

1. Applicant's Name:

- a. **Application Date:** 22 September 2021
- b. **Date Received:** 27 September 2021
- c. **Counsel:** None

2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is honorable. The applicant requests a change of their separation code and the narrative reason for separation.

(2) The applicant seeks relief contending there are mitigating circumstances for consideration and factors that do not excuse the offense, but that should be taken into consideration when making the final assessment. They would like to point out the command bias, conflict of interest, failure to uphold their Article 31 (Rights Warnings) rights, and failure to adhere to the governing regulations before, during, and after the events.

(3) On or about December 2017, they were asked to provide their DA Form 705 (APFT Scorecard) for the processing of their Officer Evaluation Report (OER). They took an Army Physical Fitness Test (APFT) on 27 June 2017; however, there was no record available. They were unable to take another APFT at that time due to their temporary profile. They presented their issue to their chain of command several time and they were not presented with a recommendation other than "produce a form and submit it." They recreated their DA Form 705 with the same scores noted in their personal notebook. This led to an internal investigation, a general officer memorandum of reprimand (GOMOR), a Board of Inquiry, and ultimately an honorable discharge from the U.S. Army with a separation code of JNC (Unacceptable Conduct), with no other negative records throughout their time in service.

b. Board Type and Decision: In a records review conducted on 20 December 2024, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Unacceptable Conduct / AR 600-8-24, Paragraph 4-2b / JNC / Honorable

b. Date of Discharge: 30 September 2019

c. Separation Facts:

(1) **Date of Initiation of Elimination:** 17 April 2018

(2) **Basis for Separation:** submitted a DA Form 705 (Army Physical Fitness Test (APFT) Scorecard), for themselves, knowing the signature was false. When approached by their battalion commander, to inquire where the APFT Scorecard originated, they stated they received it through email which was false. When questioned about its validity and the signature, they then lied to their battalion commander about the validity of the APFT Scorecard before finally admitting it was not a legitimate APFT Scorecard.

(3) Legal Consultation Date: 16 May 2018

(4) Board of Inquiry (BOI): 30 July 2018

(5) General Officer's Show Cause Authority (GOSCA) Recommendation Date / Characterization: 10 October 2018 / Honorable

(6) DA Board of Review for Eliminations: On 10 September 2019, the Army Board of Review for Eliminations considered the GOSCA's request to involuntary separate the applicant for unacceptable conduct in accordance with AR 600-8-24, paragraph 4-2b and paragraph 4-2c.

(7) Separation Decision Date / Characterization: 10 September 2019 / Honorable

4. SERVICE DETAILS:

a. Date / Period of Appointment: 15 December 2011 / Indefinite

b. Age at Appointment / Education: 23 / Masters in Public Administration

c. Highest Grade Achieved / MOS / Total Service: O-3 / 15A, Aviation, General / 7 years, 8 months, 18 days

d. Prior Service / Characterizations: USAR Control Group (ROTC), 4 December 2007 – 15 December 2011 / NIF

e. Overseas Service / Combat Service: Germany / None

f. Awards and Decorations: ARCOM, NDSM, GWTSM, ASR, OSR

g. Performance Ratings: 13 January 2012 – 22 June 2017 / Highly Qualified
23 June 2017 – 15 March 2018 / Not Qualified
16 March 2018 – 15 March 2019 / Highly Qualified
16 March 2019 – 30 September 2019 / Highly Qualified

h. Disciplinary Action(s) / Evidentiary Record:

(1) A memorandum, 1st Battalion, 14th Aviation Regiment, U.S. Army Aviation Center of Excellence, subject: Inquiry into [Applicant's] Falsified DA Form 705, dated 22 February 2018, reflects the purpose of the memorandum is to determine whether further investigation into the applicant's falsification of a DA Form 705 is warranted in accordance with Army Regulation 15-6 (Procedures for Administrative Investigations and Boards of Officers).

(a) The battalion executive officer states based upon the preponderance of the evidence; they find the applicant likely did not violate Article 107 (False Official Statement), Uniform Code of Military Justice (UCMJ). The applicant's statement in the form of a falsified DA Form 705 was not an attempt to provide evidence of an event that did not take place. Rather, the applicant erred in judgement by utilizing digital snipping tools to falsify signatures for an event that likely took place, and, therefore, should not be considered an intent to deceive.

