

1. Applicant's Name: [REDACTED]**a. Application Date:** 18 November 2021**b. Date Received:** 18 November 2021**c. Counsel:** [REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:****a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is General (Under Honorable Conditions). The applicant requests an upgrade to Honorable, a change of their narrative reason for separation, and a Medical Evaluation Board to determine their eligibility for benefits.

(2) The applicant, through counsel, seeks relief contending their request is made for reasons of propriety, equity, and clemency. Early in their tenure as an officer they experience a traumatic event which would lead to their development of Post Traumatic Stress Disorder (PTSD) and ultimately their elimination from the Army in 2014. During their first year, in April 2012, a fellow Army captain shot and killed a friend and co-worker of theirs, before killing themselves. Thereafter, every day at work reminded them of what had happened particularly since they had worked with both the perpetrator and the victims almost daily.

(3) They sought treatment for weeks which led to their diagnosis of Attention-Deficit/Hyperactivity Disorder, Adjustment Disorder, Occupational Problem, and Anxiety. Over time their mental health continued to worsen, and throughout their tenure as an officer, they met the diagnostic criteria for Post Traumatic Stress Disorder (PTSD). The Army failed to do anything resulting in further damages to their physical and mental health. Since their PTSD remained undiagnosed and untreated their work performance suffered and they were not able to meet standards for their Residency Program. Their deteriorating mental health conditions also led to various conduct related charges and in October 2013, a Probationary Officer Elimination Case was initiated to discharge them based upon two charges. Despite their failing work performance and multiple time they presented with the symptoms of PTSD they were never referred to a Medical Board to determine their fitness for service. Nevertheless, as of 1 April 2020, they were and still are considered by the Department of Veterans Affairs (VA) to be permanently and totally disabled due to their mental conditions and their combined service-connected evaluation was rated at 100-percent.

(4) The main error that prejudiced their rights are that their PTSD went undiagnosed and untreated, which contributed, if not caused the events leading up to their elimination case. The evidence indicates the requested relief will correct a source of injustice, as a correction of their discharge will properly implement both the Hagel and Kurta memorandums, which indicate that mental health conditions can and should be evaluated as a mitigating factor in misconduct. Numerous factors outlined in the Wilkie memorandum supports that the applicant should be offered a second chance. An upgrade of their discharge will realize the goals of several recent changes to military policy and is supported by ample evidence.

b. Board Type and Decision: In a records review conducted on 20 August 2025, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

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

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Unacceptable Conduct / Army Regulation 600-8-24, Paragraph 4-2B / JNC / General (Under Honorable Conditions)

b. Date of Discharge: 8 July 2014

c. Separation Facts:

(1) Date of Initiation of Elimination: 24 October 2013

(2) Basis for Separation: The applicant was informed of the following reasons:

- substantiated Army Regulation 15-6 (Procedures for Administrative Investigations and Board of Officers) investigation that resulted in a brigade level reprimand for wrongfully accessing protected patient information in violation of privacy statutes and regulations
- a general officer memorandum of reprimand (GOMOR) in which they were reprimanded for misconduct and moral or professional dereliction for violating a lawful order, making false official statements, leaving the scene of an accident, destroying military property
- conduct unbecoming an officer and gentleman as indicated by the above referenced GOMOR and Army Regulation 15-6 investigation

(3) Legal Consultation Date: NIF

(4) Board of Inquiry (BOI): NIF

(5) General Officer's Show Cause Authority (GOSCA) Recommendation Date / Characterization: 31 January 2014 / General (Under Honorable Conditions)

(6) DA Board of Review for Eliminations: On 20 June 2014, the Department of the Army Ad Hoc Review Board reviewed the Probationary Officer Elimination Case of the applicant. The Deputy Assistant Secretary (Army Review Boards) determined they applicant will be involuntarily eliminated from the U.S. Army. The elimination is based on misconduct and moral or professional dereliction (Army Regulation 600-8-24, paragraph 4-2b).

