

1. **Applicant's Name:** [REDACTED]
- a. **Application Date:** 18 October 2021
- b. **Date Received:** 21 October 2021
- c. **Counsel:** [REDACTED]

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

a. **Applicant Requests:** The current characterization of service for the period under review is General (Under Honorable Conditions). The applicant requests an upgrade to honorable and reentry (RE) code change.

b. **Applicant Contention(s)/Issue(s):** The applicant's counsel requests relief contending, in effect, both of the stated bases for the applicant's administrative separation were legally insufficient.

(1) The first basis for the applicant's separation was two failed consecutive record APFTs on 31 January 2018 and 1 May 2018. However, the applicant was improperly administered a record APFT immediately upon the expiration of the applicant's profile for a back injury. This was improper because the applicant was not provided with an opportunity to improve the applicant's physical fitness before being required to participate in another record APFT. Instead, a diagnostic APFT should have been administered upon the expiration of the applicant's profile to determine current physical fitness and to identify any areas in need of improvement. Thus, counting the 31 January 2018 and 1 May 2018 record APFTs as two consecutive APFT failures was erroneous because the applicant was dealing with medical limitations during that time.

(2) The second stated basis for the applicant's separation was the negligent discharge of the applicant's M9 pistol. The separation was affected under AR 635-200, paragraph 13-2e for unsatisfactory performance, which pertains to the APFT failures. The separation action did not reference any other chapter under which separation was initiated. Therefore, the mention of the accidental discharge of the applicant's weapon was improper and unjustly prejudiced the applicant throughout the administrative process. The accidental discharge of the applicant's weapon does not constitute misconduct; therefore, it could not have been used as the sole basis for separation. The line of duty (LOD) investigation revealed that the accidental discharge did not occur due to an error by the applicant, but rather due to a faulty holster which inadvertently switched the weapon from the "safe" to "fire" position. No administrative or punitive action was taken against the applicant as a result of the incident.

(3) At the time of the applicant's medical and mental status evaluations for separation, the applicant was on a 90-day duty limiting profile for mental health that was issued on 1 June 2018 and did not expire until 30 August 2018. The applicant was then participating in the Intensive Outpatient Program for anxiety and depression with suicidal ideations. The conclusion that the applicant had "no duty limitations due to behavioral health reasons" and "currently meets medical retention standards" was inaccurate, constituting a material error.

c. **Board Type and Decision:** In a records review conducted on 17 December 2025, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's MDD

mitigating lack of motivation required to pass the APFT and the weapon ND being administrative in nature and showing no negligence. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. 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:** Physical Standards / AR 635-200, paragraph 13-2e / JFT / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 24 January 2019

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 15 October 2018

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant failed two consecutive record APFTs on 31 January 2018 and 1 May 2018, and on or about 30 May 2017, through negligence, the applicant discharged a M9 pistol, in the latrine in the vicinity of building 7825, being prejudicial to good order and discipline in the Armed Forces.

(3) **Recommended Characterization:** The applicant's immediate commander recommended the applicant's service be characterized as honorable and the intermediate commander recommended general (under honorable conditions).

(4) **Legal Consultation Date:** 19 October 2018

(5) **Administrative Separation Board:** N/A

(6) **Separation Decision Date / Characterization:** 19 December 2018 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. **Date / Period of Enlistment Under Review:** 26 October 2015 / 4 years

b. **Age at Enlistment / Education / GT Score:** 18 / HS Graduate / 113

c. **Highest Grade Achieved / MOS / Total Service:** E-3 / 68W10, Healthcare Specialist / 3 years, 2 months, 29 days

d. **Prior Service / Characterizations:** None

e. **Overseas Service / Combat Service:** None

f. **Awards and Decorations:** NDSM, GWOTSM, ASR

g. **Performance Ratings:** N/A

h. Disciplinary Action(s) / Evidentiary Record:

