

1. Applicant's Name: [REDACTED]**a. Application Date:** 21 October 2021**b. Date Received:** 1 November 2021**c. Counsel:** [REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant's Requests and Issues: The current characterization of service for the period under review is honorable. The applicant requests, through counsel, a narrative reason, separation program designator (SPD) code, and a reentry (RE) code change. The applicant's counsel also requests removal of all negative documents from the applicant's service record.

The applicant's counsel seeks relief contending, in effect, the applicant's unsatisfactory performance discharge was reprisal for the applicant's decision to request more time in grade before being promoted. The applicant's counsel states the applicant had exceptional service during the eleven plus years of service.

b. Board Type and Decision: In a records review conducted on 11 April 2025, and by a 5-0 vote, the board determined the narrative reason, separation program designator (SPD) code, and reentry (RE) code are inequitable based on the applicant in service factors of length, quality, combat and post service accomplishments. Additionally, the Board determined the narrative reason of Unsatisfactory Performance did not accurately reflect the applicant's record. The applicant's record did not reveal unsatisfactory performance or misconduct. Therefore, the board voted to grant relief and changed the narrative reason for separation to Secretarial Authority, AR 635-200, Chapter 15, with a corresponding separation code to JFF and changed the reentry code to RE-1.

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: Unsatisfactory Performance / AR 635-200 / Chapter 13 / JHJ / RE-3 / Honorable

b. Date of Discharge: 24 May 2020

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 20 February 2020

(2) Basis for Separation: The applicant was informed of the following reasons: On 26 March 2019, the applicant told CSM B that "I do not want to be here", during the Battalion Promotion Board and subsequently received an unsatisfactory during the Promotion Board and on 18 April 2019, the applicant received an unsatisfactory during the Company Promotion board after failing to recite the NCO Creed correctly and conduct correct facing movements. The above-referenced items represented the applicant's unlikely protentional for advancement or leadership.

(3) Recommended Characterization: Honorable

(4) Legal Consultation Date: 27 February 2020

(5) Administrative Separation Board: The applicant waived consideration of the case by an administrative separation board.

(6) Separation Decision Date / Characterization: 2 March 2020 / Honorable

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 16 November 2017 / 4 years

b. Age at Enlistment / Education / GT Score: 27 / HS Graduate / 101

c. Highest Grade Achieved / MOS / Total Service: E-5 / 15Q2B, Air Traffic Control Operator / 11 years, 7 months, 11 days

d. Prior Service / Characterizations: 14 October 2008 – 15 November 2017 / HD

e. Overseas Service / Combat Service: Germany, Korea, SWA / Afghanistan (15 December 2009 – 28 June 2010)

f. Awards and Decorations: ARCOM-2, AAM-7, MUC, VUA, AGCM-3, NDSM, GWOTSM, KDSM, ACM-CS, NCOPDR-2, ASR, OSR-4MOVSM, OSR-4, NATO MDL

g. Performance Ratings: 25 October 2016 – 25 February 2018 / Qualified
26 February 2018 – 5 August 2018 / Qualified
6 August 2018 – 24 February 2020 / Not Qualified

h. Disciplinary Action(s) / Evidentiary Record:

(1) DA Form 4126 (Bar To Continued Service), 21 June 2019, reflects the applicant received a bar to reenlistment based on the following: On 26 March 2019, the applicant told CSM B that "I do not want to be here", during the Battalion Promotion Board and subsequently received an unsatisfactory during the Promotion Board and on 18 April 2019, the applicant received an unsatisfactory during the Company Promotion board after failing to recite the NCO Creed correctly and conduct correct facing movements. The above-referenced items represented the applicant's unlikely protentional for advancement or leadership.

(2) The applicant was counseled on 1 November 2019, for failing to report on time to a Promotion Board; on 15 January 2020, for lack of accountability and failure to be at the place of duty; and on 22 January 2020 for failure to comply with previous Plans of Action.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293, Legal Brief with 3 enclosures (108 total pages)

6. POST SERVICE ACCOMPLISHMENTS: The applicant is employed by the Air Force and is committed to family. The applicant is also taking pilot lessons and works as a part-time therapist.

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 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.

(2) Paragraph 3-7a states 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.

(3) Paragraph 3-7b states 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.

(4) Chapter 13 contains the policy and outlines the procedures for separating individuals for unsatisfactory performance, and provides, in pertinent part, that commanders will separate a member under this Chapter when, in the commander's judgment, the member will not develop sufficiently to participate satisfactorily in further training and/or become a satisfactory Soldier. Army policy states that a general, under honorable conditions discharge is normally considered appropriate; however, an honorable discharge may be granted in meritorious cases.

(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 "JHJ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 13, unsatisfactory performance.

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.

8. SUMMARY OF FACT(S): The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

The applicant requests, through counsel, a RE Code, SPD code, and a narrative reason change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

The applicant's counsel requests the narrative reason for the discharge be changed. The applicant was separated under the provisions of Chapter 13, AR 635-200 with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Unsatisfactory Performance," and the separation code is "JHJ." Army Regulation 635-8, Separation Processing and Documents, governs the preparation of the DD Form 214 and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be listed in tables 2-2 or 2-2 of AR 635-5-1, Separation Program Designator (SPD) Codes. The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

The applicant's counsel requests the SPD and RE codes be changed. Separation codes are three-character alphabetic combinations that identify reasons for, and types of, separation from active duty. The primary purpose of SPD codes is to provide statistical accounting of reasons for separation. They are intended exclusively for the internal use of DoD and the Military Services to assist in the collection and analysis of separation data. SPD Codes are controlled by OSD and then implemented in Army policy AR 635-5-1 to track types of separations the SPD code specified by Army Regulations for a discharge under Chapter 13, is "JHJ." Army Regulation 635-5, Separation Documents, governs the preparation of the DD Form 214 and dictates the entry of the separation code entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1, Separation Program Designator (SPD) Codes. The regulation stipulates no deviation is authorized. There is no provision for any other SPD code to be entered under this regulation. 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

The applicant's counsel contends an unsatisfactory performance discharge was reprisal for the applicant's decision to request more time in grade before being promoted.

The applicant's counsel states the applicant had exceptional service during the eleven plus years of service. The Board will consider the applicant service accomplishments and the quality of service according to the DODI 1332.28.

The applicant's counsel states the applicant is employed by the Air Force and is committed to family. The applicant is also taking pilot lessons and works as a part-time therapist. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. No law or regulation provides for the upgrade of an unfavorable discharge based solely on the passage of time or good conduct in civilian life after leaving the service. The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character.

In reference to the applicant's request for removal of all negative documents from the applicant's service record, this request does not fall within the purview of this board. This request will be forwarded to Army Board for Correction of Military Records (ABCMR).

9. BOARD DISCUSSION AND DETERMINATION:

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

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

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

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

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

b. Response to Contention(s): The applicant's counsel contends an unsatisfactory performance discharge was reprisal for the applicant's decision to request more time in grade before being promoted.

The board considered this contention during proceedings.

c. The board determined that the characterization of service was proper and equitable and voted not to change it. The board voted to grant relief and changed the narrative reason for separation to Secretarial Authority, AR 635-200, Chapter 15, with a corresponding separation code to JFF and changed the reentry code to RE-1. The Board determined the narrative reason is inequitable because the applicant has length, quality and combat service and post service accomplishments. The Board determined the narrative reason of unsatisfactory performance was too harsh, and there is no misconduct in the file.

d. Rationale for Decision:

(1) The board voted not to change the applicant's characterization because it is already an Honorable discharge.

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(2) The board voted to change the narrative reason for separation to Secretarial Authority with the corresponding SPD code of JFF. The Board noted the applicant possessed length, quality and combat service and post service accomplishments. The Board also determined the narrative reason of unsatisfactory performance was too harsh, as the applicant does not have misconduct in the service record.

(3) The Board voted to change the RE code to RE-1.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: No Change
- c. Change Reason / SPD code to: Secretarial Authority/JFF
- d. Change RE Code to: RE-1
- e. Change Authority to: AR 635-200, Chapter 15

Authenticating Official:

4/25/2025

**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