(7) Separation Decision Date / Characterization: 20 June 2014 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Appointment: 9 June 2011 / 4 years

b. Age at Appointment / Education: 27 / Masters degree in General Medicine

c. Highest Grade Achieved / MOS / Total Service: O-3 / 61H, Medical Corps Officer / 3 years, 1 month

d. Prior Service / Characterizations: NIF

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, GWTSM, ASR

g. Performance Ratings: 14 June 2011 – 13 June 2012 / Center of Mass
14 June 2012 – 6 June 2013 / Below Center of Mass, Retain

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DA Form 67-9 (Officer Evaluation Report (OER)) covering the period 14 June 2012 through 6 June 2013, reflects in –

- Part II(d) (This is a Referred Report, Do you wish to make comments?) – Referred is marked and the applicant marked “No” do you wish to make comments
- Part IV(b) (Leader Attributes/Skills/Actions) – Technical is marked “No”
- Part V(Performance and Potential Evaluation) – the applicant’s performance is rated as “Satisfactory Performance – Promote”
- Part Vb (Comments) – in part,
 - [Applicant] failed to successfully pass Step III of their medical licensing exam which prohibited them from progressing further in their training as a Medical Corps officer
 - Despite their academic struggles as a Family Medicine resident physician, they demonstrated several officer qualities that will be valuable in a different career area
- Part Vc (Comment on Potential for Promotion) – [Applicant] should be training in a different Army officer branch and promoted with their peers once they demonstrate competence in a new Military Occupational Specialty (MOS)
- Part VI (Senior Rater) – the applicant's senior rater rated the applicant's potential as "Below Center Mass - Retain" and commented
 - “[Applicant] was unable to complete the requirements of their first year of Family Medicine residency training and resigned from the program in lieu of undergoing a termination hearing
 - “[Applicant] is an officer with several admirable attributes who should be successful in another branch of the Army”
 - “[Applicant] should be given the opportunity to begin their career anew within another MOS”

(2) A DA Form 3822 (Report of Mental Status Evaluation) dated 30 September 2013, reflects the Reason for Evaluation as Hospital Discharge. From a behavioral health standpoint, the applicant is deemed unfit for duty due to a personality disorder or other mental condition that does not amount to a medical disability. Section V (Diagnoses) reflects the applicant’s Axis I (Psychiatric Conditions) as Occupational Problem and Adjustment Disorder with Anxiety and Axis II (Personality & Intelligence Disorder) as Personality Disorder not otherwise specified. The Behavioral Health Provider commented the applicant elaborates a safety plan and is in stable condition and no longer requires inpatient psychiatric treatment. The applicant is cleared to participate in any administrative action deemed appropriate by command. The applicant does

not have a disqualifying psychiatric condition which would warrant disposition through medical channels.

(3) A memorandum, Headquarters, 18th Airborne Corps and Fort Bragg, subject: General Officer Memorandum of Reprimand (GOMOR), dated 24 October 2013, reflects the applicant was reprimanded in writing for violating a lawful order, making false official statements leaving the scene of an accident, destroying military property, and conduct unbecoming an officer. The commanding general stated –

(a) On 14 July 2013, the applicant veered off the street and struck a utility pole. An eyewitness observed they applicant fleeing into the woods on foot and later described their condition to police as “hammered” and “oblivious to what was going on.” When the applicant was questioned about the incident on 15 July 2013, they gave a false statement to their company commander, stating they stopped on the side of the road to help another car who had their hazard lights on, when an occupant exited the car and drew a gun on them. The applicant further asserted they took their wallet, car, and cell phone, forcing them to flag down multiple cars and finally accepted a ride from a prostitute.

(b) On 6 September 2013, the applicant attempted to sabotage a government computer in plain view of an enlisted Soldier by inserting a paper clip into the power cord and thereafter asked the Soldier to lie about what they had observed.

