

1. Applicant's Name: [REDACTED]**a. Application Date:** 11 October 2021**b. Date Received:** 14 October 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, along with a narrative reason and separation program designator (SPD) code change.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect, the applicant's characterization of service was improperly issued, despite a documented diagnosis of Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI) in 2007. The applicant further contends the characterization failed to consider prior recommendations for administrative separation under Chapter 5-17. Additionally, the applicant contends the discharge was inequitable, given that the applicant's combat service in Iraq was recognized as honorable and resulted in multiple awards and commendations.

c. Board Type and Decision: In a records review conducted on 16 December 2025, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's diagnoses of Adjustment Disorder, (Chronic) Post-Traumatic Stress Disorder (PTSD), and Traumatic Brain Injury (TBI), which outweighed the offenses related to being Absent Without Leave (AWOL). Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14- 12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

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: 22 May 2012**c. Separation Facts:**

(1) Date Charges Preferred / DD Form 458 (Charge Sheet): 23 April 2012 / The applicant was charged with being Absent Without Leave (AWOL) from on or about 20 August 2007 to on or about [14 March 2012].

(2) Legal Consultation Date: NIF**(3) Basis for Discharge:** NIF

(4) CDR / Intermediate CDR Recommended Characterization: NIF

(5) Separation Approval Decision Date / Characterization: NIF

4. SERVICE DETAILS:

a. Date / Period of Enlistment/Reenlistment Under Review: 27 June 2005 / 3 years, 2 weeks

b. Age at Enlistment / Education / GT Score: 20 years / HS Graduate / NIF

c. Highest Grade Achieved / MOS / Total Service: NIF / 21B10, Combat Engineer / 4 years, 5 months, 24 days

d. Prior Service / Characterizations: USAR, 14 January 2003 – 3 February 2003 / HD
IADT, 4 February 2003 – 23 May 2003 / HD
USAR, 24 May 2003 - 26 June 2005 / HD

e. Overseas Service / Combat Service: SWA / Iraq (14 December 2005 – 26 January 2007)

f. Awards and Decorations: ICM-2CS, PH, ARCOM, AAM, NDSM, GWOTSM, ASR, OSR, CAB

g. Performance Ratings: N/A

h. Disciplinary Action(s) / Evidentiary Record:

(1) See Charge Sheet as described in item 3c(1).

(2) Five DA Forms 4187 (Personnel Action) reflect the applicant's duty status changed as follows:

- Present for Duty (PDY) to AWOL, effective 20 August 2007
- AWOL to Dropped From Rolls (DFR), effective 20 September 2007
- DFR to PDY, effective 13 March 2012
- PDY to Confined by Civilian Authorities (CCA), effective 13 March 2012
- CCA to PDY, effective 14 March 2012

i. Lost Time / Mode of Return: 4 years, 6 months, 23 days (AWOL, 20 August 2007 – 14 March 2012) / Apprehended by Civil Authorities

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:

(a) The applicant provides 15 pages of medical health documents, which reflects on 13 August 2007, the applicant was diagnosed with chronic PTSD. The examining psychologist

noted the diagnosis had the potential to develop to a more serious condition requiring a Medical Evaluation Board. The psychologist strongly recommended the applicant be administratively separated as expeditiously as possible and noted the applicant met the criteria for a Chapter 5-17 administrative separation for mental disorders. The examiner stated retention of such emotionally and behaviorally disordered Soldiers put the Soldiers at high risk to continue to engage in such behaviors (substance abuse, suicide attempts, assault, AWOL, etc.) for which psychiatric hospitalization or UCMJ action may become necessary. Progress Notes, 20 October 2016, shows the applicant has a diagnosis of PTSD, chronic, moderately severe, unspecified depressive disorder, and TBI.

(b) The applicant also provides a Department of Veterans Affairs (VA) letter, dated 5 July 2016, which shows the applicant's initial TBI exam was not performed by a neurologist, psychiatrist, or neurosurgeon and the VA wanted to offer the applicant the option to undergo a new TBI exam by an appropriate specialist. On 22 March 2017, VA decision letter reflects the applicant was assigned a 70 percent evaluation for PTSD and TBI.

(2) **AMHRR provided:** None

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293; DD Form 4187 (4); PH certificate with Permanent Order Number 265-038; Permanent Order Number 152-004 for award of CAB; AAM certificate with Permanent Order Number 266-02; Medical Records (15 pages); DA Form 4856 (Developmental Counseling Form); DA Form 268 (Report to Suspend Favorable Personnel Actions (FLAG) (2); Memorandum, subject: Mental Health Evaluation; DD Form 458; Letter from Attorney at Law; Memorandum, subject: NCO Escort; Memorandum, subject: Designated Military Escort for Separating Soldier(s) Departing Fort Carson; Memorandum, subject: Debt Avoidance; Orders Number 136-0011; Installation Clearance Record; DD Form 214; VA Letter TBI; VA Decision Letter; 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 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 waivable and nonwaivable 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 5 provides for the basic separation of enlisted personnel for the convenience of the government.

