

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 13 September 2021
- b. **Date Received:** 30 September 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, behavioral health issues related to the applicant's military service may have contributed to the reasons the applicant was discharged.

Board Type and Decision: In a records review conducted on 21 August 2025, and by a 5-0 vote, the Board determined the discharge was inequitable. It granted relief by upgrading the characterization of service to Honorable, changing the separation authority to AR 635-200, paragraph 14-12a, and revising the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board also determined that the RE Code was proper and equitable and voted to leave it unchanged.

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:** 27 May 2011

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 23 March 2011

(2) **Basis for Separation:** The applicant was informed of the following reasons:

(a) On divers' occasions between 11 November and 9 December 2009, the applicant violated a lawful order.

(b) On divers' occasions between 1 December 2009 and 10 January 2010, the applicant violated a lawful general regulation.

(c) On 5 January 2010, the applicant made a false official statement. On 9 March 2010, the applicant received a Company Grade Article 15 for the misconduct.

(d) On 25 January 2011, the applicant failed to report to the applicant's appointed place of duty. On 21 February 2011, the applicant was disrespectful to a noncommissioned officer. On 21 January 2011, the applicant was drunk and disorderly.

(e) On 10 February 2011, the applicant received a Field Grade Article 15 for the misconduct.

(f) The applicant has been counseled on numerous occasions for misconduct prejudicial to good order and military discipline.

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

(4) **Legal Consultation Date:** 30 March 2011

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

(6) **Separation Decision Date / Characterization:** 17 May 2011 / General (Under Honorable Conditions) The separation authority determined the applicant's medical condition was not the direct or substantial contributing cause of the conduct which led to the recommendations for administrative elimination. In accordance with Army Regulation 635-200, paragraph 1-33c, the Soldier would not be referred to a Physical Evaluation Board (PEB).

4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 3 January 2008 / 4 years, 23 weeks

b. **Age at Enlistment / Education / GT Score:** 25 / High School Graduate / 119

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 92F10, Petroleum Supply Specialist / 3 years, 4 months, 25 days

d. **Prior Service / Characterizations:** None

e. **Overseas Service / Combat Service:** Korea / None

f. **Awards and Decorations:** NDSM, GWOTSM, KDSM, ASR, OSR

g. **Performance Ratings:** None

h. **Disciplinary Action(s) / Evidentiary Record:** CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 9 March 2010, for disobeying a lawful order on divers' occasions (between 11 November and 9 December 2009). On or about 5 January 2010, with intent to deceive, make to Staff Sergeant B. W. G., an official statement, to wit: the applicant was lactose intolerant and needed to leave to get medication, which statement was totally false, and was then known by the applicant to be so false. On or about 10 January 2010, violate a lawful general order by wrongfully smoking in the barracks. The punishment consisted of a reduction to E-3, forfeiture of \$423, and extra duty and restriction for 14 days and oral reprimand.

Military Police Report, 21 January 2011, reflects the applicant's apprehension for drunk and disorderly (on post).

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 10 February 2011, for on or about 25 January 2011, without authority, fail to go at the time prescribed to the applicant's appointed place of duty. On or about 21 February 2011, the applicant was disrespectful in language toward SGT J. J., a noncommissioned officer, then known by the

applicant to be a noncommissioned officer, by saying, "Fuck off Sergeant" and "Fuck off," or words to that effect. On or about 21 January 2011, the applicant was drunk and disorderly which conduct was of a nature to bring discredit upon the armed forces. The punishment consisted of a reduction to E-1, forfeiture of \$733 pay per month for two months and extra duty and restriction for 45 days and oral reprimand.

Memorandum for Commander, Synopsis of Rehabilitation Efforts, 17 February 2011, reflects on 21 January 2011, the applicant's commander reported the applicant was found intoxicated with a BAC of .18. On 26 January 2011, a third Rehabilitation Team Meeting (RTM) was held with the applicant, the commander and ASAP counselor to address the applicant's continued use of alcohol. During the RTM the applicant was declared a rehabilitation failure and discharged unsuccessfully from ASAP.

Numerous Developmental Counseling Forms for various acts of misconduct.

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: Integrated Disability Evaluation System (IDES) Reconciliation of Diagnostic Variance, 9 December 2010, reflecting a diagnosis of AXIS I: Adjustment disorder with mixed anxiety and Depressed Mood and Somatoform disorder NOS.

(2) AMHRR provided:

(a) IDES as described in previous paragraph 4j(1).

(b) Medical Evaluation Board Proceedings, 21 January 2011, reflect the applicant received two unfitting diagnoses: Undifferentiated somatoform disorder NOS; Bipolar disorder NOS (with psychotic features).

