

**1. Applicant's Name:** [REDACTED]

- a. **Application Date:** 31 August 2021
- b. **Date Received:** 7 September 2021
- c. **Counsel:** None

**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. **Applicant's Requests and Issues:** The current characterization of service for the period under review is general, under honorable conditions. The applicant requests an upgrade to honorable, and a narrative reason change.

The applicant seeks relief contending, in effect, they had PTSD at the time of their misconduct.

b. **Board Type and Decision:** In a records review conducted on 24 September 2025, and by a 5-0 vote, the Board determined the discharge was improper and voted to grant relief in the form of an upgrade of the characterization of service to Honorable, changed the separation authority to AR 635-200, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The reentry eligibility (RE) code will not change.

*Please see **Board Discussion and Determination** section for more detail regarding the Board's decision.*

**3. DISCHARGE DETAILS:**

a. **Reason / Authority / Codes / Characterization:** In Lieu of Trial by Court Martial / AR 635-200, Chapter 10 / KFS / RE- 4 / Under Honorable Conditions (General).

b. **Date of Discharge:** 18 December 2008

**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** N/A

(2) **Basis for Separation:** Pursuant to the applicant's request for voluntary discharge under provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial.

(3) **Recommended Characterization:** UOTHC

(4) **Legal Consultation Date:** 13 December 2008

(5) **Administrative Separation Board:** N/A

(6) **Separation Decision Date / Characterization:** UOTHC / 14 December 2008

**4. SERVICE DETAILS:**

a. **Date / Period of Enlistment:** 2 January 2008 / 4 years.

b. **Age at Enlistment / Education / GT Score:** 43 / HS Graduate / 85

**c. Highest Grade Achieved / MOS / Total Service:** E-4 (Specialist) / 21B10 Combat Engineer / 11 months, 17 days.

**d. Prior Service / Characterizations:** USMC; 198860401 – 19900331 / Honorable  
 ARNG; 19921128 – 19950819 / Honorable  
 USNR; 19950819 – NIF/ NIF  
 ARNG; 19990722 – 20000515 / GD  
 ARNG; 20020328 – 20040601 / GD

**e. Overseas Service / Combat Service:** Kuwait / Iraq

**f. Awards and Decorations:** SDDR-2, AGCM, MCGCM, ARCAM, NDSM, GWTSM, ICN-CS, ASR, OSR, AFRM-MD

**g. Performance Ratings:** N/A

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

**(1)** A DD Form 458 (Charge Sheet) shows that on 13 October 2008 the applicant was charged with violating Articles 86, 91, 107, 112a, and Article 134 of the Uniform Code of Military Justice (UCMJ).

- Article 86: Specification 1: On 6 May 2008 and 19 May 2008 the applicant failed to go to their appointed place of duty.
- Article 86: Specification 2: On 21 July 2008 the applicant failed to go to their appointed place of duty.
- Article 91: Specification 1: Between 9 March 2008 – 11 March 2008 the applicant willfully disobeyed a lawful order.
- Article 91: Specification 2: On 18 July, 19 July, and 22 July 2008 the applicant willfully disobeyed a lawful order.
- Article 107: On 5 April 2008 and 1 August 2008 with the intent to deceive the applicant made a false official statement.
- Article 112a: Between 28 May 2008 – 18 June 2008 the applicant wrongfully used cocaine.
- Article 134: On 5 April and 1 August 2008, the applicant wrongfully and intentionally lied.

**(2)** On 13 December 2008 the applicant consulted with counsel and voluntarily requested a discharge in lieu of trial by court-martial.

**(3)** On 14 December 2008 the applicant's request for discharge in lieu of trial by court-martial was approved by the appropriate approving authority with an Under Other than Honorable Conditions characterization of service.

**(4)** On 4 November 2009, the Army Discharge Review Board upgraded the applicant's character of service to under honorable conditions (General).

i. **Lost Time / Mode of Return:** None.

j. **Behavioral Health Condition(s):** PTSD, other mental health.

(1) **Applicant provided:** Department of Veteran Affairs psychological consultation note.

(2) **AMHRR Listed:** Substance abuse.

5. **APPLICANT-PROVIDED EVIDENCE:** A DD Form 293 (Record Review) application, and a Department of Veteran Affairs medical document in support of their application.

6. **POST SERVICE ACCOMPLISHMENTS:** None submitted in support of their 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. Multiple Department of Defense 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), 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.

d. Army Regulation 635-200 provides the basic authority for the separation of enlisted personnel.

(1) 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.

(2) 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.

(3) 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.