(b) The battalion executive officer recommended not further investigation into this matter, as the preponderance of the evidence indicates the applicant executed a record APFT during the spring of 2017. They do recommend this lapse in judgment be recorded on the

applicant's OER as an ethics violation and a letter of concern be entered into their records. While they do not believe the allegations against the applicant rises to the level of violation of Article 107, they applicant did knowingly falsify the signature of individuals under their command, abusing their power and violating their integrity. Adherence to the Army Values is not optional and the applicant's actions in this instance are antithetical to those values.

(2) A memorandum, Headquarters, U.S. Army Aviation Center of Excellence, subject: General Officer Memorandum of Reprimand (GOMOR), dated 14 March 2018, reflects the applicant was reprimanded in writing for their reprehensible conduct of making false official statement and conduct unbecoming an officer. The commanding general states, on or about 5 February 2018, the applicant submitted a DA Form 705 (APFT Scorecard), for themselves, knowing the signature was false. On 15 February 2018, when approached by their battalion commander, to inquire where the alleged scorecard originated, the applicant stated they received it through email exchange from Sergeant (SGT) A____ I____, which statement was totally false. There conduct is in violation of Article 107 (False Official Statements), UCMJ, and Article 133 (Conduct Unbecoming Officer), UCMJ. Their action demonstrates an abuse of power and a violation of their integrity.

(3) In the applicant's memorandum, subject: Matters Submitted in Response to GOMOR,[Applicant], dated 20 March 2018, requested the GOMOR issued to them be filed locally rather in their Army Military Human Resource Record (AMHRR). They apologized for their action where they falsified their APFT record and initially tried to pass it off as an official document by lying to their superior commander.

(4) A memorandum 1st Battalion, 110th Aviation Brigade, U.S. Army Aviation Center of Excellence, subject: Commander Recommendation on Filing Determination, undated, reflects the applicant's battalion commander recommended permanently filing the GOMOR in the applicant's AMHRR. The commander states while the applicant's actions harmed only themselves, they violated the bedrock of our profession, "trust." This action, particularly while serving as a commander, cannot be tolerated. They recommend permanent filing and that a Board of Inquiry be appointed to determine whether this officer should continue to serve.

(5) A memorandum, 110th Aviation Brigade, U.S. Army Aviation Center of Excellence, subject: Commander Recommendation on Filing Determination, undated, reflects the applicant's brigade commander recommended permanently filing the GOMOR in the applicant's AMHRR. The commander states the applicant violated the Army values and their integrity over an APFT card. An in comprehensible breach for an officer in the U.S. Army. They cannot be trusted to continue serving in our ranks, let alone leading Soldiers and civilians.

(6) A DA Form 67-10-1 (Company Grade Plate Officer Evaluation Report (OER)) covering the period 23 June 2017 through 15 March 2018, reflects in –

- Part II d (This is a Referred Report, Do you wish to make comments?) – Referred is marked and the applicant marked "Yes" comments are attached
- Part IV b (This Officer's Overall Performance is Rated as:) – the applicant's rater marked "Unsatisfactory" and commented "[Applicant] lost the faith and trust of [applicant's] chain of command when [applicant] knowingly and intentionally lied"
- Part IV c(1) (Character) – the applicant's rater commented "[Applicant] did not uphold the Army Values as [applicant] knowingly and intentionally lied to me"
- Part VI (Senior Rater) – the applicant's senior rater rated the applicant's potential as "Not Qualified" and commented "[Applicant] lost the trust and confidence of the chain of command when [applicant] knowingly lied to [applicant's] Battalion Commander, a violation of the Army Values. Do not promote"

(7) A memorandum, Headquarters, U.S. Army Aviation Center of Excellence, subject: Filing Determination on GOMOR, dated 17 April 2018, reflects the commanding general carefully considered the GOMOR of the applicant, the circumstances of the misconduct, and all matters submitted by the applicant in defense, extenuation, or mitigation, along with recommendations of subordinate commanders. They directed the GOMOR be placed permanently in the applicant's AMHRR.

(8) A memorandum, Headquarters, U.S. Army Aviation Center of Excellence, subject: Initiation of Elimination, dated 17 April 2018, the commanding general notified the applicant of their requirement to show cause for retention on active duty under the provisions of Army Regulation 600-8-24, paragraph 4-2(b)(5), acts of personal misconduct and paragraph 4-2(c)(5), derogatory information. The actions are based on specific reasons for elimination as described above in paragraph 3c(2). The commanding general notified the applicant of their rights in accordance with Army Regulation, paragraph 4-24. On 18 April 2018, the applicant acknowledge receipt of their Notification of Initiation of Elimination.

