

1. Applicant's Name: [REDACTED]**a. Application Date:** 7 January 2022**b. Date Received:** 18 March 2022**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:****a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is Under Other Than Honorable Conditions. The applicant requests an upgrade to general (under honorable conditions).

(2) The applicant seeks relief contending they suffered from Post Traumatic Stress Disorder (PTSD)/Traumatic Brain Injury (TBI) and many other issues due to their military years. They were also singled out due to their disability and it was underlined from many years. They were not mentally capable to get the help they needed at the time of their discharge. They have since received a 100-percent disability rating from the Department of Veterans Affairs (VA) but the damage done in Iraq to their body and mind isn't fully covered by the Army unless they get a change in their characterization of service.

(3) Since their discharge and getting their disability rating, they have been able to get help with their medication and therapy. They have also been able to complete school through their GI Bill and they are trying to start their own company. Every time they try to get their loans or start to get help through the community, their discharge is what keeps them from getting any help. Their last unit would terrorize them and place them on 24-48 hour shifts with very little sleep and also challenged them on having all their military gear stolen and each time they would show up to work or go to a different site the unit would get mad at them due to having lower rank and busting them down more and more.

b. Board Type and Decision: In a records review conducted on 22 January 2026, and by a 3-0 vote, the Board determined the discharge was inequitable because the applicant's combat-related PTSD, along with the in-service diagnoses of Adjustment Disorder and TBI, mitigated the AWOL basis for separation and warranted a change to the characterization of service. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to General (Under Honorable Conditions). The Board voted to retain the narrative reason for separation and the re-entry code based on the medical diagnosis. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names available upon request.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct, (AWOL) / Army Regulation 635-200, Paragraph 14-12c(1) / JKD / RE-3 / Under Other Than Honorable Conditions

b. Date of Discharge: 27 October 2014

c. Separation Facts: The applicant's case files for approved separation file in their Army Military Human Resource Record (AMHRR) only contains the Separation Authority

Memorandum, dated 7 October 2017, directing an Under Other Than Honorable Conditions characterization of service.

4. SERVICE DETAILS:

- a. Date / Period of Reenlistment:** 26 November 2008 / 5 years
- b. Age at Reenlistment / Education / GT Score:** 22 / HS Diploma / 94
- c. Highest Grade Achieved / MOS / Total Service:** E-5 / 19k1O, M1 Armor Crewman / 7 years, 1 month, 29 days
- d. Prior Service / Characterizations:** None
- e. Overseas Service / Combat Service:** Korea, SWA / Iraq (14 March 2008 – 16 March 2009)
- f. Awards and Decorations:** ARCOM, AAM, AGCM, NDSM, GWTSM, KDSM-2, ICM-CS, ASR, OSR
- g. Performance Ratings:** 1 June 2009 – 3 May 2010 / Marginal
- h. Disciplinary Action(s) / Evidentiary Record:**

(1) A DA Forms 2627 (Record of Proceedings under Article 15, Uniform Code of Military Justice) dated 29 April 2010 reflects the applicant received nonjudicial punishment, in that they did, at or near Camp Casey, Republic of Korea, on or about 5 April 2010, without authority, fail to go at the time prescribed to their appointed place of duty, to wit: first formation at 0630 hours in front of the company building, in violation of Article 86, UCMJ and as a result of wrongful previous overindulgence in intoxicating liquor, incapacitated for the proper performance of their duties, in violation of Article 134, UCMJ. Their punishment consisted of reduction in rank/grade from sergeant/E-5 to specialist/E-4, forfeiture of \$1035.00 pay for two months and extra duty for 45 days. The applicant elected not to appeal.

(2) A DA Form 2166-8 (NCO Evaluation Report) covering the period 1 June 2009 through 3 May 2010, reflects in –

- Part I (g) (Reason for Submission) – Relief for Cause
- Part IV (a) (Army Values) – “NO” for Loyalty, Duty and Selfless-Service; with comments –
 - did not display any loyalty to superiors
 - showed no motivation to fulfill several of their obligations during this rated period
 - failed to report on numerous occasions for formations and duties due to their excessive alcohol consumption
- Part IV(b) (Competence) – “NEEDS IMPROVEMENT (Some),” displayed insubordinate conduct towards a superior [Noncommissioned Officer] NCO in their NCO support channel
- Part IV(d) (Leadership) – “NEEDS IMPROVEMENT (Some)” NCO was relieved from the leadership position due to their lack of motivation and failure to set the example of Be,

Know, Do; refused to lead by example thru their actions, while failing to report on numerous days during the rating period

- Part IV(f) (Responsibility & Accountability) – “NEEDS IMPROVEMENT (Some),” failed to accept responsibility for their actions

- Part V (Overall Performance and Potential) – MARGINAL

- Part V (e) (Senior Rater Bullet Comments) – do not promote; do not assign in any position of greater responsibility until properly rehabilitated; after proper retraining give this NCO a chance to regain their rank

(3) A memorandum, Headquarters, III Corps and Fort Hood, subject: Memorandum of Reprimand, dated 18 November 2011, reflects the applicant was reprimanded by the commanding general for driving an automobile while intoxicated. The commanding general states at 0144 hours on 6 October 2011, the applicant was apprehended by a Killeen Police Department Officer for operating a motor vehicle while intoxicated. They were administered an Intoxilyzer. The Intoxilyzer registered a 0.260 breath alcohol content, above the legal limit of 0.08 set forth in Texas Penal Code.

(4) Two DA Forms 4187 (Personnel Action) dated 31 January 2012 and 1 March 2012 reflects the applicant's unit changed their duty status from Present For Duty to AWOL, effective 30 January 2012 and from AWOL to Dropped from Rolls, effective 1 March 2012.

(5) A DD Form 616 (Report of Return of Absentee) dated 5 June 2012 reflects the applicant was apprehended by civil authorities in Palm Coast, FL on 5 June 2012.

(6) Two DA Forms 4187 (Personnel Action) dated 16 August 2012 and 13 September 2012 reflects the applicant's unit changed their duty status from Present For Duty to AWOL, effective 13 August 2012 and from AWOL to Dropped from Rolls, effective 13 September 2012.

(7) A DD Form 616 (Report of Return of Absentee) dated 12 April 2013 reflects the applicant was apprehended by civil authorities in Killeen, TX on 12 April 2013.

(8) A memorandum, Headquarters, 1st Cavalry Division (Rear)(Provisional), subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 7 October 2014, the separation carefully considered the separation packet of the applicant, reviewed the recommendations of the chain of command and the administrative separation board. After careful consideration of all relevant matters, the separation authority approved the recommendation of the administrative separation board. And directed the applicant be separated from the U.S. Army. The commander general directed the applicant be discharged with a characterization of service of Under Other Than Honorable Conditions.

(9) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 27 October 2014, with 7 years, 1 month, and 29 days of net active service this period. The DD Form 214 shows in –

- item 4a (Grade, Rate or Rank) – Private
- item 4b (Pay Grade) – E-1
- item 12i (Effective Dated of Pay Grade) – 29 April 2013
- item 24 (Characterization of Service) – General (Under Honorable Conditions)
- item 26 (Separation Code) – JKD
- item 27 (Reentry Code) – 3
- item 28 (Narrative Reason for Separation) – Misconduct (AWOL)

- item 29 (Dates of Time Lost During This Period) – 20120130 – 20120607; 20120813 - 20130412

i. Lost Time / Mode of Return:

- 130 Days (AWOL, 30 January 2012 – 7 June 2012) / Apprehended by Civil Authorities
- 243 Days (AWOL, 13 August 2012 – 12 April 2013) / Apprehended by Civil Authorities

j. Behavioral Health Condition(s): None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- Timeline of Events
- VA Summary of Benefits Letter

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the application.

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

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

b. 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) sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Title 10 U.S. Code; Section 1553 and DoD Directive 1332.41 and DoD Instruction 1332.28.

f. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), dated 6 September 2011, 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. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

(4) Chapter 14 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record. Paragraph 14-12c(1) allows for an absentee returned to military control from a status of absent without leave or desertion may be separated for commission of serious offense.

(5) Chapter 15 (Secretarial Plenary Authority), currently in effect, 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. If Secretarial Authority is granted normally correct the record to show the following:

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

g. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKD" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 14-12c(1), misconduct (Absence Without Leave).

h. 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 DoD Instruction 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):

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

b. The available evidence reflects the applicant periods of AWOL and was involuntary discharged from the U.S. Army. The DD Form 214 provides the applicant was discharged with a character of service of Under Other Than Honorable Conditions for Misconduct, (AWOL). They completed 7 years, 1 month, and 29 days of net active service this period and completed their first full term of service.

c. Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

d. Published DoD guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

9. BOARD DISCUSSION AND DETERMINATION:

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

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **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: Adjustment Disorder, PTSD, TBI.

(2) Did the condition exist, or experience occur during military service? **Yes.**

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of mitigating BH conditions. The applicant was diagnosed in service with an Adjustment Disorder and TBI and is 100% service connected by the VA for combat-related PTSD. Given the nexus between PTSD and avoidance, the AWOLs that led to the separation are mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the opinion of the Board Medical Advisor, the Board concluded that the applicant's combat-related PTSD, along with the in-service diagnoses of Adjustment Disorder and TBI, mitigated the AWOL basis for separation and supported upgrading the discharge to General (Under Honorable Conditions).

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends they suffered from PTSD/TBI and many other issues due to their military years. They were not mentally capable to get the help they needed at the time of their discharge. The Board considered this contention and noted that the applicant was diagnosed with PTSD, TBI, and Adjustment Disorder, all of which were reviewed under liberal consideration and determined to be valid mitigating conditions at the time of discharge.

(2) The applicant contends their last unit would terrorize them and place them on 24–48-hour shifts with very little sleep and also challenged them on having all their military gear stolen and each time they would show up to work or go to a different site the unit would get mad at them due to having lower rank and busting them down more and more. The Board considered this contention and noted the applicant's reports of stressful unit conditions; ultimately, the Board relied on the medical evidence showing mitigating behavioral health conditions and upgraded the discharge.

(3) The applicant contends they have received a 100-percent VA disability rating but believe the damage done to their body and mind in Iraq is not fully addressed without a change in their characterization of service and further contends that their discharge has prevented them from obtaining loans and accessing community support. The Board 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.

d. The Board determined and concurred with the conclusion of the medical advising official that the applicant's medical diagnosis (PTSD) mitigates the basis of separation (AWOL) and warrants a change to the characterization of the applicant's separation. The Board voted to retain the narrative reason for the separation and the reentry code based on the medical diagnosis.

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 upgrade the applicant's characterization of service to General (Under Honorable Conditions) because the applicant's combat-related PTSD, along with the in-service diagnoses of Adjustment Disorder and TBI, mitigated the AWOL and supported the upgrade.

(3) The Board voted not to change the applicant's reason for discharge or accompanying SPD code, determining that both remained proper and equitable.

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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

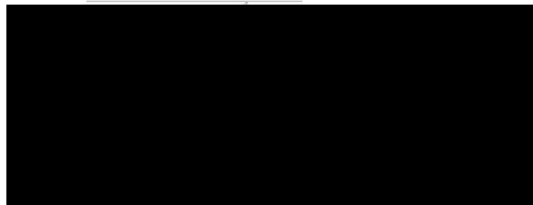
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10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: 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:

1/27/2026



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

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