(4) Chapter 10, Discharge in Lieu of Trial by Court Martial is applicable to members who had committed an offense or offenses for which the authorized punishment included a bad conduct or dishonorable discharge could submit a request for discharge for the good of the service. The request could be submitted at any time after the charges had been preferred. Although an honorable or general was authorized, an under other than honorable conditions discharge was considered appropriate, unless the record was so meritorious it would warrant an honorable.

(a) After receiving legal counseling, the soldier may elect to submit a request for discharge in lieu of trial by court-martial. The soldier will sign a written request, certifying that

they have been counseled, understands their rights, and may receive a discharge under other than honorable conditions.

**(b)** The following will accompany the request for discharge:

- A copy of the court-martial Charge Sheet (DD Form 458)
- Report of medical examination and mental status evaluation, if conducted
- A complete copy of all reports of investigation
- Any statement, documents, or other matter considered by the commanding officer in making their recommendation, including any information presented for consideration by the soldier or consulting counsel.
- A statement of any reasonable ground for belief that the soldier is, or was at the time of misconduct, mentally defective, deranged, or abnormal. When appropriate, evaluation by a psychiatrist will be included.

**(5)** Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

**e.** 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 "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

**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:

**(1)** 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.

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

**(3)** RE-4 Applies to: Person separated from last period of service with a nonwaiverable 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.

**8. SUMMARY OF FACT(S):** 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 DD Form 214 provides that the applicant received a characterization of service upgrade to General, under honorable conditions. An UOTHC characterization of service is normally appropriate for a soldier who voluntarily requests to be discharged in lieu of trial by court-martial.

b. Based on the available evidence charges were preferred against the applicant on 13 October 2008 for violating five Articles of the UCMJ. The applicant consulted with counsel and voluntarily requested to be discharged in lieu of trial by court martial. The applicant's request was approved by the appropriate commanding authority, with another than honorable conditions characterization of service. The Army Review Board Agency upgraded the applicant's characterization of service on 4 November 2009 to an under honorable conditions (general) discharge.

d. Army Regulation 635-200 states a Chapter 10 is a voluntary discharge request in-lieu of trial by court martial. A discharge under other than honorable conditions normally is appropriate for a soldier who is discharged in lieu of trial by court-martial. However, the separation authority may direct a general discharge if such is merited by the soldier's overall record during the current enlistment. For soldiers who have completed entry-level status, characterization of service as honorable is not authorized unless the soldier's record is otherwise so meritorious that any other characterization clearly would be improper.

e. Published Department of Defense 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? **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: PTSD, Depressive Disorder, Paranoid Personality Disorder, Schizoaffective Disorder

(2) Did the condition exist, or experience occur during military service? **Yes.** PTSD, Depressive Disorder, Paranoid Personality 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 given the applicant was deemed mentally ill at the time of the offense and unfit to stand trial this both substantiates the psychiatric illness, and related symptoms, are the direct cause of his misconduct leading to mitigation. Additionally, since he was found mentally unfit to participate in his defense, this calls into question whether he legally could submit a Chapter 10 raising questions of impropriety.

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

b. Prior Decisions Cited: Approved 4 November 2009; General Discharge, Denied 23 January 2012.

c. Response to Contention(s):

(1) The applicant contends they had PTSD. The Board considered this contention valid.

d. The Board determined the discharge was improper and voted to grant relief in the form of an upgrade of the characterization of service to Honorable, changed the separation authority to AR 635-200, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The reentry eligibility (RE) code will not change.

e. Rationale for Decision:

(1) The Board determined the discharge is improper based on the applicant's PTSD, Depressive Disorder, Paranoid Personality Disorder outweighing the applicant's multiple FTRs, disobeyed a lawful order, false official statement and wrongful use of cocaine. The Board noted the discharge was improper based on the Board's Medical Advisor's opine that the applicant was deemed mentally ill at the time of the offense and unfit to stand trial, this both substantiates the psychiatric illness, and related symptoms, are the direct cause of the misconduct. Additionally, because the applicant was found mentally unfit to participate in his defense, this calls into question whether he legally could submit a Chapter 10, raising questions of impropriety. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable, changed the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to the applicant's BH diagnoses.

(2) The Board voted to change the applicant's discharge characterization to Honorable and a narrative Reason of Secretarial Authority with a corresponding code of JFF.

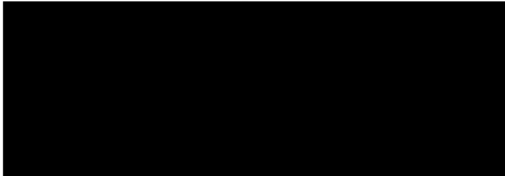
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

**10. BOARD ACTION DIRECTED:**

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD Code to:** Secretarial Authority / JFF
- d. **Change RE Code to:** No change
- e. **Change Authority to:** AR 635-200

**Authenticating Official:**

9/28/2025



**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