(c) Report of Behavioral Health Evaluation (BHE), 3 February 2011, reflects the applicant was mentally responsible with a clear-thinking process and had the mental capacity to understand and participate in the proceedings. The applicant was cleared for any administrative actions deemed appropriate by the command. The applicant was diagnosed with: Somatoform disorder NOS; Bipolar disorder NOS.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Integrated Disability Evaluation System (IDES) Reconciliation of Diagnostic Variance; Memorandum for Rebuttal; letter of support.

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), 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 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 waivable. Eligibility: Ineligible unless a waiver is granted.
- RE-4 Applies to: Person separated from last period of service with a nonwaivable 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 14-12b, 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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, Patterns of Misconduct, 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.

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 on divers' occasions between 11 November and 9 December 2009, the applicant violated a lawful order. On divers' occasions between 1 December 2009 and 10 January 2010, the applicant violated a lawful general regulation. On 5 January 2010, the applicant made a false official statement. On 9 March 2010, the applicant received a Company Grade Article 15 for misconduct. On 25 January 2011, the applicant failed to report to the applicant's appointed place of duty. On 21 February 2011, the applicant was disrespectful to a noncommissioned officer. On 21 January 2011, the applicant was drunk and disorderly. On 10 February 2011, the applicant received a Field Grade Article 15, for misconduct. The applicant had been counseled on numerous occasions for misconduct prejudicial to good order and military discipline.

c. The applicant contends behavioral health issues related to the applicant's military service may have contributed to the reasons the applicant was discharge. The applicant provided an Integrated Disability Evaluation System (IDES) Reconciliation of Diagnostic Variance, 9 December 2010, reflecting a diagnosis of AXIS I: Adjustment disorder with mixed anxiety and Depressed Mood and Somatoform disorder NOS. The AMHRR includes the IDES as previously described. Medical Evaluation Board Proceedings, 21 January 2011, reflects the applicant received two unfitting diagnoses: Undifferentiated somatoform disorder NOS; Bipolar disorder NOS (with psychotic features). A Report of Behavioral Health Evaluation (BHE), 3 February 2011, reflecting the applicant was mentally responsible with a clear-thinking process and had the mental capacity to understand and participate in the proceedings. The applicant was cleared for any administrative actions deemed appropriate by the command. The applicant was diagnosed with: Somatoform disorder NOS; Bipolar disorder NOS.

The third-party statement provided with the application reflects the applicant's orthopedic surgeon stated the applicant had received punitive action in the form of an Article 15 for performing exercises which were in violation of the applicant's profile. Doctor B. C., stated in the last documented visit, the applicant may perform all activities regarding the applicant's shoulder as tolerated and therefore not in violation of any profile. 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: Adjustment Disorder, Bipolar Disorder NOS, Unspecified Somatoform Disorder, Anxiety Disorder NOS.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found in service BH conditions including an Adjustment Disorder, Bipolar Disorder NOS (with psychotic features), Unspecified Somatoform Disorder, and Anxiety Disorder NOS, and the VA has service connected the Unspecified Somatoform Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of BH conditions. In service BH conditions include an Adjustment Disorder, Bipolar Disorder NOS (with psychotic features), Unspecified Somatoform Disorder, and Anxiety Disorder NOS, and the VA has service connected the Unspecified Somatoform Disorder. Bipolar Disorder NOS (with psychotic features) has a nexus with mood lability, irritability, poor judgment, impulsivity, self-medicating, and being out of touch with reality and likely contributed to all the misconduct that led to the applicant's separation. Accordingly, the applicant's Bipolar Disorder NOS provides full mitigation for the misconduct that led to the discharge.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the opine of the Board Medical Advisor, the Board concluded that the applicant's BH condition outweighed the listed basis for separation.

b. Prior Decisions Cited: None.

c. Response to Contention(s):

(1) The third-party statement provided with the application reflect the applicant's orthopedic surgeon stated the applicant had received punitive action in the form of an Article 15 for performing exercises which were in violation of the applicant's profile. Doctor B. C., stated in the last documented visit, the applicant may perform all activities regarding the applicant's shoulder as tolerated and therefore not in violation of any profile. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command. 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 Adjustment Disorder, Bipolar Disorder NOS, Unspecified Somatoform Disorder, Anxiety Disorder NOS.

(2) The Board determined: The Board determined the discharge is inequitable based on the applicant's diagnosis of Adjustment Disorder, Bipolar Disorder NOS, Unspecified Somatoform Disorder, Anxiety Disorder NOS conditions outweighed the applicant's Pattern of Misconduct. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the RE Code was proper and equitable and voted not to change it. However, the applicant may request a personal appearance hearing to address further issues before the Board. 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.

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 BH condition 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.

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:

9/3/2025



Y

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