(1) Final Report – AR 15-6 and LOD Investigation, 19 July 2017, shows on 30 May 2017, while on guard duty at the front gate of the Ammunition Supply Point (ASP) on Fort Campbell, KY, the applicant went to the latrine (porta john), and prior to exiting the latrine, the applicant's weapon fired and struck the applicant in the lower right leg. Findings: The applicant was of sound state of mind when the accident happened and did not intentionally cause harm to the applicant's self. The applicant had a negligent discharge of the applicant's M9 Berretta while redressing after using the latrine during ASP guard, wounding the applicant in the lower right leg. The weapon was not in the holster when the weapon was fired. This finding was based on the test fire the Investigating Officer (IO) conducted on 17 July 2017 and evidence at the accident scene. Based on the weight of the weapon, it was not uncommon for Soldiers to remove the weapon from the holster and/or the belt in its entirety when redressing. When the applicant attempted to redress, the weapon was on fire, and the IO did not believe that the applicant intentionally moved the safety mechanism to the fire position but rather bumped it at some point during the shift. As the applicant attempted to redress, the applicant placed the applicant's finger in the trigger mechanism and accidentally fired the weapon. The applicant was handling the weapon as part of assigned duties as a guard at the ASP and had taken proper precautions. The applicant had thorough training prior to handling the weapon and was following the ASP guard Standing Operating Procedures by having the weapon in "red" status with a round in the chamber. The applicant did negligently discharge the weapon but did so because the applicant removed the weapon from the holster while using the latrine, which is a common practice and not unreasonable. The applicant then accidentally discharged the weapon by placing the applicant's finger in the trigger well and squeezing, at some point while redressing. Although that was a poor decision, the applicant had observed appropriate safety precautions prior to that action. The applicant's actions constituted simple negligence, therefore occurred in the line of duty.

(2) DD Form 261 (Report of Investigation LOD and Misconduct Status), 19 July 2017, shows the applicant was injured on 30 May 2017, sustained by a self-inflicted gunshot wound. The applicant's actions were deemed simple negligence and found to be in the LOD. The investigation and findings were approved by the Commanding General on 6 September 2017.

(3) Memorandum, subject: Action – LOD and AR 15-6 Investigation Regarding Injuries Sustained by [Applicant's Name], 6 September 2017, reflects in response to the findings of the LOD investigation, the Commanding General directed that the current holster in use be replaced with a holster that would not allow the safety lever to inadvertently switch from "safe" to "fire." The Commanding General neither approved nor disapproved the IO's recommendation for administrative action such as a letter of concern and appropriate re-training for the applicant. The Commanding General returned the recommendation to the brigade commander for action as the brigade commander deemed appropriate.

(4) Developmental Counseling Form shows the applicant was counseled on 1 February 2018 for failing the APFT conducted on 31 January 2018. As a result of the applicant's performance, the applicant's squad leader recommended the applicant be enrolled in a special population PT program, flagged and barred from continued service, and given a second record APFT within a 90-day period to afford the applicant the time to prepare for the APFT. The applicant was informed that failure to pass the second APFT would result in being processed for separation due to consecutive record APFT failures.

(5) Developmental Counseling Form shows the applicant was counseled on 9 May 2018 for failing the record APFT on 1 May 2018. The applicant's squad leader recommended the

applicant continue a special population PT program, the flag and bar to reenlistment would not be removed, and that the applicant be initiated for separation from the Armed Forces.

(6) A Report of Mental Status Evaluation, 8 August 2018, reflects the applicant screened negative for PTSD, TBI, depression, and military sexual trauma. The Behavioral Health (BH) provider noted the applicant never deployed, and did not have any BH conditions, that in the clinical opinion of the provider, would constitute matters in extenuation that relate to the basis for administrative separation. The applicant met psychiatric medical retention standards in accordance with AR 40-501 (Standards of Medical Fitness), and did not require referral to a medical evaluation board. The applicant would continue BH services as already scheduled. Based on the results of this evaluation, there was no evidence of mental disease or defect of sufficient severity to impact the applicant's ability to distinguish right from wrong or intelligently participate in administrative proceedings. The applicant did not have any BH condition that, in the clinical opinion of the provider, would constitute matters of extenuation that relate to the basis for administrative separation. The applicant was cleared for any administrative action deemed appropriate by Command, to include separation under AR 635-200, chapter 13.

