

1. Applicant's Name: [REDACTED]**a. Application Date:** 30 September 2021**b. Date Received:** 25 October 2021**c. Counsel:** [REDACTED]**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 honorable characterization of service, a change to the Separation Program Designator (SPD) code, reentry (RE) code, and narrative reason, and separation of the applicant's two periods of service into separated DD Forms 214 (Certificate of Release or Discharge from Active Duty).

b. Applicant Contention(s) / Issue(s): The applicant requests relief contending, in effect, on the night of the car accident, a Military Policeman (MP) instructed the applicant and the spouse to lie and say the applicant was driving the car instead of the spouse. A few days after the accident the applicant felt bad about lying and tried to make things right by telling the truth in a sworn statement to the Criminal Investigation Division (CID).

c. Board Type and Decision: In a records review conducted on 12 December 2025, and by a 3-0 vote, the Board determined that the discharge is inequitable based on the applicant's length of service, compassion, and quality of conduct, which outweighed the offenses of conspiring to obstruct justice and endangering the safety of a child. Accordingly, the Board voted to grant relief in the form of an upgrade of the characterization of service to General (Under Honorable Conditions). The Board determined both the narrative reason for separation and the RE code were proper and equitable, and therefore no changes were warranted. 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: In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / Under Other Than Honorable Conditions

b. Date of Discharge: 16 November 2018

c. Separation Facts:

(1) Date and Charges Preferred / DD Form 458 (Charge Sheet): On 1 August 2016, the applicant was charged with:

(a) Charge I: Violating Article 81, UCMJ: on or about 2 September 2017, conspiring with DEM [spouse] to commit an offense under the Uniform Code of Military Justice (UCMJ), to obstruct justice by making a false official statement to the MP in order to effect the object of the conspiracy by telling the MP the applicant was the driver of the vehicle.

(b) Charge II: Violating Article 107, UCMJ: on or about 2 September 2017, with intent to deceive, made an official statement to the MP, to wit: "I was driving," or words to that effect, which statement was totally false, and was then known by the applicant to be so false

(c) Charge III: Violating Article 134, UCMJ

- Specification 1: on diverse occasions between on or about 1 July 2017 to 1 September 2017, was responsible for the care of KM, a child under the age of 16, and did endanger the safety of said KM, by leaving the said unattended child in quarters with no adult present in the home, and that conduct constituted culpable negligence, and prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces
- Specification 2: on or about 2 September 2017, the applicant had a duty for the care of KM, a child under the age of 16, and did endanger the safety of said KM by leaving the child unattended in quarters over four hours with no adult present in the home, and that conduct constituted culpable negligence, and was to the prejudice of good order and discipline in the armed forces and of a nature to bring discredit upon the armed forces

(2) Legal Consultation Date: 21 September 2018

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

(4) CDR / Intermediate CDR Recommended Characterization: Under Other Than Honorable Conditions / NIF

(5) Separation Approval Decision Date / Characterization: 3 October 2018 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

- a. Date / Period of Reenlistment Under Review:** 1 August 2016 / 2 years
- b. Age at Enlistment / Education / GT Score:** 21 / one-year college / 97
- c. Highest Grade Achieved / MOS / Total Service:** E-4 / 25U1O, Signal Support Systems Specialist / 5 years, 2 months, 21 days
- d. Prior Service / Characterizations:** RA / 26 August 2013 -31 July 2016 / HD
- e. Overseas Service / Combat Service:** Korea / None
- f. Awards and Decorations:** AAM, AGCMDL, NDSM, GWOTSM, KDSM, OSR, ASR
- g. Performance Ratings:** N/A
- h. Disciplinary Action(s) / Evidentiary Record:**

(1) A polygraph examination report, 11 September 2017, reflects, on 2 September 2017, the applicant allegedly drove under the influence and struck a taxicab near USAG-Humphreys. Korean National Police (KNP) responded, but most individuals had left the scene

except the applicant's spouse, who claimed they needed to check on an unattended child. KNP and Traffic Accident Investigations (TAI) escorted the spouse to their residence, where the applicant was apprehended. It was discovered the couple had left their 1.5-year-old child home alone. Initially, the applicant admitted to driving and leaving the scene to check on the child. Later, the applicant recanted, claiming TAI coerced the confession, and requested a polygraph. The results confirmed the applicant was not the driver.

(2) The record includes an undated suspension of driving privileges within the Republic of Korea, due to being cited for the following traffic violations: driving under the influence (DUI) of intoxicating alcohol, failure to maintain control, and reckless driving.

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:** None

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293, DD Form 149, Counsel's E-mail, six-character references, training certificates, enlistment documents, award documents, personnel verification report, sworn statements, polygraph statement of consent, polygraph examination, documents surrounding the charge process, transcripts, and photographs.

