

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 14 June 2021
- b. **Date Received:** 20 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 under other than honorable conditions. The applicant requests an upgrade to honorable and separation code change.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, served in the military for almost five years with no bad conduct with one combat deployment. Was never in any trouble, always been a good Soldier and the alleged conduct the applicant was separated for is still under investigation in court and is going in the applicant's favor. The leadership made a hasty decision to separate the applicant while they were still coping with the situation. The applicant would like to use their VA benefits.

c. **Board Type and Decision:** In a records review conducted on 25 February 2026, and by a 2-1 vote, The Board voted to change the applicant's reason for discharge because, although the Board found the discharge proper and equitable and there were no BH diagnoses which mitigated the misconduct to warrant relief, it was found that there was an administrative error on the applicant's DD Form 214, thus making the current reason for discharge improper. The corrected reason for discharge will be Misconduct (Serious Offense). The SPD code associated with the new reason for discharge is JKQ. 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:** Misconduct (AWOL) / AR 635-200, Chapter 14-12c (1) / JKD / RE-4 / Under Other Than Honorable Conditions

b. **Date of Discharge:** 30 June 2021

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 24 February 2021

(2) **Basis for Separation:** The applicant was informed of the following reasons: For Commission of a Serious Offense.

(a) On or about 25 October 2020, the applicant wrongfully assaulted the spouse by hitting them on the face with a close fist several times.

(b) On or about 25 October 2020, the applicant wrongfully assaulted the spouse by strangling them several times.

(c) On or about 25 October 2020, the applicant wrongfully assaulted the spouse by hitting them on the shoulder with a blender jar.

(d) On or about 25 October 2020, the applicant communicated a threat to the spouse by saying "I am going to kill you" or words to the effect.

(e) On or about 25 October 2020, the applicant endangered C. S., the applicant's child.

(3) Recommended Characterization: Under Other Than Honorable Conditions

(4) Legal Consultation Date: 4 March 2021 and 14 April 2021

(5) Administrative Separation Board: On 14 April 2021, the applicant unconditionally waived consideration by the administrative separation board.

(6) Separation Decision Date / Characterization: 15 April 2021 / Under Other Than Honorable Conditions (Separation Authority approved the discharge under Chapter 14-12c(1) Absent Without Leave; however there was no AWOL. The applicant was notified under the provisions of AR 635-200, Chapter 14-12c Commission of a Serious Offense)

4. SERVICE DETAILS:

a. **Date / Period of Enlistment Under Review:** 2 August 2016 / 3 years, 16 weeks

b. **Age at Enlistment / Education / GT Score:** 34 / High School Graduate / 85

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 11B1O, Infantryman / 4 years, 10 months, 29 days

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

e. **Overseas Service / Combat Service:** SWA / Afghanistan (3 May 2018 – 16 January 2019)

f. **Awards and Decorations:** ARCOM-C, AAM, AGC, NDSM, GWOTSM, ACM-CS, ASR, OSR, NATOMDL

g. **Performance Ratings:** NA

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

(1) Incident Report, 25 October 2020, reflects at approximately 25 1425 OCT 20, the applicant was arrested for charges of child abuse, kidnapping, and attempted murder. At approximately 25 1200 OCT 20, the applicant returned to the home to retrieve their cell phone after attending a birthday party with the children. The applicant and spouse began an intense argument resulting in the applicant physically restraining the spouse with a knee to the spouse throat. The applicant left the residence with the children in their POV. The spouse subsequently called the police and filed a report. CSPD located and apprehended the applicant at a 7-11 convenience store in the local area. The applicant went before a Judge on 26 1300 OCT 20 and was being held without bond.

(2) Enlisted Record Brief (ERB), 8 February 2021, reflects the applicant was flagged for Involuntary Separation or Discharge (Field Initiated) (BA), effective 8 February 2021, and was ineligible for reenlistment due to pending separation (9V). The Assignment Eligibility Availability

code reflects the applicant was temporarily ineligible for reassignments due to temporarily ineligible for reassignments due to medical, convalescence, student and/or trainees (except IET), enrollment in the Army Substance Abuse Program (ASAP) inpatient re-habilitation, or local bar to reenlistment.

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: None

(2) AMHRR Listed: Report of Mental Status Evaluation (MSE), 29 January 2021, indicates the applicant was cleared for any administrative actions the command deemed appropriate. The applicant demonstrated the ability to understand and participate in administrative proceedings, appreciated the difference between right and wrong. The applicant does not currently have a BH condition that causes them to fail medical retention standards in accordance with AR 40-501. The medical record does not contain substantial evidence that the applicant currently meets criteria for a condition requiring referral to IDES but has not yet received a diagnosis. The applicant was diagnosed with other problem related to employment.