(c) On 19 September 2013, the applicant willfully violated a Military Protective Order issued on 18 September 2013 by going to the protected person’s duty location. When questioned about the incident, the applicant again lied to their company commander.

(d) On 24 September 2013, the applicant attempted to fraternize with Private First Class (PFC) A____ S____, a junior enlisted Soldier, by placing a Victoria’s Secret bag of lingerie on the hood of their car. When approached by PFC S____’s platoon sergeant in the parking lot, the applicant stated, it is for PFC S____, it from their spouse. This constitutes improper fraternization and conduct unbecoming an officer.

(4) A memorandum, Headquarters, 18th Airborne Corps and Fort Bragg, subject: Initiation of Elimination, dated 24 October 2013, the commanding general notified the applicant of their requirement to show cause for retention on active duty under the provisions of Army Regulation 600-8-24, paragraph 4-2b(5) and paragraph 4-2b(8) due to their misconduct and moral or professional dereliction. The series of substantiated derogatory activities consisted of a substantiated Army Regulation 15-6 investigation that result in a brigade level reprimand for wrongfully accessing patient information in violation of privacy statutes and regulation and a GOMOR in which they were reprimanded for misconduct and moral or professional dereliction for violating a lawful order, making false official statements, leaving the scene of an accident, and destroying military property; and conduct unbecoming an officer and gentleman as indicated by the above referenced GOMOR and Army Regulation 15-6 investigation.. The commanding general notified the applicant of their rights in accordance with Army Regulation, paragraph 4-24. On 9 December 2013, the applicant acknowledge receipt of their Notification of Initiation of Elimination. They understand they have 30 calendar days to submit matters in rebuttal to this memorandum. If they fail to submit matters within the prescribed time, their rights will be forfeited. [Note: the applicant did not indicated an election to either submit a statement or document in their behalf, or to not submit a statement in their behalf, or to elect to submit a (resignation)(discharge) in lieu of elimination.]

(5) In the applicant's memorandum, subject: Initiation of Elimination Rebuttal, dated 13 January 2014, reflects the applicant's response to their letter of Initiation of Elimination. The applicant states –

(a) The substantiated Army Regulation 15-6 investigation on wrongfully accessing protected patient information in violation of privacy statutes and regulation found that they did not commit the allege violations. They do take responsibility in the wrongful act of allowing access of another provider to their computer, but at no time did they allow or grant access to patient information with their credentials.

(b) The courts of Moore County, North Carolina found no wrongful actions performed on their behalf and evidence supporting their statements from the car accident in July 2013. Thus, they have been cleared of all charges and no traffic tickets/violations, finds or false claims have been issued. As such, they attest against the accusations of making false statements and leaving the scene of an accident.

(c) They have not received any Statement of Charges, nor are they aware of any Army property that needed to be fixed, replaced, or received modifications on their behalf. Thus, they have to counter the accusations of destroying military property.

(d) They have served honorably in the U.S. Army as a provider and physician for several years. They do take responsibility in conduct unbecoming an officer and gentlemen and accept their elimination from the U.S. Army.

(6) A Recommendation of Request Closure of Elimination Proceedings form, dated 23 January 2014 and 24 January 2014, reflects the applicant's chain of command disapproved the applicant's request for a closure of elimination proceedings and recommendation for the applicant's characterization of service be General (Under Honorable Conditions).

(a) The applicant's company commander states the applicant has severer integrity issues and has manipulated Soldiers in their command to try to lie on their behalf. The applicant should not be allowed to continue service now or in the future.

(b) The applicant's battalion commander states the applicant continues to act in a manner unbecoming an officer. They are not performing any duties as they cannot be trusted and must be consistently supervised. This officer is not fit to serve in the Army now or in the future.

(c) The commander, Womack, Army Medical Center, states the applicant, while a likable officer, has failed to demonstrate the character or competence required of our commissioned Corps members.

(7) A memorandum, Headquarters, Fort Bragg, subject: Officer Elimination Action, [Applicant], dated 31 January 2014, the commanding general notified the Commander, U.S. Army Human Resources Command of, pursuant of Army Regulation 600-8-24 (Officer Transfer and Discharges), paragraph 4-21 (Steps for Processing an Elimination of a Probationary Officer), they are forwarding the elimination action pertaining to the applicant for further action. The commanding general has reviewed the chain of command recommendations and documentary evidence pertaining the applicant elimination action and recommend that their request to close this elimination action be disapproved. They further recommend the applicant's be eliminated and receive a General (Under Honorable Conditions) discharge.

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(8) A memorandum, HRC, subject: Officer Elimination (Probationary), dated 29 May 2014, reflects HRC's forwarding of the applicant's elimination case to the Deputy Assistance Secretary of the Army (Review Boards). HRC states the elimination action was initiated by the Commanding General, 18th Airborne Corps and Fort Bragg, on 24 October 2013, in accordance with Army Regulation 600-8-24, chapter 4, paragraph 4-2(b), for misconduct, moral or professional dereliction. The General Officer Show Cause Authority (GOSCA) recommends the applicant be separated and receive a General (Under Honorable Conditions) character of service.

(9) A memorandum, Department of the Army, Army Review Boards Agency, subject: Probationary Officer Elimination Case, [Applicant], dated 20 June 2014, reflects the Department of the Ad Hoc Review Board has reviewed the Probationary Officer Elimination case on the applicant and determined they will be involuntarily eliminated from the U.S. Army. This elimination is based on misconduct and moral or professional dereliction (Army Regulation 600-8-24, paragraph 4-2b). The applicant will receive a General (Under Honorable Conditions) characterization of service.

(10) On 8 July 2014, the applicant was discharged accordingly, their DD Form 214 (Certificate of Release or Discharge from Active Duty) provides they completed 3 years and 1 month of net active service this period Their DD Form 214 reflects in –

- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 25 (Separation Authority) – Army Regulation 600-8-24, paragraph 4-2b
- item 26 (Separation Code) – JNC
- item 28 (Narrative Reason for Separation) – Unacceptable Conduct

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

j. **Behavioral Health Condition(s):**

(1) **Applicant provided:** excerpt of Service Treatment Records reflecting a diagnosis of Adjustment Disorder with Anxiety.

(2) **AMHRR Listed:** DA Form 3822 (Report of Mental Status Evaluation) reflecting the applicant's Axis I (Psychiatric Conditions) as Occupational Problem and Adjustment Disorder with Anxiety and Axis II (Personality & Intelligence Disorder) as Personality Disorder not otherwise specified.

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), with personal statement
- Counsel's Brief in Support of Applicant for Discharge Upgrade, with five exhibits
 - Exhibit 1 – DD Form 214
 - Exhibit 2 – Officer Evaluation Reports
 - Exhibit 3 – Personal Statement
 - Exhibit 4 – Service Treatment Record excerpts
 - Exhibit 5 – Probationary Officer Elimination Case

6. POST SERVICE ACCOMPLISHMENTS: None submitted with application.

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

a. Title 10, U.S. Code, Section 1553, (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, Title 10 U.S. Code, Section 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 (DoD) 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) 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; Title 10 U.S. Code; Section 1553 and DoD Directive 1332.41 and DoD Instruction 1332.28.

d. Army Regulation 15-6 (Procedures for Administrative Investigations and Board of Officers) effective 1 May 2016 established procedures for conducting preliminary inquiries, administrative investigation, and board of officers when such procedures are not established by other regulations or directives. Preliminary inquiries is a procedure used to ascertain the magnitude of a problem, to identify and interview witnesses, to summarize or record witnesses' statements, to determine whether an investigation or board may be necessary, or to assist in determining the scope of a subsequent investigation. An appointing authority may conduct a preliminary personally or may appoint an inquiry orally or in writing. The inquiry will be accomplished in accordance with guidance provided in chapter 4 (Preliminary Inquiries) of this regulation.

e. Army Regulation 600-37 (Unfavorable Information) sets forth policies and procedures to ensure the best interests of both the Army and Soldiers are served by authorizing unfavorable information to be placed in, transferred within, or removed from an individual's AMHRR.

(1) An administrative memorandum of reprimand may be issued by an individual's commander, by superiors in the chain of command, and by any general officer or officer exercising general court-martial jurisdiction over the Soldier. The memorandum must be referred to the recipient and the referral must include and list applicable portions of investigations, reports, or other documents that serve as a basis for the reprimand. Statements or other evidence furnished by the recipient must be reviewed and considered before a filing determination is made.

(2) A memorandum of reprimand may be filed in a Soldier's AMHRR only upon the order of a general officer-level authority and is to be filed in the performance folder. The direction for filing is to be contained in an endorsement or addendum to the memorandum. If the reprimand is to be filed in the AMHRR, the recipient's submissions are to be attached. Once filed in the AMHRR, the reprimand and associated documents are permanent unless removed in accordance with chapter 7 (Appeals).

(3) Paragraph 7-2 (Policies and Standards) provides that once an official document has been properly filed in the AMHRR, it is presumed to be administratively correct and to have been filed pursuant to an objective decision by competent authority. Thereafter, the burden of proof rests with the individual concerned to provide evidence of a clear and convincing nature that the document is untrue or unjust, in whole or in part, thereby warranting its alteration or removal from the AMHRR. Soldiers must have received at least one evaluation (other than academic) since imposition. Appeals for Article 15 removal, the Department of the Army Suitability Evaluation Board will not consider appeals to remove a record of proceedings under the UCMJ, Article 15, from the AMHRR. The authority to adjudicate such claims rests with the Army Board for Correction of Military Records.

(4) Only letters of reprimand, admonition, or censure may be the subject of an appeal for transfer to the restricted folder of the AMHRR. Such documents may be appealed on the basis of proof that their intended purpose has been served and that their transfer would be in

the best interest of the Army. The burden of proof rests with the recipient to provide substantial evidence that these conditions have been met.

f. Army Regulation 600-8-24 (Officer Transfers and Discharges) effective 12 May 2006, set forth the basic authority for the separation of commissioned and warrant officers.

(1) Paragraph 1-22 (Types of Administrative Discharge/Character of Service) provided the authorized types of characterization of service or description of separation.

(2) Paragraph 1-22a, stated an officer will normally receive an honorable characterization of service when the quality of the officer's service has met the standards of acceptable conduct and performance of duty.

(3) Paragraph 1-22b, stated an officer will normally receive a general (under honorable conditions) characterization of service when the officer's military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge. A separation under general (under honorable conditions) normally appropriate when an officer submits an unqualified resignation; separated based on misconduct; discharged for physical disability resulting from intentional misconduct or neglect; or, for final revocation of a security clearance.

(4) Paragraph 1-22c, stated a discharge under other than honorable conditions is an administrative separation from the service. A discharge certificate will not be issued. An officer will normally receive an under other than honorable conditions when they, resign for the good of the service; are dropped from the rolls of the Army; are involuntary separated due to misconduct, moral, professional dereliction, or for the final revocation of a security clearance; or are discharged following conviction by civilian authorities.

(5) Chapter 4 (Eliminations) outlined the policy and procedure for the elimination of officers from the active Army for substandard performance of duty.

(6) Paragraph 4-2b, prescribed for the elimination of an officer for misconduct, moral or professional dereliction, or in the interests of national security.

(7) Paragraph 4-21 (Steps for Processing an Elimination of a Probationary Officer) provided required steps for processing the elimination of a probationary officer as shown in Table 4-2 (Processing Elimination of a Probationary Officer).

(8) Paragraph 4-24 (Rules for Processing an Option that an Officer Elects while Elimination Action is Pending) stated an officer identified for elimination may, at any time during or prior to the final action in the elimination case elect one of the following options: (1) Submit a resignation in lieu of elimination; (2) request a discharge in lieu of elimination; and (3) Apply for retirement in lieu of elimination if otherwise eligible.

g. 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 "JNC" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 600-8-24, paragraph 4-2b, Unacceptable Conduct.

h. Manual for Courts-Martial, United States (2012 Edition) stated, military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial

and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good order and discipline in the Armed Forces. Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows the maximum punishments include punitive discharge for violating Article 92 (Failure to Obey Order, Regulation), Article 107, (False Official Statements), Article 108 (Military Property; Damage), Article 111 (Drunk or Reckless Operation of Vehicle), Article 133 (Conduct Unbecoming an Officer and a Gentleman) and Article 134 (Fraternization).

i. Title 38, U.S. Code, Sections 1110 and 1131, permits the VA to award compensation for a medical condition which was incurred in or aggravated by active military service. The VA, however, is not required by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual's medical condition, although not considered medically unfitting for military service at the time of processing for separation, discharge, or retirement, may be sufficient to qualify the individual for VA benefits based on an evaluation by the agency.

8. SUMMARY OF FACT(S):

a. The Army Discharge Review Board considers applications for upgrade as instructed by DoD Instruction 1332.28.

b. A review of the applicant's AMHRR reflects the applicant received GOMOR for violating Article 92 (Failure to Obey Order, Regulation), Article 107, (False Official Statements), Article 108 (Military Property; Damage), Article 111 (Drunk or Reckless Operation of Vehicle), Article 133 (Conduct Unbecoming an Officer and a Gentleman) and Article 134 (Fraternization); and was required to Show Cause for retention on Active Duty. Their DD Form 214 provides they were discharged with a character of service of General (Under Honorable Conditions), for unacceptable conduct. They completed 3 years and 1 month of net active service this period and did not complete their first full term of service of their 4-year minimum active duty service obligation.

c. Army Regulation 600-8-24 (Officer Transfers and Discharges) sets forth the basic authority for the separation of commissioned and warrant officers. Paragraph 1-23b, states an officer will normally receive a general (under honorable conditions) characterization of service when the officer's military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge. A separation under general (under honorable conditions) normally appropriate when an officer: Submits an unqualified resignation; Separated based on misconduct; discharged for physical disability resulting from intentional misconduct or neglect; and, for final revocation of a security clearance.

d. The applicant's AMHRR does not reflect documentation of a diagnosis of PTSD. A DA Form 3822 reflects the applicant's Axis I (Psychiatric Conditions) diagnoses of Occupational Problem and Adjustment Disorder with Anxiety and Axis II (Personality & Intelligence Disorder) diagnosis of a Personality Disorder not otherwise specified. The Behavioral Health Provider commented the applicant does not have a disqualifying psychiatric condition which would warrant disposition through medical channels. The applicant provided excerpts of Service Treatment Records reflecting a diagnosis of Adjustment Disorder with Anxiety.

e. Published DoD 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? **No**. The Board's Medical Advisor reviewed DoD and VA medical records and found no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused, or mitigated a discharge.

(2) Did the condition exist, or experience occur during military service? **N/A**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Prior Decisions Cited: **N/A**

c. Response to Contentions:

(1) The applicant contends their request is made for reasons of propriety, equity, and clemency.

The Board acknowledged this contention.

(2) The applicant contends early in their tenure as an officer they experience a traumatic event which would lead to their development of Post Traumatic Stress Disorder (PTSD) and ultimately their elimination from the Army in 2014. During their first year, in April 2012, a fellow Army captain shot and killed a friend and co-worker of theirs, before killing themselves. Thereafter, every day at work reminded them of what had happened particularly since they had worked with both the perpetrator and the victims almost daily.