6. POST SERVICE ACCOMPLISHMENTS: Transcripts from American Public University System showing as of 3 September 2023, the applicant had earned 78 credit hours and maintained a cumulative grade point average (GPA) of 3.3981.

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

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively

discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

c. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

d. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

e. Army Regulation 15-180 (Army Discharge Review Board) sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

f. Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for 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 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.

(c) 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 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 discharge was authorized, an under other than honorable conditions discharge was normally 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 documents will accompany the request for discharge:

- A copy of a 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 his/her 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.

(c) Paragraph 10-6 stipulates medical and mental examinations are not required but may be requested by the Soldier under AR 40–501, chapter 8.

(d) Paragraph 10-8b stipulates 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.

(3) 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. If Secretarial Authority is granted normally correct the record to show the following:

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

(2) 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 Trial by Court-Martial.

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 honorable characterization of service, a change to the SPD code, RE code, and narrative reason. The applicant further requests separation of the applicant's two periods of service into separate DD Forms 214. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

a. The evidence in the applicant's Army Military Human Resource Record (AMHRR) confirms the applicant was charged with the commission of an offense punishable under the UCMJ with a punitive discharge. In consultation with legal counsel, the applicant voluntarily requested, in writing, a discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial. In this request, the applicant admitted guilt to the offense, or a lesser included offense, and indicated an understanding an under other than honorable conditions discharge could be received, and the discharge would have a significant effect on eligibility for veterans' benefits. The under other than honorable conditions discharge received by the applicant was normal and appropriate under the regulatory guidance.

b. The applicant's Army Military Human Resources Record (AMHRR) includes a properly constituted DD Form 214, which indicates the applicant was discharged under the provisions of AR 635-200, Chapter 10, by reason of In Lieu of Trial by Court-Martial, with a characterization of service of under other than honorable conditions.

c. The applicant contends the Army should change the narrative reason for the discharge, the SPD code and the RE code. Under Chapter 10, of AR 635-200, the Army separated the applicant with an "under other than honorable conditions" discharge. Army Regulations designate "In Lieu of Trial by Court-Martial," as the narrative reason for discharge under this provision and assign the separation code "KFS." Army Regulation 635-8 (Separation Processing and Documents) governs how officials prepare the DD Form 214. This regulation mandates that block 28 must list the narrative reason for separation, and block 26 must show the corresponding separation code, both as specified in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation prohibits any deviation and does not allow officials to enter any other reason. 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 10 is "KFS." 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.

d. The applicant contends, on the night of the car accident, an MP instructed the applicant and the spouse to lie and say the applicant was driving the car instead of the spouse. The AMHRR does not contain any indication or evidence that the attending MP acted in an arbitrary or capricious manner.

e. The applicant's request for the separation of the applicant's two periods of service into separate DD Forms 214 does not fall within the purview of the Army Discharge Review Board. However, the applicant may submit a request to the Army Board for Correction of Military Records (ABCMR).

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, a voting member, 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 Contention(s): The applicant contends, on the night of the car accident, an MP instructed the applicant and the spouse to lie and say the applicant was driving the car instead of the spouse. The Board considered this contention and acknowledged the applicant's assertion that an MP instructed them to lie about who was driving the vehicle; ultimately, the Board granted an upgrade to General (Under Honorable Conditions) based on compassion, length of service, and quality of conduct.

d. The Board determined that the discharge is inequitable based on the applicant's length of service, compassion, and quality of conduct, which outweighed the offenses of conspiring to obstruct justice and endangering the safety of a child. Accordingly, the Board voted to grant relief in the form of an upgrade of the characterization of service to General (Under Honorable Conditions). The Board determined both the narrative reason for separation and the RE code were proper and equitable, and therefore no changes were warranted. However, the applicant may request a personal appearance hearing to address further issues before the Board. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

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.

(2) The Board voted to upgrade the applicant's characterization of service to General (Under Honorable Conditions) because, after applying liberal consideration to all the evidence before it, including compassion, length of service, and quality of conduct, the mitigating factors outweighed the offenses of conspiring to obstruct justice and endangering the safety of a child.

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

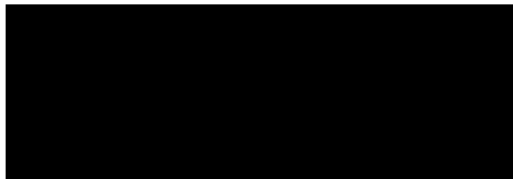
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20220000879****10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: General, Under Honorable Conditions
- c. Change Reason / SPD code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

Authenticating Official:

3/23/2026

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