

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

- a. **Application Date:** 2 August 2021
- b. **Date Received:** 9 August 2021
- c. **Counsel:** None

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

a. **Applicant Requests:** The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, suffering from undiagnosed post-traumatic stress disorder (PTSD) after the deployment to Iraq. While the applicant was deployed, the applicant and the applicant's unit were fired upon by gunfire and rocket-propelled grenades. The applicant began having nightmares and was unable to sleep more than two or three hours a night. The applicant continues to have issues with sleep. After the deployment, the applicant's behavior was erratic, drinking heavily, and smoking marijuana. The applicant was discharged because of disrespect. In the last two years, the applicant maintained some control of the habits because of the counseling the applicant received from the Department of Veterans Affairs (VA) Behavioral and Drug. The applicant attempted to work on various jobs but could not because of outbursts toward other people and lost the jobs. The applicant lost all athletic drive but was in excellent shape before the deployment. The applicant is distant from the applicant's children, and the applicant separated from the applicant's spouse in 2007. The applicant has no friends, and without the medication prescribed by the VA, the applicant probably would have committed suicide, killed someone, or caused great harm to someone.

c. **Board Type and Decision:** In a records review conducted on 7 August 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Dysthymic Disorder outweighing the offenses of disobeying a superior commissioned officer and the disrespect of an NCO. 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:** Pattern of Misconduct / AR 635-200, Paragraph 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 7 December 2007

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 14 November 2007

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant was convicted by summary court-martial for disobeying a superior commissioned officer on two occasions and disrespecting a noncommissioned officer (NCO).

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

(4) **Legal Consultation Date:** 14 November 2007

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

(6) **Separation Decision Date / Characterization:** 20 November 2007 / General (Under Honorable Conditions)

#### 4. SERVICE DETAILS:

a. **Date / Reenlistment Under Review:** 31 May 2006 / 6 years

b. **Age at Enlistment / Education / GT Score:** 29 / Bachelor's Degree / 120

c. **Highest Grade Achieved / MOS / Total Service:** E-5 / 63H20, Tracked Vehicle Mechanic / 4 years, 4 months, 13 days

d. **Prior Service / Characterizations:** RA, 20 November 2003 – 30 May 2006 / HD

e. **Overseas Service / Combat Service:** SWA / Iraq (18 November 2005 – 6 November 2006)

f. **Awards and Decorations:** ARCOM, AAM, PUC, NDSM, GWOTEM, GWOTSM, ICM, ASR

g. **Performance Ratings:** 1 November 2006 – 31 March 2007 / Successful

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

(1) Offer to Plead Guilty, 17 October 2007, reflects the applicant offering to plead guilty to the two charges and its specifications, and in pertinent part, to waive the rights to an administrative separation board with the understanding of being discharged with the conditions of a UOTH, and in exchange, to have the charges referred to a Summary Court-Martial, and understanding the rights, agreed to move forward with the Summary Court-Martial. The Offer was accepted.

(2) Report of Result of Trial reflects the applicant was tried in a Summary Court-Martial on 18 October 2007. The applicant was charged with three specifications. The summary of offenses, pleas, and findings:

- Violation of Article 90, Uniform Code of Military Justice (UCMJ), Specifications 1 and 2: Disrespect to a superior commissioned officer: guilty, inconsistent with the plea
- Violation of Article 91, UCMJ, The Specification: Disrespect to a superior NCO: guilty, inconsistent with the plea.

- Sentence: Reduction to E-1, forfeiture \$867 pay for one month; and confinement for 25 days

**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:** Department of Veterans Affairs medical records from 7 August 2019 to 13 May 2020, reflect the applicant the following active problems / diagnoses: insomnia, depression, alcohol dependence, cannabis abuse, homelessness, sleep apnea, and prolonged PTSD.

**(2) AMHRR provided:** Report of Mental Status Evaluation, 7 November 2007, reflects the applicant was psychiatrically cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; was mentally responsible; and met medical retention requirements.

**5. APPLICANT-PROVIDED EVIDENCE:** Certificate of Release or Discharge from Active Duty; Correction to DD Form 214; Application for the Review of Discharge; self-authored statement; medical records; and Army Review Boards Agency 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 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.

**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.

**(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 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. Paragraph 14-12b, addresses a pattern of misconduct consisting of either discreditable involvement with civilian or military authorities or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the Uniform Code of Military Justice, Army Regulations, the civilian law and time-honored customs and traditions of the Army.

**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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, Pattern of Misconduct.

**8. SUMMARY OF FACT(S):** Standard of Review. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

**a.** The applicant requests an upgrade to honorable. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

**b.** The available evidence shows the applicant's commander recommended the applicant for separation from the Army because the applicant was convicted by summary court-martial for disobeying a superior commissioned officer on two occasions and disrespecting an NCO.

**c.** The applicant contends combat-related PTSD affected behavior leading to the discharge, and the condition continues to affect the applicant's life. The applicant provided medical documents reflecting the applicant had the following active problems / diagnoses:

insomnia, depression, alcohol dependence, cannabis abuse, homelessness, sleep apnea, and prolonged PTSD. The applicant's AMHRR shows the applicant underwent a mental status evaluation (MSE) on 7 November 2007, indicating the applicant was mentally responsible. The MSE did not indicate a diagnosis.

#### **9. BOARD DISCUSSION AND DETERMINATION:**

**a.** As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

**(1)** Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses/experiences: Dysthymic Disorder, PTSD.

**(2)** Did the condition exist, or experience occur during military service? **Yes.** The Board found that the applicant is service connected by the VA for Dysthymic Disorder, and the VA has diagnosed the applicant with combat-related PTSD.

**(3)** Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board determined, based on the Board Medical Advisor's opine, that the applicant's behavioral health conditions mitigate the discharge. Given the nexus between PTSD and difficulty with authority, the two occasions of disobeying a superior commissioned officer and the disrespect of an NCO are mitigated.

**(4)** Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's Post Traumatic Stress Disorder and Dysthymic Disorder outweighed the offenses of disobeying a superior commissioned officer and the disrespect of an NCO.

**b.** Response to Contention(s): The applicant contends combat-related PTSD affected behavior leading to the discharge, and the condition continues to affect the applicant's life. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder and Dysthymic Disorder outweighed the offenses of disobeying a superior commissioned officer and the disrespect of an NCO. Therefore, a discharge upgrade is warranted.

**c.** The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Dysthymic Disorder outweighing the offenses of disobeying a superior commissioned officer and the disrespect of an NCO. 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.

**d.** Rationale for Decision:

**(1)** Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or not. In reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

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**AR20220001508**

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder and Dysthymic Disorder outweighed the offenses of disobeying a superior commissioned officer and the disrespect of an NCO. Thus, the prior characterization is no longer appropriate.

(3) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

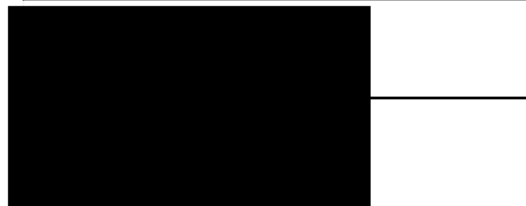
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

**10. BOARD ACTION DIRECTED:**

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD Code to:** Misconduct (Minor Infractions)/JKN
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** AR 635-200

**Authenticating Official:**

8/19/2025



**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  
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