

1. **Applicant's Name:** [REDACTED]
- a. **Application Date:** 28 September 2021
- b. **Date Received:** 13 October 2021
- c. **Counsel:** None

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

a. **Applicant's Requests and Issues:** The current characterization of service for the period under review is Under Other than Honorable Conditions. The applicant requests an upgrade to Honorable, a narrative reason change, and changes to their separation and reenlistment codes.

(1) The applicant seeks relief contending, the presumption of regularity to assume that the military service acted correctly in characterizing their specific service as other than honorable does not apply to their case, because of the following evidence and supporting documentation the applicant has provided. Clemency is warranted because it is an injustice for them to continue to suffer the adverse consequences of a bad discharge. Their average conduct and efficiency ratings, behavior, and proficiency marks were excellent. They received personal award and decorations, letters of recommendation, and their record of promotions shows they excelled and was generally a good Servicemember.

(2) The applicant contends, their record of AWOL/unauthorized absence indicates only minor or isolated offenses. They suffered religious discrimination which impaired their ability to serve, their medical/physical problems at the time, impaired their ability to serve; and the applicant's psychiatric problems, impaired their ability to serve. Although, they tried to serve, they were just not able to. They tried to apply for a hardship discharge and was unfairly told to forget it. Moreover, the applicant contends their command abused its authority, in violation of Articles 93 (cruelty and maltreatment), 128 (assault), and 134 (communicating a threat), UCMJ respectively, when the decision was made to discharge the applicant with a Bad Conduct discharge.

(3) The applicant is contending, to be clear, they support the military 100%, as they come from a long line of military family members. Two of their great grandfathers served in World War II: one of them a Marine (purple heart recipient) and the other one was in the Army; a great uncle who was in the Navy, served in Vietnam; and their grandfather was in the Army, stationed overseas, where their father was born. Their father, who is a Marine, served for four years and their uncle was a Navy Seal sniper who served for four years. The applicant entered the Army with the full intent to become an Army Ranger.

(4) This has taken them three years to find the courage and wherewithal to write this letter and apply for an upgrade in their discharge. The applicant could not decide whether it was better to discuss this publicly or bring it to the [Discharge Review Board]. Ultimately their respect for the military won out. They have struggled and still struggle with anxiety and depression from their experiences in the Army. The situation they found themselves in while assigned to the (RASP) Ranger Assessment Selection Program was extreme and dangerous and violated several Articles of the Military Code. The Articles most violated during their post in the 75th Ranger regiment were Article 93, UCMJ (cruelty and maltreatment), Article 134 (communicating a threat); and Article 128 (assault). In addition, Article 134 (general) could have been violated due to the unbecoming behavior of a Soldier exhibited by the officers in charge. The applicant hopes, by telling their story, changes might be made that would prevent this type of treatment

from occurring to others and reduce the AWOL (absent without leave) occurrences that occur due to mental illness deterioration.

(5) They entered the United States Army on March 19, 2018, with pride and determination to become a Special Forces Ranger. From the beginning, they excelled, becoming a platoon leader and rapidly became the top obstacle course time holder, consistently maintaining a perfect 300 PT score through basic, OSUT (One Station Unit Training), and Airborne School. They received expert marksman with a perfect score of 40, was an honor recruit for their platoon and as an overall leader, including having gained a rank before they left basic training.

(6) Upon transfer to the 75th Ranger Regiment at Fort Benning, GA, the applicant was placed in the next available RASP, even though others had been waiting longer than them. They were being advanced at a rapid pace and this is where it caught up to them. Physically, they were still excelling in keeping up with the cadre doing PT (physical training) and runs, however, with little time to study the ranger book, the applicant did not pass the first written test. They were dropped and transferred to the holding unit to wait with those waiting for new orders, not realizing this was a permanent transfer. The applicant thought they were going to have a chance to reclass back to RASP but they were mistaken.