(9) In the applicant's memorandum, subject: Election of Rights, dated 16 May 2018, reflects they have read, understand, and acknowledge receipt of the Officer Initiation of Elimination Memorandum requiring them to show cause for retention on active duty. They elected to submit a declination statement and requested an appearance before a Field Board of Inquiry.

(10) In the applicant's memorandum, subject: Comments in Response to Referred OER [Applicant], dated 8 June 2018, the applicant states they are enclosing comments because the rating and remarks are incomplete. They do not dispute that they submitted a DA Form 705 containing a false signature or that they later failed to be truthful about where the DA Form 705 originated. They remain extremely remorseful and repentant of their actions.

(a) They took a record APFT in June 2017; however, they were unable to locate the DA Form 705. In preparing their OER in January 2018, their battalion commander requested a copy of their DA Form 705. They were under increasing pressure to produce a DA Form 705. They were unable to take another APFT because they had an injury that left them unable to complete the run event. The regrettably recreated their lost DA Form 705 and submitted it to the Administrative Section.

(b) After the June APFT, they noted their scores in their notebook, as it was their habit to do so, so their scores were the exact scores they earned on the June APFT. It was not their intent to lie, deceive, or create a fictitious APFT score. They were not truthful with their battalion commander at first, but after a short period of time they confessed. [Note: they continue to address irregularities on their OER and to note additional achievements.] They do not dismiss the effects of their misconduct; however, the OER as written fails to sufficiently state any mitigating factors and fails to reflect many of their notable contributions and achievements made during the rating period.

(11) A memorandum, Headquarters, U.S. Army Garrison, Fort Rucker, subject: Notification to Appear Before a Board of Inquiry, dated 18 June 2018, reflects the applicant received notice that a Board of Inquiry will hold a hearing on 26 June 2018 to determine whether or not they should be retained on active duty. On 21 June 2018, the applicant acknowledged receipt of their notification to appear before a Board of Inquiry.

(12) A DA Form 1574-2 (Report of Proceedings by Board of Officers), dated 30 July 2018, reflects in –

(a) Section IV (Findings), the applicant did commit misconduct by wrongfully falsifying a DA Form 705 (APFT Scorecard) and then lying about its validity. The applicant does have substantiated derogatory activity resulting in a GOMOR, which was filed in their AMHRR on 17 April 2018.

(b) Section V (Recommendation) – in view of the above findings, the board recommends the applicant be separated from service in the U.S. Army and should be issued an Honorable Discharge Certificate.

(c) Section VIII (Action by Approving Authority) – the approving authority, commanding general, Headquarters, U.S. Army Aviation Center of Excellence, approved the findings and recommendations.

(13) A memorandum, Headquarters, U.S. Army Aviation Center of Excellence, subject: Officer Elimination Action, [Applicant], dated 4 October 2018, the commanding general notified the Commander, U.S. Army Human Resources Command (HRC) of elimination action was initiated on 17 April 2018 against the applicant for personal misconduct and derogatory information. After careful consideration of the applicant's case, and the findings and recommendations of the Board of Inquiry, they recommend the applicant be discharged with a characterization of service as honorable.

(14) A DA Form 3822 (Report of Mental Status Evaluation) dated 1 March 2019 reflects the applicant has no duty limitations due to behavioral health reasons and currently meets behavioral health medical retention standards. Section IV (Diagnoses) reflects a behavioral health diagnosis of Adjustment Disorder. The behavioral health provider commented the applicant is fit for duty and is cleared for administrative separation.

(15) A memorandum, Department of the Army, Army Review Boards Agency, subject: Officer Elimination Case, [Applicant], dated 10 September 2019, reflects the Department of the Ad Hoc Review Board has reviewed the applicant's case. The Acting Deputy Assistant Secretary of the Army determined the applicant will be involuntarily eliminated from the U.S. Army with an Honorable characterization of service. This elimination is based on misconduct and moral or professional dereliction (Army Regulation 600-8-24, paragraph 4-2b), and derogatory information (Army Regulation 600-8-24, paragraph 4-2c).