5. APPLICANT-PROVIDED EVIDENCE: Two Applications for the Review of Discharge; six third-party letters; photo with article; enlisted records brief; VA Form 21-4138.

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), 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 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 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 (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 3-7c states an Under Other Than Honorable Conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(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 14-12c(1) allows for an absentee returned to military control from a status of absent without leave or desertion to be separated for commission of a serious offense.

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 "JKD" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c(1), misconduct (awol).

8. SUMMARY OF FACT(S): Standard of Review. 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 and separation code change. 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 received notification of the intent to discharge them from the U.S. Army for Commission of a Serious Offense, the applicant unconditionally waived their rights to an administrative separation board and was involuntarily discharged from the U.S. Army. The DD Form 214 provides the applicant was discharged with a character of service of under other than honorable conditions for Misconduct, (AWOL).

c. Based on the applicant's AMHRR, the separation authority erroneously approved the separation under "AR 635-200, Para 14-12c (1), Misconduct, (AWOL). The discharge packet confirms the separation was initiated under "AR 635-200, Para 14-12c, Misconduct Serious Offense" and the separation code should code should read "JKQ".

d. The applicant contends the Army should change the SPD code. The SPD codes are three-character alphabetic combinations identifying reasons for and types of separation from active duty. The primary purpose of SPD codes is to provide a statistical accounting of reasons for separation. They are intended exclusively for the internal use of DoD and the Military Services to assist in collecting and analyzing separation data. The Office of the Secretary of Defense controls SPD codes and implements them in Army policy AR 635-5-1 to track types of separations. The SPD code specified by Army Regulations for a discharge under Chapter 14, paragraph 14-12c(1) is "JKD."

e. The applicant contends good service, including a combat tour. The Board evaluated the applicant's service accomplishments and overall quality of service in accordance with DODI 1332.28.

f. The applicant contends the alleged conduct which they were separated for is still under investigation in court and is going in the applicant's favor. The leadership made a hasty decision to separate the applicant while they were still coping with the situation. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

g. The applicant argues an upgraded discharge would grant access to veterans' benefits. Eligibility for veteran's benefits does not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local Department of Veterans Affairs office for further assistance.

h. The third-party statements provided with the application reflect the applicant's good character and work ethic while serving in the Army.

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: **N/A**

c. Response to Contention(s):

(1) The applicant contends the Army should change the SPD code. The Board considered this contention valid during discussion as the current SPD code is in error. The applicant did not conduct the offense of AWOL. Instead, it should be JKQ, Misconduct (Serious Offense).

(2) The applicant contends good service, including a combat tour. The Board considered the applicant's 4 years of service, including 1 combat tours in Afghanistan and the numerous awards received by the applicant but determined that these factors did not outweigh the applicant's child abuse, domestic assault, and communicating a threat.

(3) The applicant contends the alleged conduct which they were separated for is still under investigation in court and is going in the applicant's favor. The leadership made a hasty decision to separate the applicant while they were still coping with the situation. The Board considered this contention during deliberations, however, did not find it compelling.

(4) The applicant argues an upgraded discharge would grant access to veterans' benefits. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

d. The Board determined: The Board voted not to change the applicant's characterization of service because, despite applying liberal consideration of all the evidence before the Board, the applicant did not have a condition or experience that may excuse or mitigate the serious offense of committing domestic violence. The Board found the totality of the applicant's record does not warrant a discharge upgrade. The Board determined there was an administrative error on the applicant's DD214. There is no AWOL recorded, and all separation documents state the reason for separation was Misconduct (Serious Offense). The corrected narrative reason is Misconduct (Serious Offense) with the corresponding SPD of JKQ.

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.

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(2) The Board voted not to change the applicant's characterization of service because, despite applying liberal consideration of all the evidence before the Board, the applicant's length and quality of service, to include combat, did not excuse or mitigate the offenses of child abuse, domestic assault, and communicating a threat. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process.

(3) The Board voted to change the reason for discharge to Misconduct (Serious Offense) as there was an administrative error on the DD214, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKQ.

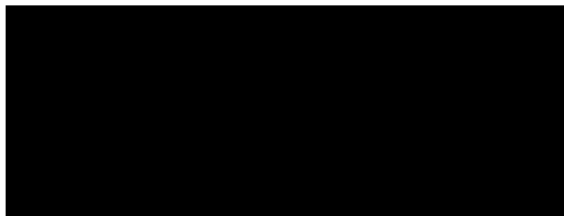
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

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

Authenticating Official:

2/26/2026

**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
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
UOTHHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs