

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 8 October 2021
- b. **Date Received:** 8 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.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, believing the discharge was inequitable based on the circumstances the applicant was going through at the time. The applicant is ineligible to apply for Department of Veterans Affairs (VA) benefits or receive any preference for promotion or advancement as a veteran at the applicant's current job. The applicant cited Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), paragraph 6-5, 19 December 2016 for Dependency and Hardship. The applicant had no history of poor conduct or disrespect toward anybody throughout the applicant's military service. The applicant kept the noncommissioned officer in charge (NCOIC) informed of the applicant's situation regularly. The NCOIC witnessed the applicant's vehicle break down several times in the unit parking lot. The applicant attempted to reenlist in the Regular Army but was unable to reenlist because of the applicant's discharge. Since the discharge, the applicant has worked very hard to provide for the applicant's child. After the applicant was released, the applicant became a single parent of a child of six months old. The applicant was finally able to obtain a job with Comcast, where the applicant was employed for over 10 years. Although the applicant has not been able to begin a new family, the applicant's child is almost 12 years old, has excellent grades in school, and participates in sports. The applicant has been promoted several times at the job and named employee of the year on a few occasions. The applicant sincerely requests consideration of the applicant's diligence and ethical behavior. The applicant's discharge does not accurately represent who the applicant is as a person. The applicant would respect the Board's decision.

c. **Board Type and Decision:** In a records review conducted on 16 September 2025, and by a 4-1 vote, the Board determined that the characterization of service was inequitable based on the applicant's length of service, post-service accomplishments and severe family matters outweighing the accepted basis for separation – unsatisfactory performance. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General, Under Honorable Conditions. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them. 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:** NIF / AR 135-178 / NIF / NIF / NIF / Under Other Than Honorable Conditions
- b. **Date of Discharge:** 14 December 2010

c. **Separation Facts:** The applicant's Army Military Human Resource Record (AMHRR) does not include the case separation file.

- (1) **Date of Notification of Intent to Separate:** NIF
- (2) **Basis for Separation:** NIF
- (3) **Recommended Characterization:** NIF
- (4) **Legal Consultation Date:** NIF
- (5) **Administrative Separation Board:** NIF
- (6) **Separation Decision Date / Characterization:** NIF

4. SERVICE DETAILS:

- a. **Date / Period of Enlistment:** 28 March 2008 / 8 years
- b. **Age at Enlistment / Education / GT Score:** 19 / GED / NIF
- c. **Highest Grade Achieved / MOS / Total Service:** E-3 / 31B1O, Military Police / 2 years, 8 months, 18 days
- d. **Prior Service / Characterizations:** NIF
- e. **Overseas Service / Combat Service:** NIF
- f. **Awards and Decorations:** NIF
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:** Headquarters, 63rd Regional Support Command, Moffett Field, California, Orders 10-343-00044, 9 December 2010, indicate the applicant was scheduled for discharge from the U.S. Army Reserve on 14 December 2010.
- i. **Lost Time / Mode of Return:** NIF
- 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 provided:** None

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge with continuation sheet; three character references; and Army Review Boards Agency letter.

6. POST SERVICE ACCOMPLISHMENTS: The applicant has maintained employment and has been promoted and/or awarded for outstanding performance and is a single parent with a child who doing well in school.

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 135-178 (Enlisted Administrative Separations) prescribes the policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of Army National Guard of the United States (ARNGUS) and U.S. Army Reserve (USAR) enlisted Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, and convictions by civil authorities.

(1) Chapter 2 provides general guidance, which applies when referenced under the reasons for separation in this regulation. Further guidance is set forth under the specific reasons for separation in chapters 4 through 15.

(a) Paragraph 2-7 prescribes possible characterizations of service include an honorable, general (under honorable conditions), under other than honorable conditions, or uncharacterized if the Soldier is in entry-level status. However, the permissible range of characterization varies based on the reason for separation.

(b) Paragraph 2-8, prescribes the characterization is based upon the quality of the Soldier's service, including the reason for separation, and determined in accordance with standards of acceptable personal conduct and performance of duty as found in the UCMJ, Army regulations, and the time-honored customs and traditions of the Army. The reasons for separation, including the specific circumstances that form the basis for the discharge are considered on the issue of characterization.

(c) Paragraph 2-9a prescribes an honorable characterization 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.

(d) Paragraph 2-9b, prescribes, if a Soldier's service has been honest and faithful, it is appropriate to characterize that service as general (under honorable conditions). Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

(e) Paragraph 2-9c, prescribes the service may be characterized as under other than honorable conditions only when discharge is for misconduct, fraudulent entry, unsatisfactory participation, or security reasons, and under other circumstances.