The Board acknowledged and considered this contention and determined that the applicant asserted PTSD for witnessing a nurse who was murdered while in Residency. However, the applicant later retracted his statement, and said he was not a witness.

(3) The applicant contends they sought treatment for weeks which led to their diagnosis of Attention-Deficit/Hyperactivity Disorder, Adjustment Disorder, Occupational Problem, and Anxiety. Over time their mental health continued to worsen, and throughout their tenure as an officer, they met the diagnostic criteria for PTSD.

The Board considered this contention and determined that the applicant has a personality disorder (CLUSTER A) that did not contribute to the basis for separation.

(4) The applicant contends the Army failed to do anything resulting in further damages to their physical and mental health. Since their PTSD remained undiagnosed and untreated their work performance suffered and they were not able to meet standards for their Residency Program.

The Board considered this contention but found insufficient evidence in the applicant's AMHRR or applicant-provided evidence to show that the command acted in an arbitrary or capricious manner, other than the applicant's contention. Therefore, a discharge upgrade is not warranted.

(5) The applicant contends their deteriorating mental health conditions also led to various conduct related charges and in October 2013, a Probationary Officer Elimination Case was initiated to discharge them based upon two charges.

The Board considered this contention and the applicant's assertion of deteriorating mental health; however, the Board could not determine whether the applicant's asserted deteriorating mental health actually outweighed the applicant's misconduct without the Board Medical Advisor determination on medical mitigation. Without additional medical evidence, the Board was unable to determine if the applicant's asserted mental health outweighed the applicant's discharge.

(6) The applicant contends despite their failing work performance and multiple times they presented symptoms of PTSD they were never referred to a Medical Board to determine their fitness for service.

The Board considered this contention and determined that there is insufficient evidence in the applicant's official record or provided by the applicant that the applicant was not provided sufficient medical resources.

(7) The applicant contends as of 1 April 2020 they were and still are considered by the VA to be permanently and totally disabled due to their mental conditions and their combined service-connected evaluation was rated at 100-percent.

The Board acknowledged this contention.

(8) The applicant contends the main error that prejudiced their rights are that their PTSD went undiagnosed and untreated, which contributed, if not caused the events leading up to their elimination case.

The Board acknowledged this contention.

(9) The applicant contends the evidence indicates the requested relief will correct a source of injustice, as a correction of their discharge will properly implement both the Hagel and Kurta memorandums, which indicate that mental health conditions can and should be evaluated as a mitigating factor in misconduct. Numerous factors outlined in the Wilkie memorandum supports that they should be offered a second chance. An upgrade of their discharge will realize the goals of several recent changes to military policy and is supported by ample evidence.

The Board acknowledged this contention.

d. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the 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) The Board voted not to change the applicant's characterization of service because, despite applying liberal consideration of all the evidence before the Board, the applicant's personality disorder did not excuse or mitigate the wrongfully accessing protected patient information, GOMOR for misconduct and moral professional dereliction for violating a lawful order, making false official statements, leaving the scene of an accident and destroying military property basis for separation. The Board noted the VA denied a diagnosis of PTSD, and stated there is a lot of contradicting assertions and misleading statements that do not justify a PTSD diagnosis. The applicant asserted PTSD for witnessing a nurse who was murdered while in Residency. However, the applicant later retracted his statement, and said he was not a witness. The Board found the totality of the applicant's record does not warrant a discharge upgrade. The discharge was consistent with the procedural and substantive requirements of the

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regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process. Therefore, the applicant's General (Under Honorable Conditions) discharge was proper and equitable as the applicant's misconduct fell below that level of meritorious service warranted for an upgrade to Honorable discharge.

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

(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 / Separation Order: No
- b. Change Characterization to: No change
- c. Change Reason / SPD code to: No change
- d. Change RE Code to: No change
- e. Change Authority to: No change

Authenticating Official:

10/13/2025

X

Presiding Officer, COL, U.S. ARMY

Army Discharge Review Board

Signed by:

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