(7) Even there, they continued to be noticed for their physical condition after completing a 5-mile run with the command sergeant major (CSM), who said the applicant would be someone great in the Army. Although, the applicant was disappointed in the conditions they were in, they continued to put themselves out there, volunteering to mow lawns every day in order to stay busy and show their dedication to the Army. This unit was nothing like what the applicant had experienced thus far in the Army. It was not orderly or full of military pride. Upon arrival there, the applicant was treated like a second class citizen. The applicant soon discovered their goal was to make sure we all were made to feel worthless.

(8) Their first experience in the unit was trying to get medical attention, due to their lungs had been bothering them for about a week. The first sergeant (1SG) the applicant spoke to concerning this, did not believe them and proceeded to slam their head into the desk for even asking for medical assistance. Afterwards, they spoke to another sergeant (SGT), who also threatened the applicant, having told the applicant they were a piece of s**t for asking for medical help. Finally, they found another SGT who gave them permission to go to the company physician. This physician also behaved like the applicant was lying about their lungs, until the chest x-rays returned and it was discovered the applicant had pneumonia. The provider gave them a prescription for medication and told them to return after they were finished. The applicant never returned, as they had received harsh treatment for seeking help, on top of the diagnosis of pneumonia did not improve.

(9) Likewise, the barracks they were housed in, was surprising. Up until this point, gang colors/paraphernalia were strictly forbidden; however, there, gang colors were worn. These individuals made it known in the barracks and the officers knew as well, because every individual was patted down twice a day in search of weapons. The ones not apart of a gang, to include the applicant, did their best to keep to themselves and stayed in groups, as threats were a constant experience and became even more intense at night. The gang members would choose who to physically assault in the middle of the night, therefore, the non-gang group had to watch their own backs, getting very little sleep, trying to ensure they were not the next target. Many of these individuals constantly were breaking rules, doing drugs, and were having regular fight nights. Cocaine was being used daily by these individuals, which was known by the NCOs (noncommissioned officers) and commissioned officers, yet the entire barracks would get reprimanded for those individuals' misconduct. This was an unfair environment to those of them,

that were good Soldiers and refused to join in with their stupidity.

(10) Many of these troubled Soldiers, had been there for months, due to their misconduct but the new Soldiers were lumped in with them. There were good Soldiers there who could have been assets to the military but they were not given the opportunity. They were treated like prisoners there, not military personnel volunteering to fight for their country's freedoms. They were consistently denied meals, made to stand at attention in the hot sun for 12 hours or more at a time, without breaks, often while the chow hall was open, intentionally making them miss dinner.

(11) On several occasions, when orders would come through for one of them waiting, the officer in charge would rip up the orders, in the face of the Soldier and telling them, they would keep them there for as long as possible, making their life hell, while ruining their careers. These officers were on serious power trips. When they asked to go see the Chaplain, the applicant was threatened with bodily harm or an Article 15. This was a violation of their religious freedom, not to mention their psychological well-being. They were made to feel like they had no support to ask questions or inquire of anything, due to the constant threat of an Article 15 or physical harm.

(12) Requests for transfers or hardship discharges were routinely denied. A Soldiers' parent was hospitalized with a brain injury and not expected to survive. They received a Red Cross Card and yet the Soldier was denied leave to see them. When asking for mental health evaluations or appointments, these too were denied. The Soldiers were experiencing situations that could only be described as a prisoner camp or purgatory. Routinely they were denied access to view their online accounts to check their pay or for new orders. A few Soldiers finally received orders, although they were forced to not take leave before their transfer, as an additional punishment or show power of these "washed out" Soldiers.

(13) Even when misconduct was admitted or proven to be certain individuals who were proven troublemakers, i.e., videos posted on social media that were inappropriate, the entire bay would get punished. These punishments were way beyond the norm, forced to sit in the sun, no meals, no sleep, drug tested for hours at a time, even though the perpetrator was known. If they tried to sit in the shade, they were told to move into the sun. Some of the times they were in the sun, felt as if [their leadership] wanted to make them suffer as much as possible.

(14) Needless to say, their mental state started to deteriorate rather quickly. They were able to get away and speak to the Airborne Chaplain on several occasions and who tried to help the applicant, in requesting a hardship release and requesting medical treatment; however, everything was denied. Although they were still struggling with the pneumonia, they were now struggling with extreme Depression and Anxiety, which haunted them daily. The applicant had anger issues they were struggling to control and was fearful in harming themselves or someone else and it felt like there was nowhere to turn and their life was in jeopardy. It was then, the applicant was determined they needed to get help, which could only happen if they did so outside of the Army.

(15) The applicant left Fort Benning, GA and made their way to their home of record. They needed the security of home and their family, with some medical and mental care, to ensure their well-being. Upon arrival, their family encircled them and offered them support. They attended counseling and the counselor advised them not to return to the military in their current condition. As their life was teetering on the edge, the applicant determined this was the best option for them, even though it may not have been the outcome the applicant preferred.

(16) They determined having this over their head was not in the applicant's best interest, therefore, they traveled to Fort Sill, OK for a formal discharge and after turning themselves in at the gate, the applicant was cuffed and arrested, adding further humiliation to their already damaged psyche. The applicant then proceeded with a separation without a court-martial, as it was the easiest for them to obtain and return home for continued healing. For several months, they did not leave their house very often. It was hard to control the anger they struggled with. The applicant vacillated between deep depression and high anxiety, constantly looked over their shoulder, and was living in fear. They struggled to reconcile their idea of what the military would be and what the applicant actually experienced. Further, the applicant struggled with the disappointment of their father and a long line of military pride throughout their family line, and their feelings of failure. This has been a very difficult time for them.

(17) The applicant spent the last three years trying to heal from the treatment they received. They have been on two medications, one of which is an anti-depressant. They have tried to quit taking this medication once, which did not work. They have surrounded themselves with those in support of the applicant and have done their best to get on with their life. They have been working and trying to find their place as a civilian; however, the applicant continues to have fears of reprisal with the type of discharge they received. A discharge upgrade would end this from following them for the rest of the applicant's life. Their experience was extreme and maybe the applicant was one in a few this happens to or maybe not; either way, changes need to be made. These extenuating circumstances caused an upstanding Soldier in all aspects, was made to feel like the only option to save their life was to go AWOL (absence without leave). They read an article published by the DOD regarding the US Military's commitment to improving how they deal with mental deterioration; the treatment Soldiers have received while in the military; and a commitment to have a better response. The applicant hopes this is one instance, where this is taken into consideration. They request to be granted an Honorable discharge, the separation code and narrative reason reflecting "For Convenience of the Government," and a change to their reentry code to RE-1.

b. Board Type and Decision: In a records review conducted on 13 November 2024, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's Major Depressive Disorder mitigating the applicant's AWOL basis for separation. 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 were proper and equitable and voted not to change them. The Board determined the RE code was proper and equitable due to applicant's BH diagnoses warranting consideration prior to reentry of military service.

Please see Section 9 of this document for more detail regarding the Board's decision.

(Board member names 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: 3 December 2018

c. Separation Facts:

(1) Date of Notification of Intent to Separate: NIF

(2) Basis for Separation: Pursuant to the applicant's request for voluntary discharge provision of AR 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

(3) Recommended Characterization: NIF

(4) Legal Consultation Date: 1 November 2018

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 3 December 2018 / Under Other than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 19 March 2018 / 4 years, 19 weeks

b. Age at Enlistment / Education / GT Score: 20 / GED / 105

c. Highest Grade Achieved / MOS / Total Service: E-2 (PV2) / 11B1P Infantryman / 6 months, 28 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, ASR, PB

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) On 19 March 2018, they enlisted in the Regular Army (RA) for 4 years and 19 weeks as a private, PVT (E-1). The Enlisted Record Brief provides on 19 September 2018, the applicant promoted to private second class, PV2 (E-2). On 31 October 2018, the applicant was charged in violation of Article 86, UCMJ (absent without leave), for having been AWOL on or about 8 September without authority; on 29 October 2018, the applicant surrendered to the military control unit (Fort Sill, OK) and the charge of Article 86, UCMJ (absent without leave) was preferred.

(2) On 1 November 2018, after consulting with counsel, the applicant voluntarily requested discharge for the good of the service in lieu of trial by court-martial under the provisions of Army Regulations 635-200, Chapter 10, discharge in lieu of trial by court-martial. In their request, they affirmed no one had subjected them to coercion, counsel advised them of the implications of their request, and the applicant further acknowledged they were guilty of the charge against them or a lesser one, understanding they may be discharged Under Other than Honorable Conditions, characterization of service and elected not to submit a statement on their behalf. Additionally, they declined a physical evaluation prior to their separation. Defense counsel counseled the applicant on the possible effects of their separation and rights available to them.

(3) On 3 December 2018, the judge advocate provided the request was legally sufficient and the separation approval authority approved the discharge, with an Under Other than Honorable Conditions, resulting in a reduction to the lowest enlisted grade. Their separation

orders were issued. A DD Form 214 (Certificate of Release or Discharge from Active Duty) provides the applicant was discharged on 3 December 2018, with the following noted:

- Authority: AR 635-200, Chapter 10
- Narrative Reason: In Lieu of Trial by Court-Martial
- SPD Code: KFS
- Reentry Code: RE-4
- Service Characterization: Under Other than Honorable Conditions
- Total NET Active Service Period: 6 months, 28 days
- Remarks: Excess Leave (Creditable for all purposes except pay and allowances) – 32 days: 2 November – 3 December 2018
- Lost Time: Under 10 USC 927, 8 September – 28 October 2018
- Signature: Not available to sign

i. Lost Time / Mode of Return: 50 days: Absent Without Leave (AWOL), 8 September – 28 October 2018 / Surrendered to Military Control

j. Behavioral Health Condition(s): Major Depressive Disorder, Severe, Recurrent (with anxious distress)

(1) Applicant provided: On 5 October 2018, a letter from their Licensed Marriage and Family Therapist (LMFT), Missoula, MT, provides the applicant was seen in mid-September 2018, related to acute and persistent feelings of hopelessness, despair and anxiety concerning their future. They were counseled and evaluated for their mental illness over three one-hour sessions. While their current severe depressive symptoms are related to aspects of their military service, the applicant had prior experiences of depression during their teenage years. Their reported symptoms, which included the therapist's observations in sessions, merit a clear diagnosis of Major Depressive Disorder, Severe (DSM 5, 296.33; ICD 10 F33.2, with anxious distress) and qualified as "severe," based on their report of eight of a possible nine symptoms of Major Depression. Their anxious distress makes it difficult for them to go out into the community, as the applicant was restless and feared something terrible would happen or feared losing control of themselves. At Fort Benning, recovery was highly unlikely, would have likely escalated, and could have made the applicant actively suicidal. It was clear that their depression and anxiety seriously escalated in that environment during the month prior to seeking the therapist, which gravely impacted judgement. Treatment for their diagnosis required a routine, including psychotherapy once or twice weekly for an extended period, engagement in practices supporting adequate sleep, nutrition, a low stress environment and family or social support for stabilization and recovery. The therapist opined continued military service was not in their best interest or the best interest of the military and the applicant should be released from service to address their significant and persistent mental illness.

(a) On 26 October 2018, the Chaplain has counseled the applicant since August 2018. During their counseling sessions, Chaplain has personally witnessed how they were under distress from the applicant's current unit. In their sessions, the applicant disclosed to the Chaplain that they were having suicidal ideations because they could not deal with the current treatment, they were experiencing in the Ranger Regiment Battalion. They have seen the applicant in a depressive state of mind and in need of some type of physiological intervention. Chaplain seen the applicant at their breaking point and tried to assist; however, further mental health evaluation was needed. The applicant asked to see behavioral health while at the Ranger Regiment but was not allowed to seek treatment.

(b) Between 1 July 2019 – 18 March 2021, the applicant was seen at Providence Florence Family Medicine, Florence MT, which provides a diagnosis of Generalized Anxiety

Disorder; they were prescribed Celexa, needing 4-6 weeks for maximum effects, Wellbutrin was provided later, to help with the side effects of Celexa, and Atarax to help with the panic symptoms.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Self-Authored Statement; Official Military Personnel File (OMPF); Separation Packet; Medical Records; Therapist letter; Chaplain Letter; and Three Character Letters provides:

a. On 21 July 2020, the President of Cosmopolitan Management (their current employer) contends the applicant has worked with them for just over four years. With their professional ability to evaluate people and personalities as a recruiter, the applicant is considered hardworking, intuitive, driven, reliable, and dedicated. They are a natural leader, who takes exceptional pride in their work ethic and in sharing their attributes with their coworkers. Their clients and coworkers adore them. The applicant is a pleasure to be around and has a knack for making others feel comfortable in their presence. Their honesty, integrity, and character would be an asset to any organization the applicant joins.

b. On 11 February 2021, a former employer contends, they have known the applicant for eight years, when the applicant began to work as a caddie at the farm club. It became immediately clear: they were ready for bigger endeavors. They helped them with player services and merchandising operation, where the applicant proved to be mature beyond their years. They were loved by the members and coworkers and stood out. The applicant proved over and over, through their work and as a family friend, that they were an outstanding person, an exemplary human, and the kind of candidate an organization dream up.

c. On 28 September 2021, the applicant's parents contend, the extreme circumstances of their AWOL should be considered in their request for an upgrade to the applicant's discharge. The applicant excelled immediately and consistently, showing their leadership ability, and was expected to excel in their military career. After they were transferred from the RASP to the holding barracks at the 75th Ranger regiment, the parents listened as the applicant rapidly declined in their mental state and became fearful to seek medical attention, for their pneumonia and neck pain. It was horrific to listen to the treatment the applicant and other Soldiers were suffering. The parents contacted several avenues on base, including the IG office, only to be told that the applicant needed to report these happenings themselves; however, the mistreatment kept them from doing so. Finally, the applicant felt as if their life was in danger and made the difficult decision to leave without permission (AWOL) and made their way home.

(1) The applicant came back a shell of who they were when they left home. They were fearful and barely left home, had explosive fits of anger and cried at the drop of a hat. They slept on their parents' floor many nights, trying to cope with their high anxiety and depression. This was not the young person who had enlisted in the Army earlier that year. They hardly spoke about all of what happened to them; however, the applicant began to see a psychiatrist to help them to cope with the emotions the applicant was having and the psychiatrist recommended for the applicant not to return to the Army in their current mental state. Their son is an Honorable young person and the thought of not returning to the Army to clear their name, bothered them, therefore, they returned to Fort Sill, OK and turned themselves in. The applicant accepted an Other than Honorable discharge, rather than go through a court-martial, to return home and continue their healing.

(2) The applicant had to get on anxiety/depression medication in order to be able to be a productive member of society again. They tried to get off of the medication but this was not

possible. They have spent the last three years fighting through all of the damage done to the applicant, while at the 75th holding unit and still working through it. Having this type of discharge over their head when applying for jobs, spikes the applicant's anxiety because they do not know whether their military background will come up. It is like a cloud that follows them everywhere they go.

(3) The applicant was an exceptional Soldier before all of this happened. He was an exceptional civilian before they entered. Since their discharge, the applicant has once again proven they are an exceptional human, in becoming gainfully employed and promoting in leadership in their employment. They are an example to and very close with their family. They are trying to make a new life for themselves but this discharge is a black cloud. The extreme nature of the applicant's experience and maltreatment of a Soldier, should not be acceptable and made to have their entire life ruined because of it.

6. POST SERVICE ACCOMPLISHMENTS: The applicant spent the last three years trying to heal from the treatment they received. They have been on two medications, one of which is an anti-depressant. They have surrounded themselves with those in support of the applicant and have done their best to get on with their life, working, and trying to find their place as a civilian.

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. Multiple Department of Defense 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), 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.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) 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.

(2) 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.

(3) 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.

(4) 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 could submit a request for discharge for the good of the service. The request could be submitted at any time after the charges had been preferred. Although an honorable or general was authorized, an under other than honorable conditions discharge was

considered appropriate, unless the record was so meritorious it would warrant an honorable. After receiving legal counseling, the soldier may elect to submit a request for discharge in lieu of trial by court-martial. The soldier will sign a written request, certifying that they have been counseled, understands their rights, and may receive a discharge under other than honorable conditions. The following will accompany the request for discharge:

- A copy of the court-martial 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 their 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.

(5) 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.

e. 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.

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:

(1) 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.

(2) RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

8. SUMMARY OF FACT(S): 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, a narrative reason change, and changes to their separation and reenlistment codes. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

(1) The available evidence provides the applicant enlisted in the RA, became an Infantryman, promoted to PV2, and received orders to the Ranger Indoctrination Training, and went AWOL in September 2018, after having served 5 months and 19 days at Fort Benning, GA. The applicant surrendered to the military control unit (Fort Sill, OK) 51 days later (excess leave) and was charged in violation of Article 86, UCMJ (absence without leave), which was preferred. After consulting with defense counsel, the applicant requested to be voluntarily discharged in lieu of trial by court-martial, electing not to submit a statement on their behalf. They were separated with an Under Other than Honorable Conditions characterization of service, resulting in their reduction to the lowest enlisted grade.

(2) The record is void of a mental status evaluation and the applicant declined a physical examination on their voluntary separation request, although, it is not required for voluntary discharge request. In September 2018, the applicant was diagnosed with Major Depressive Disorder, Severe and Recurrent. They served for 6 months and 24 days of their 4 year-19 week contractual obligation.

b. Army Regulation 635-200 states Chapter 10 is a voluntary discharge request in-lieu of trial by court-martial. A discharge under other than honorable conditions normally is appropriate for a soldier who is discharge 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. For Soldiers who have completed entry-level status, characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be improper.

c. Published Department of Defense 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? **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: Major Depressive Disorder and Generalized Anxiety Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found Major Depressive Disorder existed during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given the applicant's diagnosis while AWOL, in addition to the Chaplain and AWOL statements, it does appear the applicant was struggling with severe depression and possible suicidality when the applicant went home impacting applicant's thinking/decision processes and motivation. Accordingly, there is mitigation for the AWOL.

(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 Major Depressive Disorder outweighed the AWOL basis for separation.

b. Response to Contention(s):

(1) The applicant contends, the extreme family circumstances of the AWOL should be considered in the request for an upgrade to the applicant's discharge. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Major Depressive Disorder outweighing the applicant's AWOL basis for separation.

(2) The applicant contends having to get on anxiety/depression medication in order to be able to be a productive member of society again. They tried to get off of the medication, but this was not possible. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Major Depressive Disorder outweighing the applicant's AWOL basis for separation.

c. The Board determined that the characterization of service was inequitable based on the applicant's Major Depressive Disorder mitigating the applicant's AWOL basis for separation. 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 were proper and equitable and voted not to change them. The Board determined the RE code was proper and equitable due to applicant's BH diagnoses warranting consideration prior to reentry of military service.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to General Under Honorable Conditions because the applicant's Major Depressive Disorder mitigated the applicant's misconduct of AWOL. Thus, the prior characterization is no longer appropriate

(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.

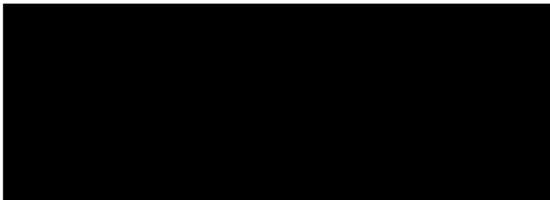
(3) The RE code will not change due to applicant's BH diagnosis warranting consideration prior to reentry of military service.

10. BOARD ACTION DIRECTED:

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

Authenticating Official:

6/17/2025



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

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