(7) A Report of Medical Examination, 24 August 2018, shows the applicant was qualified for service in accordance with AR 40-501, and did not have any medical conditions or diagnoses.

(8) Commander's Report, 12 December 2018, reflects the applicant's record of other disciplinary action, including non-judicial punishment, Field Grade Article 15, was attached but the information was not included and the applicant's AMHRR did not contain these documents.

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

j. **Behavioral Health Condition(s):** The following documents have been provided to the ARBA Medical Advisor, if applicable. See "**Board Discussion and Determination**" for Medical Advisor Details.

(1) **Applicant provided:** The applicant's counsel provides medical documents, listed in the exhibits, which show the applicant was diagnosed with adjustment disorder with other symptoms: bereavement and adjustment disorder with depressed mood. The applicant was admitted to the hospital on 16 May 2018 for suicidal ideation. The applicant was placed on a 90-day profile and placed in an Intensive Outpatient Program.

(2) **AMHRR provided:** None

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293; Legal Brief with all listed exhibits 1 through 24

6. POST SERVICE ACCOMPLISHMENTS: The applicant is currently a full-time student, working towards a bachelor's degree in computer science and cyber security. The applicant also works to positively impact the community and is a committed member of a local church where the applicant serves in the church band and volunteers with several church activities, including summer youth camps, youth service, and bible study groups for young adults.

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

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s)

within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

c. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

d. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar

benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

e. Army Regulation 15-180 (Army Discharge Review Board), dated 25 September 2019, sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

f. Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes:

- RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.
- RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.
- 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.

g. Army Regulation 635-200 provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation. It states:

(a) An honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(b) A general discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(2) Chapter 13 establishes policy and prescribes procedures for separating members for unsatisfactory performance. Commanders may initiate separation for a Soldier for unsatisfactory performance with the three following conditions are met: The Soldier's performance has been unsatisfactory; after sufficient counseling and rehabilitative efforts have been made, the Soldier's performance continues to be unsatisfactory; and the Soldier's

performance and potential indicate that he or she will not develop sufficiently to become a fully satisfactory Soldier.

(a) Paragraph 13-2e, in effect at the time, states initiation of separation proceedings is required for Soldiers without medical limitations who have two consecutive failures of the Army physical fitness test per AR 350-1 (Army Training and Leader Development) or who are eliminated for cause from Noncommissioned Officer Education System courses, unless the responsible commander chooses to impose a bar to re-enlistment.

(b) Paragraph 13-2c, currently in effect, states commanders will initiate separation for unsatisfactory performance when the Soldier fails two consecutive record APFTs under AR 350-1. The APFT failures must be within the timeline set forth in AR 350-1. The time a Soldier is on a temporary medical profile, which prohibits taking an APFT, does not count towards the timeline prescribed in AR 350-1. Commanders have the discretion to bar Soldiers from reenlistment in lieu of initiation of separation.

(c) Paragraph 13-10 states the service of Soldiers separated because of unsatisfactory performance will be characterized as honorable or under honorable conditions as warranted by the Soldier's military records.

(3) 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 "JFT" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 13, Physical Standards.

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, through counsel, an upgrade to honorable and RE code change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's counsel requests that the applicant's discharge be upgraded to honorable and RE code be changed. The applicant was separated under the provisions of AR 635-200, paragraph 13-2e, by reason of physical standards, with a general (under honorable conditions) discharge. AR 635-200 states initiation of separation proceedings is required for Soldiers without medical limitations who have two consecutive failures of the APFT. The service of Soldiers separated because of unsatisfactory performance will be characterized as honorable or under honorable conditions as warranted by the Soldier's military records. RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waivable. Eligibility: Ineligible unless a waiver is granted.