(16) On 30 September 2019, the applicant was discharged accordingly, the DD Form 214 (Certificate of Release or Discharge from Active Duty) provides they completed 7 years, 8 months, and 18 days of net active service this period and completed their first full term of service. Their DD Form 214 reflects in –

- item 24 (Character of Service) –Honorable
- item 25 (Separation Authority) – Army Regulation 600-8-24, paragraph 4-2b
- item 26 (Separation Code) – JNC
- item 28 (Narrative Reason for Separation) – Unacceptable Conduct

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: Report of Mental Status Evaluation as described in paragraph 4h(13).

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), with personal statement
- excerpts from their AMHRR
 - Officer Evaluation Reports
 - 3rd Party Statements
 - Board of Inquiry documents
 - Officer Elimination Case documents
 - DD Form 214

6. POST SERVICE ACCOMPLISHMENTS: None submitted with application.

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

a. Title 10, U.S. Code, Section 1553, (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, Title 10 U.S. Code, Section 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 (DoD) 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) 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; Title 10 U.S. Code; Section 1553 and DoD Directive 1332.41 and DoD Instruction 1332.28.

d. Army Regulation 15-6 (Procedures for Administrative Investigations and Board of Officers) effective 1 May 2016, established procedures for conducting preliminary inquiries, administrative investigation, and board of officers when such procedures are not established by other regulations or directives. Preliminary inquiries is a procedure used to ascertain the magnitude of a problem, to identify and interview witnesses, to summarize or record witnesses' statements, to determine whether an investigation or board may be necessary, or to assist in determining the scope of a subsequent investigation. An appointing authority may conduct a preliminary personally or may appoint an inquiry orally or in writing. The inquiry will be accomplished in accordance with guidance provided in chapter 4 (Preliminary Inquiries) of this regulation.

(1) Paragraph 2-3 (Who may be Appointed) stated inquiry officers and board member will be those persons who, in the opinion of the appointing authority, are best qualified for the duty by reason of their education, training, experience, length of service, demonstrated sound judgement and temperament. Inquiry officer and board members must be impartial, unbiased, objective, and have the ability to complete the investigation in a timely manner. If an appointing authority determines that a person with the required experience and expertise is not available within their organization, they may request assistance from a superior in their chain of command.

(2) Paragraph 3-7 (Rules of Evidence and Proof of Facts) stated a Soldier who is suspended of an offense under the UCMJ will be advised of their rights under Article 31, UCMJ, before being asked any questions concerning the suspected offense. The Soldier, whether a witness or respondent, will be given a reasonable amount of time to consult an attorney, if requested, before answering any such questions. A confession or admission obtained by unlawful coercion or inducement will not be accepted as evidence. The fact that a respondent

was not advised of their rights under Article 31, UCMJ, does not, by itself, prevent acceptance of a confession or admission of evidence.

e. Army Regulation 600-8-24 (Officer Transfers and Discharges) effective 12 May 2006, set forth the basic authority for the separation of commissioned and warrant officers.

(1) Paragraph 1-22 (Types of Administrative Discharge/Character of Service) provided the authorized types of characterization of service or description of separation.

(2) Paragraph 1-22a, stated an officer will normally receive an honorable characterization of service when the quality of the officer's service has met the standards of acceptable conduct and performance of duty.

(3) Paragraph 1-22b, stated an officer will normally receive a general (under honorable conditions) characterization of service when the officer's military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge. A separation under general (under honorable conditions) normally appropriate when an officer submits an unqualified resignation; separated based on misconduct; discharged for physical disability resulting from intentional misconduct or neglect; or, for final revocation of a security clearance.

(4) Paragraph 1-22c, stated a discharge under other than honorable conditions is an administrative separation from the service. A discharge certificate will not be issued. An officer will normally receive an under other than honorable conditions when they, resign for the good of the service; are dropped from the rolls of the Army; are involuntary separated due to misconduct, moral, professional dereliction, or for the final revocation of a security clearance; or are discharged following conviction by civilian authorities.

(5) Chapter 4 (Eliminations) outlined the policy and procedure for the elimination of officers from the active Army for substandard performance of duty.

(6) Paragraph 4-2b, prescribed for the elimination of an officer for misconduct, moral or professional dereliction, or in the interests of national security. Paragraph 4-2c (Derogatory Information) stated when adverse information is filed in the AMHRR it is required to review the officer's record for consideration of terminating appointment.

(7) Paragraph 4-24 (Rules for Processing an Option that an Officer Elects while Elimination Action is Pending) stated an officer identified for elimination may, at any time during or prior to the final action in the elimination case elect one of the following options: (1) Submit a resignation in lieu of elimination; (2) request a discharge in lieu of elimination; and (3) Apply for retirement in lieu of elimination if otherwise eligible.

f. 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 "JNC" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 600-8-24, Unacceptable Conduct.

g. Manual for Courts-Martial, United States (2019 Edition) stated, 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 order and discipline in

the Armed Forces. Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows the maximum punishments include punitive discharge for violating the following, Article 107 (False Official Statements) and Article 133 (Conduct Unbecoming an Officer and a Gentleman).

8. SUMMARY OF FACT(S):

a. The Army Discharge Review Board considers applications for upgrade as instructed by DoD Instruction 1332.28.

b. A review of the applicant's AMHRR reflects the applicant received GOMOR in violation of Article 107 (False Official Statements) and Article 133 (Conduct Unbecoming an Officer and a Gentleman), received a Referred OER, was required to Show Cause for retention on Active Duty, and was involuntarily discharged from the U.S. Army. Their DD Form 214 provides they were discharged with a character of service of Honorable, for unacceptable conduct. They completed 7 years, 8 months, and 18 days of net active service this period and completed their first full term of service.

c. Army Regulation 600-8-24 (Officer Transfers and Discharges) sets forth the basic authority for the separation of commissioned and warrant officers. Paragraph 1-23b, states an officer will normally receive a general (under honorable conditions) characterization of service when the officer's military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge. A separation under general (under honorable conditions) normally appropriate when an officer: Submits an unqualified resignation; Separated based on misconduct; discharged for physical disability resulting from intentional misconduct or neglect; and, for final revocation of a security clearance.

d. The applicant's AMHRR reflects documentation of a mental health diagnosis of Adjustment Disorder during their military service. However, their Report of Mental Status Evaluation reflects no duty limitation due to behavioral health reasons and they met medical retention standards.

e. Published DoD 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 its 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? **No.** The Board's Medical Advisor reviewed DoD and VA medical records and found no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused, or mitigated a discharge.

(2) Did the condition exist, or experience occur during military service? **N/A**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**

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

b. Prior Decisions Cited: None**c. Response to Contentions:**

(1) The applicant contends there are mitigating circumstances for consideration and factors that do not excuse the offense, but that should be taken into consideration when making the final assessment.

The Board acknowledged this contention.

(2) The applicant contends they would like to point out the command bias, conflict of interest, failure to uphold their Article 31 (Rights Warnings) rights, and failure to adhere to the governing regulations before, during, and after the events.

The Board acknowledged this contention.

(3) The applicant contends they took an APFT on 27 June 2017; however, there was no record available. They were unable to take another APFT at that time due to their temporary profile. They presented their issue to their chain of command several time and they were not presented with a recommendation other than "produce a form and submit it."

The Board acknowledged this contention and determined that the separation was the result of an internal investigation, a general officer memorandum of reprimand (GOMOR), a Board of Inquiry, and ultimately an honorable discharge from the U.S. Army with a separation code of JNC (Unacceptable Conduct), with no other negative records throughout their time in service.

(4) The applicant contends they recreated their DA Form 705 with the same scores noted in their personal notebook. This led to an internal investigation, a general officer memorandum of reprimand (GOMOR), a Board of Inquiry, and ultimately an honorable discharge from the U.S. Army with a separation code of JNC (Unacceptable Conduct), with no other negative records throughout their time in service.

The Board acknowledged this contention.

d. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the 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.

e. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service based on the following reasons. The Board considered the applicant's statements, record of service, nature of misconduct, and the basis for separation – the applicant submitted a DA Form 705 (Army Physical Fitness Test (APFT) Scorecard), for themselves, knowing the signature was false. When approached by their battalion commander, to inquire where the APFT Scorecard originated, they stated they received it through email which was false. When questioned about its validity and the signature, they then lied to their battalion commander about the validity of the APFT Scorecard before finally admitting it was not a legitimate APFT Scorecard. Without medical mitigation and inconsideration of the applicant's length and quality of service, the Board voted that the current discharge is Proper and Equitable.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20220000101

(2) 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.

(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 / Separation Order:** No
- b. Change Characterization to:** No Change
- c. Change Reason / SPD Code to:** No Change
- d. Change RE Code to:** No Change
- e. Change Authority to:** No Change

Authenticating Official:

1/2/2025

X

Presiding Officer, COL, U.S. ARMY
Army Discharge Review Board

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