(a) Paragraph 5-1 states a Soldier being separated under this paragraph will be awarded a characterization of service of honorable, general (under honorable conditions), or an uncharacterized description of service if in entry-level status. A general (under honorable conditions) discharge is normally inappropriate for individuals separated under the provisions of paragraph 5-14 (previously paragraph 5-17) unless properly notified of the specific factors in the service that warrant such characterization.

(b) Paragraph 5-14 (previously paragraph 5-17) specifically provides that a Soldier may be separated for other physical or mental conditions not amounting to a disability, which interferes with assignment to or performance of duty and requires that the diagnosis be so severe that the Soldier's ability to function in the military environment is significantly impaired.

(3) Chapter 10, Discharge in Lieu of Trial by Court Martial is applicable to members who committed an offense or offenses for which the authorized punishment included a bad conduct, or dishonorable discharge and may submit a request for discharge for the good of the service. The request may be submitted at any time after the charges have been preferred. A

discharge under other than honorable conditions is normally 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. Although an honorable or general discharge is authorized, an under other than honorable conditions discharge is normally considered appropriate, unless the record is so meritorious it warrants 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, understand 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.

(4) 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

(5) 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.

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, along with a narrative reason and SPD code change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's AMHRR includes partial facts and circumstances concerning the events leading to the discharge from the Army. The applicant's AMHRR includes a properly constituted DD Form 214, which was authenticated by the applicant's electronic signature. The applicant's DD Form 214 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 requests that the applicant's narrative reason be changed. The applicant was separated under the provisions of AR 635-200, Chapter 10, with an "Under Other Than Honorable Conditions" discharge. The narrative reason specified by Army Regulations for a discharge under this chapter is "In Lieu Trial by Court-Martial" and the separation code is "KFS." Army Regulation 635-8, Separation Documents governs the preparation of the DD Form 214 and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1, Separation Program Designator (SPD) Codes. The regulation stipulates no deviation is authorized. There is no provision for any other reason or SPD code to be entered under this regulation.

d. The applicant contends the characterization of service was improperly issued, despite a documented diagnosis of PTSD and TBI in 2007, and that the characterization failed to consider prior recommendations for administrative separation under Chapter 5-17. The applicant provided medical health records, 13 August 2007, which shows the applicant was diagnosed with chronic PTSD and the examining Clinical Psychologist strongly recommended the applicant be administratively separated as expeditiously as possible and noted the applicant met the criteria for a Chapter 5-17 for mental disorders. The applicant also provided a VA disability letter which shows the VA assigned a 70 percent evaluation for PTSD and TBI. The AMHRR does not contain a Mental Status Evaluation.

e. The applicant contends the discharge was inequitable, given that the applicant's combat service in Iraq was recognized as honorable and resulted in multiple awards and commendations. The Board will consider the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

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/experiences: Adjustment Disorder, (Chronic) Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI).

(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, Chronic PTSD, and TBI, and the VA has service connected the combat-related PTSD and TBI.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence mitigating BH conditions. The applicant was diagnosed in service with an Adjustment Disorder,

Chronic PTSD, and TBI, and the VA has 70% service connected the combat-related PTSD and TBI. Given the nexus between PTSD and avoidance, the AWOL that led to the separation is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the applicant's diagnoses of Adjustment Disorder, (Chronic) Post-Traumatic Stress Disorder (PTSD), and Traumatic Brain Injury (TBI) outweighed the circumstances surrounding the AWOL offense.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends the characterization of service was improperly issued, despite a documented diagnosis of PTSD and TBI in 2007, and that the characterization failed to consider prior recommendations for administrative separation under Chapter 5-17. The Board considered this contention and ultimately upgraded the characterization based on medical and behavioral health mitigation regarding the applicant's diagnoses.

(2) The applicant contends the discharge was inequitable, given that the applicant's combat service in Iraq was recognized as honorable and resulted in multiple awards and commendations. The Board considered this contention and determined that the characterization was upgraded due to the applicant's honorable combat service and the associated medical and behavioral health considerations.

d. The Board determined the discharge is inequitable based on the applicant's diagnoses of Adjustment Disorder, (Chronic) Post-Traumatic Stress Disorder (PTSD), and Traumatic Brain Injury (TBI), which outweighed the offenses related to being Absent Without Leave (AWOL). Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14- 12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it. 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 Honorable because, after applying liberal consideration to all the evidence before it, including the VA-confirmed diagnoses of Adjustment Disorder, (Chronic) Post-Traumatic Stress Disorder (PTSD), and Traumatic Brain Injury (TBI), the applicant's behavioral health conditions were found to mitigate the offense of being Absent Without Leave (AWOL).

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(3) The Board voted to change the applicant's reason for discharge Minor Misconduct with accompanying SPD code of JKN, under the same pretexts.

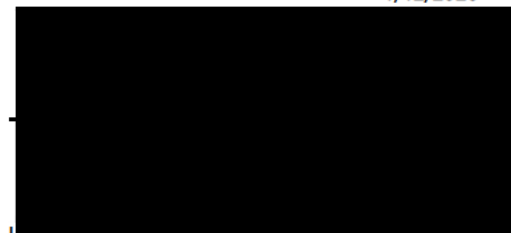
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

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

Authenticating Official:

1/12/2026



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