c. The applicant's counsel contends, the first basis for the applicant's separation was two failed consecutive record APFTs on 31 January 2018 and 1 May 2018. However, the applicant was improperly administered a record APFT immediately upon the expiration of the applicant's profile for a back injury. This was improper because the applicant was not provided with an opportunity to improve the applicant's physical fitness before being required to participate in another record APFT. Instead, a diagnostic APFT should have been administered upon the expiration of the applicant's profile to determine current physical fitness and to identify any areas in need of improvement. Thus, counting the 31 January 2018 and 1 May 2018 record APFTs as two consecutive APFT failures was erroneous because the applicant was dealing with medical limitations during that time. The applicant's counsel provides medical records

which show the applicant was evaluated for the applicant's low back condition and the applicant's profile was extended on 3 May 2018, pending an MRI of the spine. On 8 May 2018, an MRI was conducted which revealed L4-L5 mild facet joint hypertrophy, L5-S1 very small disc protrusion and mild degenerative changes. As a result of the applicant's back injury, the applicant was placed on a profile limiting the applicant's activity to running and rucking at own pace on 27 February 2018 to 25 April 2018. The evidence in the applicant's AMHRR shows the applicant failed a record APFT on 31 January 2018, failing the pushups and 2 mile run event. The applicant was counseled on 1 February 2018 and enrolled in a special population PT program. On 1 May 2018, the applicant was administered a second record APFT, in which the applicant failed the 2-mile run. As a result, the applicant was recommended for separation for APFT failure. On 15 October 2018, the applicant was notified that under the provisions of AR 635-200, chapter 13-2e, the immediate commander was initiating action to separate the applicant for unsatisfactory performance, APFT failure. The commander listed the following reasons for the proposed action: applicant failed two consecutive record APFTs on 31 January 2018 and 1 May 2018, and on or about 30 May 2017, through negligence, discharged a M9 pistol in the latrine in the vicinity of building 7825, being prejudicial to good order and discipline in the Armed Forces.

d. The applicant's counsel contends, the second stated basis for the applicant's separation was the negligent discharge of the applicant's M9 pistol. The separation was affected under AR 635-200, paragraph 13-2e for unsatisfactory performance, which pertains to the APFT failures. The separation action did not reference any other chapter under which separation was initiated. Therefore, the mention of the accidental discharge of the applicant's weapon was improper and unjustly prejudiced the applicant throughout the administrative process. The accidental discharge of the applicant's weapon does not constitute misconduct; therefore, it could not have been used as the sole basis for separation. The LOD investigation revealed that the accidental discharge did not occur due to an error by the applicant, but rather due to a faulty holster which inadvertently switched the weapon from the "safe" to "fire" position. No administrative or punitive action was taken against the applicant as a result of the incident. The applicant's AMHRR shows the applicant was using the latrine during a guard shift. The applicant's weapon was in "red" status with a round in the chamber as per the ASP guard SOP. The Soldier negligently discharged the weapon while redressing, striking and wounding the applicant's lower right leg. The applicant's actions constituted simple negligence and were considered in the LOD. The Commanding General approved the findings of the LOD on 6 September 2017. The Commanding General stated the recommendation by the IO for administrative action was neither approved nor disapproved but returned it to the applicant's brigade commander for action as the brigade commander deemed appropriate.

e. The applicant's counsel contends, at the time of the applicant's medical and mental status evaluations for separation, the applicant was on a 90-day duty limiting profile for mental health that was issued on 1 June 2018 and did not expire until 30 August 2018. The applicant was then participating in the Intensive Outpatient Program for anxiety and depression with suicidal ideations. The conclusion that the applicant had "no duty limitations due to behavioral health reasons" and "currently meets medical retention standards" was inaccurate, constituting a material error. The applicant's counsel provides medical documentation which show the applicant was admitted inpatient to Cumberland Hall Hospital following a report of suicidal ideations with plan to hang himself. The applicant remained inpatient for 16 days and was discharged from the hospital on 1 June 2018. At that time, the applicant was evaluated by the Behavioral Health Clinic at Blanchfield Army Community Hospital and placed on a 90-day mental health profile and referred to the Intensive Outpatient Program. The applicant's AMHRR shows the applicant was evaluated by a Behavioral Health Provider for the purpose of separation from service. The evaluating official noted the applicant did not have any behavioral health condition that, in the clinical opinion of the provider, would constitute matters in

extenuation that relate to the basis for administrative separation. The applicant met psychiatric medical retention standards in accordance with AR 40-501.