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 applicant's Army Military Human Resources Record (AMHRR) is void of the specific facts and circumstances concerning the events leading to the discharge from the Army Reserve. The applicant's AMHRR includes a properly constituted discharge order: Orders 10-343-0004, 9 December 2010. The orders indicate the applicant's discharge was under AR 135-178 provisions, with a characterization of service of under other than honorable conditions.

c. The applicant contends family issues of dependency or hardship influenced their behavior and ultimately led to their discharge, and their NCOIC was aware of the issues. The applicant provided a third party statement to support the contention. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

d. The applicant contends good service. The Board evaluated the applicant's service accomplishments and overall quality of service in accordance with DODI 1332.28.

e. The applicant seeks to rejoin the military. Soldiers receive reentry codes during separation based on service records or discharge reasons. Since the applicant's discharge orders do not reflect the reentry code, contacting a local recruiter is the best course of action to determine reenlistment eligibility. Recruiters assess the Army's current needs and handle waivers for reentry eligibility (RE) codes when appropriate.

f. The applicant contends maintaining employment, being promoted and/or awarded for outstanding performance, and being a single parent with a child who is doing well in school. The Army Discharge Review Board has the authority to consider post-service factors when reviewing discharge recharacterization requests. However, no law or regulation permits upgrading an unfavorable discharge solely due to time passed or good conduct in civilian life. The Board evaluates each case individually to determine whether post-service achievements indicate previous in-service misconduct was an anomaly rather than a reflection of the applicant's overall character.

g. The applicant contends an upgraded discharge would grant access to veterans' benefits. Eligibility for veteran's benefits does not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local Department of Veterans Affairs office for further assistance.

h. The third-party statements provided with the application speak highly of the applicant. They all recognize the applicant's good military service and/or good conduct after leaving the Army Reserve.

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.** A review of the available information reflects the applicant does not have a BH

condition, thus upgrade based on medical mitigation is not supported. The applicant contends discharge was inequitable based on circumstances of the time, however, the available information appears insufficient to establish a basis of separation. In absence of a clear BoS, providing an informed opinion regarding other possible mitigating factor is not possible.

- (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. Response to Contention(s):

(1) The applicant contends family issues of dependency or hardship influenced their behavior and ultimately led to their discharge, and their NCOIC was aware of the issues. The Board determined that this contention was valid and voted to upgrade the characterization of service due to the applicant's length of service, post-service accomplishments and severe family matters outweighing the accepted basis for separation – unsatisfactory performance.

(2) The applicant contends good service. The Board recognizes and appreciates the applicant's willingness to serve and considered this contention during board proceedings along with the totality of the applicant's service record.

(3) The applicant seeks to rejoin the military. The Board considered this contention non-persuasive during its deliberations due to the absence of the discharge paperwork so they could not determine if the applicant is eligible for enlistment with current discharge, requires a waiver, or is ineligible.

(4) The applicant contends an upgraded discharge would grant access to veterans' benefits. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

(5) The applicant contends maintaining employment, being promoted and/or awarded for outstanding performance, and being a single parent with a child who is doing well in school. The Board determined that this contention was valid and voted to upgrade the characterization of service due to the applicant's length of service, post-service accomplishments and severe family matters outweighing the accepted basis for separation – unsatisfactory performance.

(6) The third-party statements provided with the application speak highly of the applicant. The Board considered this statements during deliberations as a part of factoring in the applicant's post-service performance.

c. The Board determined that the characterization of service was inequitable based on the applicant's length of service, post-service accomplishments and severe family matters outweighing the accepted basis for separation – unsatisfactory performance. The applicant has exhausted their appeal options available with ADRB. However, the applicant may still apply to the Army Board for Correction of Military Records. 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.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20220001827

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.

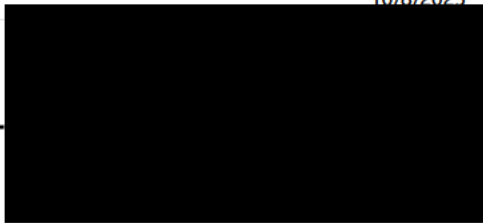
(2) The Board voted to change the applicant's characterization of service to General, Under Honorable Conditions because the applicant's length of service, post-service accomplishments and severe family matters outweighing the accepted basis for separation – unsatisfactory performance. Thus the prior characterization is no longer appropriate.

(3) As there were no Reasons/SPD Codes/RE-codes listed on the applicant's discharge paperwork, due to being in the Army Reserves, no upgrade actions are required for these items.

10. BOARD ACTION DIRECTED:

- a. Issue a New Separation Order: Yes**
- b. Change Characterization to: General, Under Honorable Conditions**
- c. Change Authority to: No Change**

Authenticating Official:

10/8/2025


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