(5) Administrative Separation Board: On 16 June 2004, the applicant submitted a conditional waiver for a General (Under Honorable Conditions). The conditional waiver is not in the administrative separation packet but mentioned in the staff judge advocate's summary memorandum.

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(6) Separation Decision Date / Characterization: 17 June 2004 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 9 July 2001 / 3 years

b. Age at Enlistment / Education / GT Score: 26 / High School Graduate / 107

c. Highest Grade Achieved / MOS / Total Service: E-3 / 55B1O, Ammunition Specialist / 3 years

d. Prior Service / Characterizations: ARNG, 4 June 1996 0 8 Jul 2001 / HD
OAD, 4 June 1996 – 13 May 1997 / HD
(Concurrent Service)

e. Overseas Service / Combat Service: SWA / Afghanistan, 10 April 2003 – 14 May 2003

f. Awards and Decorations: AAM, NDSM, GWOTEM, GWOTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Record of Supplementary Action Under Article 15, UCMJ, 2 December 2003, indicates the suspended portion of the punishment imposed on 6 October 2003 was vacated due to a violation of Article 91, by lying to a noncommissioned officer about having a transportation appointment.

(2) CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 6 October 2003, indicates the applicant failed to obey a noncommissioned officer by failing to secure a wall locker, failed to go to the position of “at-ease”, failed to stand at “parade rest”, and failed to stretch.

(3) CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 26 February 2003, indicates the applicant was found be absent without leave on from 3 February 2003 until 4 February 2003. The imposed punishment given was an oral reprimand. On 15 June 2004, the company commander that imposed the Article 15 found the applicant, “not guilty” of the Article 15, due to following directives of supervising non-commissioned officer.

(4) CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 21 June 2002, indicates the applicant was disrespectful towards a noncommissioned officer, by walking away laughing after instructions were given.

i. Lost Time / Mode of Return: None

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: Application for Correction of Military Record, claimed that the applicant undiagnosed PTSD at the time of separation and later was awarded a 70% disability rating by the VA.

(2) AMHRR Listed:

(a) Report of Mental Status Evaluation (MSE), the applicant was evaluated in November 2003, indicated the applicant was cleared for any administrative actions the command deemed appropriate. The provider found no evidence of any psychiatric condition which would warrant disposition through medical channels.

(b) On the applicant's DD Forms 2808, 2807, and 2697, the applicant claimed depression.

5. APPLICANT-PROVIDED EVIDENCE: Application for Correction of Military Record.

6. POST SERVICE ACCOMPLISHMENTS: None submitted in support of the application.

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

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

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

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

in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

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

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

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

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

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

- RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

- RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

g. 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.

(a) 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.

(b) 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.

(c) Paragraph 3-9 states a separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status.

(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) 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.

(b) 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.

h. 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.

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 received three article 15's for misconduct for being absent without leave, disrespecting a non-commissioned officer two times and disobeying a non-commissioned officer four times.

c. The commanding officer found the applicant not guilty of the being absent without leave and provided a written memorandum. The applicant was given an oral reprimand for that offense. However, at the time of separation the applicant was also notified of being disrespectful towards a non-commissioned officer and disrespect towards a noncommissioned officer on numerous occasions. Based upon the correction of the absent without leave, there was still

substantial evidence of patterns of misconduct as evidenced in the administrative separation packet.

d. The applicant's discharge was appropriate based upon the quality of service was not consistent with the Army's standards for acceptable personnel conduct and performance of duty. The applicant's other misconduct warranted a general (under honorable conditions).

e. The chain of command considered the company commander's memorandum about not being awol, the applicant's 16 June 2004 conditional waiver for a general (under honorable Conditions), and on 17 June 2004, the separation authority accepted the conditional waiver approving the discharge with a general (under honorable conditions).

f. The applicant's Army Military Human Resources Record (AMHRR) contains evidence concerning the events leading to the discharge from the Army. The applicant's AMHRR includes a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was authenticated by the applicant's signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 14, paragraph 14-12b, by reason of Pattern of Misconduct, with a characterization of service of General (Under Honorable Conditions).

g. The applicant contends that the characterization of service should be upgraded due to undiagnosed symptoms of PTSD.

h. The applicant provided no evidence of PTSD during the period under review for separation. The only information regarding this condition has been presented in the current application, which includes two points: a claim of undiagnosed PTSD while in service, and another claim of a 70% VA rating for PTSD in 2010, both unsupported by lack of provided evidence.

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: SC PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Applicant is 100% SC with 70% SC for PTSD (November 2011).

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board applied liberal consideration and opined the applicant is 100% SC with 70% SC for PTSD. Though they were not diagnosed in service with PTSD, there is sufficient evidence of the presence of PTSD after service. The applicant deployed to Afghanistan between April-May 2003. Given that one instance of disrespecting an NCO (June 2002), going AWOL (February 2003), and a pattern of misconduct between January-March 2003 cited on a Developmental Counseling Form and a Letter of Concern (both dated in March 2003) all occurred prior to the deployment, there cannot be a nexus between these behaviors and their PTSD. Regarding the 4 counts of disobeying lawful orders (failing to secure a wall locker, failing to move into position, etc.) in October 2003 and disrespecting an NCO in December 2003 (lying about an appointment) which occurred after deployment, these actions are not a natural sequelae of

PTSD and are consistent with the problematic behavioral patterns prior to their combat deployment. Given that the actions that led to their BoS are not medically mitigated from a MH perspective, an upgrade is not supported.

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Prior Decisions Cited: **N/A**

c. Response to Contention: The applicant claims undiagnosed PTSD at the time of separation and later having a VA rating of 70% for PTSD. The Board considered this contention however the applicant's PTSD does not fully mitigate the applicant's patterns of misconduct that occurred throughout service, prior to PTSD causing event. The Board did consider the applicant's length and quality of service, to include combat service, and the circumstances surrounding the discharge (PTSD) and Board voted to grant relief.

d. The Board determined: The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The Board found the applicant exhibited a pattern of misconduct (AWOL and disrespecting an NCO) before their combat deployment. For the applicant's additional misconduct (disobeying lawful orders, disrespecting NCO, and making a false statement to their NCO leadership), these actions are not a natural result of PTSD but are consistent with the problematic behavioral problems that existed prior to their combat deployment. Therefore, the applicant does not have a BH condition that mitigated their misconduct. However, the majority of the Board found the applicant's separation to be inequitable due to the applicant's length and quality of service, to include combat, and voted to upgrade the characterization and change the separation code. The Board voted to retain the reentry code based on the medical diagnosis.

e. Rationale for Decision:

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

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's length and quality of service, to include combat, outweighed the applicant's pattern of misconduct. 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.

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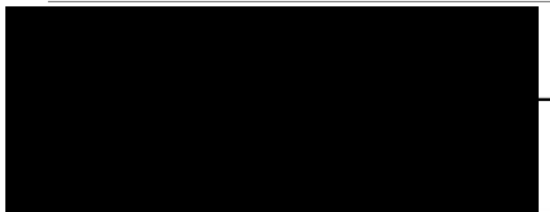
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10. BOARD ACTION DIRECTED:

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

Authenticating Official:

2/19/2026



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