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 DO (MDD_70%SC). [Note-diagnoses of Adjustment DO, Adjustment DO with depressed mood, Complicated Bereavement are subsumed under diagnosis of MDD.]

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found that VA service connection for MDD establishes nexus with active 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 the applicant has a condition, MDD, which mitigates APFT failures given the association between MDD and lack of motivation. (Record review indicates that the applicant's discharge of a weapon was due to simple negligence and no administrative action was taken by command.)

(4) Does the condition or experience outweigh the discharge? **Yes.** The Board concurred with the opinion of the Board's Medical Advisor, a voting member. As a result, the ADRB applied liberal consideration and found that the applicant's MDD mitigating lack of motivation required to pass the APFT and the weapon ND being administrative in nature and showing no negligence for the aforementioned reason(s).

b. Prior Decisions Cited: N/A

c. Response to Contention(s):

(1) The applicant's counsel contends, at the time of the applicant's medical and mental status evaluations for separation, the applicant was on a 90-day duty limiting profile for mental health that was issued on 1 June 2018 and did not expire until 30 August 2018. The applicant was then participating in the Intensive Outpatient Program for anxiety and depression with suicidal ideations. The conclusion that the applicant had "no duty limitations due to behavioral health reasons" and "currently meets medical retention standards" was inaccurate, constituting a material error.

The Board determined that this contention was valid and voted to upgrade the characterization of service due to MDD mitigating lack of motivation required to pass the APFT and the weapon ND being administrative in nature and showing no negligence.

(2) The applicant's counsel contends, the second stated basis for the applicant's separation was the negligent discharge of the applicant's M9 pistol. The separation was affected under AR 635-200, paragraph 13-2e for unsatisfactory performance, which pertains to the APFT failures. The separation action did not reference any other chapter under which separation was initiated. Therefore, the mention of the accidental discharge of the applicant's weapon was improper and unjustly prejudiced the applicant throughout the administrative process. The

accidental discharge of the applicant's weapon does not constitute misconduct; therefore, it could not have been used as the sole basis for separation. The LOD investigation revealed that the accidental discharge did not occur due to an error by the applicant, but rather due to a faulty holster which inadvertently switched the weapon from the "safe" to "fire" position. No administrative or punitive action was taken against the applicant as a result of the incident. 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 MDD mitigating lack of motivation required to pass the APFT and the weapon ND being administrative in nature and showing no negligence.

(3) The applicant's counsel contends, the first basis for the applicant's separation was two failed consecutive record APFTs on 31 January 2018 and 1 May 2018. However, the applicant was improperly administered a record APFT immediately upon the expiration of the applicant's profile for a back injury. This was improper because the applicant was not provided with an opportunity to improve the applicant's physical fitness before being required to participate in another record APFT. Instead, a diagnostic APFT should have been administered upon the expiration of the applicant's profile to determine current physical fitness and to identify any areas in need of improvement. Thus, counting the 31 January 2018 and 1 May 2018 record APFTs as two consecutive APFT failures was erroneous because the applicant was dealing with medical limitations during that time.

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 MDD mitigating lack of motivation required to pass the APFT and the weapon ND being administrative in nature and showing no negligence.

d. The Board determined the discharge is inequitable based on the applicant's MDD mitigating lack of motivation required to pass the APFT and the weapon ND being administrative in nature and showing no negligence. However, the applicant may request a telephonic personal appearance hearing to address further issues before the Board. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

e. Rationale for Decision:

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

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's MDD mitigating lack of motivation required to pass the APFT and the weapon ND being administrative in nature and showing no negligence. Thus, the prior characterization is no longer appropriate.

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

(4) The RE code will not change, as mitigating condition is service-limited due to potential lack of motivation.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20220002145****10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD Code to: Misconduct (Minor Infractions)/JKN
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200, paragraph 14-12a

Authenticating Official:

3/2/2026

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
UOTHHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs