

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 2 September 2021
- b. **Date Received:** 7 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, the applicant was discharged due to failing physical fitness tests while being treated for severe depression/suicidal ideations. The applicant was in a psychiatric facility for 7 days and was given a record physical fitness test one day after being released with no warning. The applicant's application contends other mental issues were related to the request.

c. **Board Type and Decision:** In a records review conducted on 13 August 2023, and by a 4-1 vote, the Board determined that the characterization of service was inequitable based on the applicant's Major Depressive Disorder outweighing the APFT failures. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

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:** Unsatisfactory Performance / AR 635-200 / Chapter 13 / JHJ / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 19 February 2019

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 7 January 2019

(2) **Basis for Separation:** The applicant was informed of the following reasons: On 8 August 2018 and 16 October 2018, the applicant failed to obtain a passing score on two consecutive record Army Physical Fitness Tests within a 90-day period.

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

(4) **Legal Consultation Date:** 8 January 2019

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

(6) **Separation Decision Date / Characterization:** 23 January 2019 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

- a. **Date / Period of Enlistment:** 13 February 2017 / 4 years, 21 weeks
- b. **Age at Enlistment / Education / GT Score:** 22 / HS Graduate / 105
- c. **Highest Grade Achieved / MOS / Total Service:** E-3 / 42A10, Human Resources Specialist / 2 years, 7 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** None
- f. **Awards and Decorations:** AAM, NDSM, GWOTSM, ASR
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:**

(1) The applicant was counseled on 8 August 2018 due to failure of an APFT on 8 August 2018. The applicant was informed the next APFT would be no later than 7 November.

(2) The applicant was counseled on 11 October 2018, due to being notified of counseling for a second APFT. The applicant was notified the applicant would be taking the second APFT on 16 October 2018. The date was within the 90 day window for the applicant to take the APFT, with the applicant's initial failure date of 8 August 2018. The applicant was further notified if the applicant failed the APFT, the chapter process would be initiated. The applicant signed acknowledging and agreeing with the counseling.

(3) DD Form 2808 (Report of Medical Examination), 19 October 2018, reflects the applicant did not have a physical profile but was diagnosed with adjustment disorder.

(4) The applicant was counseled on at least three other occasions for various forms 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:** The applicant provides a letter from the Department of Veteran Affairs (VA), 9 June 2021, which reflects the applicant was granted service-connected disability. The letter does not list the nature of the applicant's disability.

(2) **AMHRR provided:** DA Form 3822 (Report of Mental Status Evaluation (MSE)), 23 October 2018, reflects the applicant could understand and participate in administrative proceedings and could appreciate the difference between right and wrong. The applicant was diagnosed with Adjustment Disorder. The report further states, although the applicant has a psychiatric diagnosis, it was not a chronic condition and did not warrant disposition through Medical Evaluation Board at the time.

5. APPLICANT-PROVIDED EVIDENCE: DD Form 149, VA Letter

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 acknowledgment 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), 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.

f. 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 13 contains the policy and outlines the procedures for separating individuals for unsatisfactory performance, and provides, in pertinent part, that commanders will separate a member under this Chapter when, in the commander's judgment, the member will not develop sufficiently to participate satisfactorily in further training and/or become a satisfactory Soldier. Army policy states that a general, under honorable conditions discharge is normally considered appropriate; however, an honorable discharge may be granted in meritorious cases. Chapter 13-2e states in pertinent part, that separation proceedings will be initiated for Soldiers without medical limitations that have two consecutive failures of the Army Physical Fitness Test. The reason for discharge will be shown as physical standards. The service of Soldiers separated because of unsatisfactory performance for failure to meet physical standards will be characterized as honorable or general (under honorable conditions).

g. 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 "JFT" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 13-2e, Physical Standards.

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 was separated under the provisions of Army Regulation 635-200, Chapter 13, due to Unsatisfactory Performance, with a General (Under Honorable Conditions) discharge, and RE Code of '3.'
- c. The applicant contends the applicant was discharged due to failing physical fitness tests while being treated for severe depression/suicidal ideations. The applicant was in a psychiatric facility for 7 days and was given a record physical fitness test one day after being released with no warning. The applicant was counseled on 11 October 2018, due to being notified of counseling for a second APFT. The applicant was notified the applicant would be taking the second APFT on 16 October 2018. The date was within the 90 day window for the applicant to take the APFT, with the applicant's initial failure date of 8 August 2018. The applicant was further notified if the applicant failed the APFT, the chapter process would be initiated. The applicant signed acknowledging and agreeing with the counseling.
- d. The applicant's application contends other mental issues were related to the request. The applicant AMHRR reflects an in-service diagnosis of adjustment disorder. The applicant underwent a MSE on 23 October 2018, which reflects the applicant could understand and participate in administrative proceedings and could appreciate the difference between right and wrong. The applicant was diagnosed with Adjustment Disorder. The report further states, although the applicant had a psychiatric diagnosis, it was not a chronic condition and did not warrant disposition through Medical Evaluation Board at the time.
- e. Based on the AMHRR, someone in the discharge process erroneously entered on the applicant's DD Form 214, block 25, "AR 635-200, CHAP 13." The discharge packet confirms the separation authority approved the discharge because of Physical Standard. Soldiers discharged due to Physical Standards, will be processed under the provisions AR 635-200, Chapter 13-2e.
- f. Based on the AMHRR, it appears someone in the discharge process erroneously entered on the applicant's DD Form 214, block 26, Separation Code as "JHJ." The discharge packet confirms the separation authority approved the discharge because of Physical Standards. Soldiers discharged due to Physical Standards, will be processed under the provisions AR 635-200, Chapter 13-2e, and will be assigned a Separation Code of "JFT," per Army Regulation 635-5-1.
- g. Based on the AMHRR, someone in the discharge process erroneously entered on the applicant's DD Form 214, block 28, Narrative Reason for Separation as "Unsatisfactory Performance." The discharge packet confirms the separation authority approved the discharge under the provisions of AR 635-200, Chapter 13-2e. Soldiers processed for two consecutive failures of the Army Physical Fitness Test under these provisions will be assigned a Narrative Reason for Separation as "Physical Standards."

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 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, Unspecified Depressive Disorder/Major Depressive Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with an Adjustment Disorder and Unspecified Depressive Disorder and is service connected by the VA for Major Depressive Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board determined, based on the Board Medical Advisor's opine, that the applicant's behavioral health conditions mitigate the discharge. The applicant was diagnosed in service with an Adjustment Disorder and Unspecified Depressive Disorder and is service connected by the VA for Major Depressive Disorder. The medical record reveals that the applicant was actively being treated for Depression at the time of the APFT failures. The applicant's symptoms of depression included low energy, decreased motivation, weight gain, and sleep difficulties which likely interfered with the applicant's training for the APFT. Given that there is evidence that the applicant's Depression directly contributed to the APFT failures that led to the separation, the APFT failures are mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's Major Depressive Disorder outweighed the APFT failures.

b. Response to Contention(s): The applicant contends the applicant was discharged due to failing physical fitness tests while being treated for severe depression/suicidal ideations. The applicant was in a psychiatric facility for 7 days and was given a record physical fitness test one day after being released with no warning. The Board liberally considered this contention and determined that the applicant's Major Depressive Disorder outweighed the APFT failures. Therefore, a discharge upgrade is warranted.

c. The Board determined that the characterization of service was inequitable based on the applicant's Major Depressive Disorder outweighing the APFT failures. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

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 applicant's petition, available records and any supporting documents included with the petition.

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Major Depressive Disorder outweighed the APFT failures. Thus, the prior characterization is no longer appropriate.

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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000103

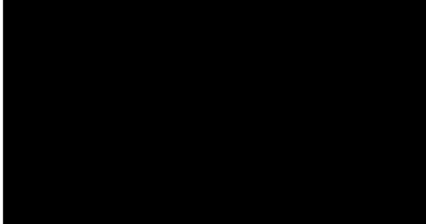
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

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

Authenticating Official:

8/25/2025



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