

**1. Applicant's Name:** [REDACTED]

- a. **Application Date:** 5 November 2021
- b. **Date Received:** 5 November 2021
- c. **Counsel:** None

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

a. **Applicant Requests:** The current characterization of service for the period under review is bad conduct. The applicant did not properly annotate the enclosed application requesting a possible discharge upgrade. The Army Discharge Review Board considered the applicant for a possible upgrade as instructed in pertinent part by Department of Defense Instruction 1332.28, which stipulates a request for review from an applicant without an honorable discharge shall be treated as a request for a change to an honorable discharge unless the applicant requests a specific change to another character of discharge.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, the applicant did not return to duty in Iraq because the applicant was suffering from post-traumatic stress disorder (PTSD) and severe depression. The applicant was having thoughts of suicide and did not know how to explain it at the time. The applicant states the depression first started because of missing family and it got worse when the applicant was stabbed by a noncommissioned officer and had to be airlifted to the hospital. It was after the stabbing the applicant began having symptoms of PTSD. After returning from the hospital, the applicant learned the person who stabbed the applicant had been promoted. The applicant's anger turned to homicidal thoughts against those who had treated the applicant unfairly. There were no consequences for the person who stabbed the applicant. The applicant states it is hard to receive civilian insurance for an injury which occurred while the applicant was in the Army. The applicant deserves benefits as a veteran. The applicant and family are struggling with the applicant's PTSD and other mental illnesses.

c. **Board Type and Decision:** In a records review conducted on 27 August 2025, and by a 5-0 vote, the Board after carefully examining the applicant's record of service during the period of enlistment under review and all other evidence presented, the Board determined that clemency is warranted based on indications of some mental impairment and a diagnosis of OBH mitigating the applicant's AWOL. Accordingly, the Board voted to grant relief by upgrading the applicant's characterization of service to General (Under Honorable Conditions). 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:** Court-Martial Other / AR 635-200, Chapter 3 / JJD / RE-4 / Bad Conduct Discharge
- b. **Date of Discharge:** 31 January 2014
- c. **Separation Facts:**

(1) **Pursuant to Special Court-Martial Empowered to Adjudge a Bad-Conduct Discharge:** As announced by Special Court-Martial Order Number 8, 18 July 2013, the applicant was found guilty of one specification of violation of Article 86, UCMJ, for being absent

from the unit, located at FOB Duke, Iraq with the intent to avoid hazardous duty and quit the unit from on or about 30 August 2006 until being apprehended on or about 24 April 2012 and one specification of violation of Article 86, for being absent without authority from on or about 5 July 2012 until on or about 14 August 2012.

**(2) Adjudged Sentence:** Forfeiture of \$944.00 pay per month for nine months, confinement for nine months, and to be discharged from the Army with a bad conduct discharge.

**(3) Date / Sentence Approved:** 16 November 2012 / only so much of the sentence, confinement for nine months, and to be discharged from the Army with a bad conduct discharge was approved and, except for that part of the sentence extending to a bad conduct discharge, would be executed.

**(4) Appellate Reviews:** NIF

**(5) Date Sentence of BCD Ordered Executed:** NIF

#### 4. SERVICE DETAILS:

**a. Date / Period of Enlistment/Reenlistment Under Review:** 24 February 2005 / 3 years, 16 weeks

**b. Age at Enlistment / Education / GT Score:** 31 / HS Graduate / 91

**c. Highest Grade Achieved / MOS / Total Service:** E-3 / 92W10, Water Treatment Specialist / 5 years and 29 days

**d. Prior Service / Characterizations:** ARNG, 16 December 1991 – 1 June 1994 / GD  
RA, 10 June 1993 - 31 July 1993 / UNC (IADT)  
(Concurrent Service)  
USAR, 10 June 2001 - 23 August 2004 / HD

**e. Overseas Service / Combat Service:** The applicant's combat service dates are not listed on the DD Form 214 or documented in the AMHRR. The applicant's ERB shows the applicant was awarded the ICM-CS and the Court-Martial Order reflects the applicant was charged with being absent without authority from a unit in Iraq.

**f. Awards and Decorations:** NDSM, GWOTSM, ASR, ICM-CS

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:**

**(1)** DA Forms 4187 (Personnel Action), dated between 25 April 2012 and 8 March 2013, reflect the applicant's duty status changed as follows: From "Dropped from Rolls (DFR)" to "Present for Duty (PDY)," effective 24 April 2012; From "PDY" to "Confined by Civilian Authority (CCA)," effective 24 April 2012; From "PDY" to "Confined by Military Authority (CMA)," effective 17 August 2012; From "PDY" to "CMA," effective 16 November 2012; and, From "CMA" to "PDY," effective 8 March 2013.

**(2)** See Special Court-Martial Order Number 8, as described in item 3c(1).

i. **Lost Time:** 2,304 days / AWOL X 2012 days (30 August 2006 – 23 April 2012) / Apprehended; AWOL (5 July 2012 – 13 August 2012) / NIF; Confinement X 202 days (17 August 2012 – 8 March 2013)/ Released; Excess Leave X 365 days (13 March 2-13 – 31 January 2014)

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

(1) **Applicant provided:** None

(2) **AMHRR provided:** None

5. **APPLICANT-PROVIDED EVIDENCE:** DD Form 293, Self-Authored statement

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

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 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.

**(c)** 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.

(d) A Bad Conduct discharge will only be given to a Soldier pursuant to an approved sentence of general or special court-martial. Enlisted service members and officers with less than six years of service are eligible for a Bad Conduct Discharge. Behaviors such as drug abuse, assault, theft, insubordination, and other actions that violate military law may be punished with a BCD.

h. 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 "JJD" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 3, Court-Martial (other).

g. In view of the relevant and material facts stated in a court-martial specification are presumed by the ADRB to be established facts, issues relating to the applicant's innocence of charges for which he was found guilty cannot form a basis for relief. With respect to a discharge adjudged by a special court-martial, the action of the ADRB is restricted to upgrades based on clemency. Clemency is an act of leniency that reduces the severity of the punishment.

**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 did not properly annotate the enclosed application requesting a possible discharge upgrade. The Army Discharge Review Board considered the applicant for a possible upgrade as instructed in pertinent part by Department of Defense Instruction 1332.28, which stipulates a request for review from an applicant without an honorable discharge shall be treated as a request for a change to an honorable discharge unless the applicant requests a specific change to another character of discharge. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's AMHRR reflects the applicant was adjudged guilty by a court-martial and the sentence was approved by the convening authority. With respect to a discharge adjudged by a special court-martial, the action of the ADRB is restricted to upgrades based on clemency. Clemency is an act of leniency that reduces the severity of the punishment.

c. The applicant contends the applicant did not return to duty in Iraq because the applicant was suffering from PTSD and severe depression. The applicant was having thoughts of suicide and did not know how to explain it at the time. The applicant AMHRR is void of a mental illness diagnosis. The applicant did not provide any evidence pertaining to a mental health diagnosis.

d. The applicant contends the depression first started because of missing family and it got worse when the applicant was stabbed by a noncommissioned officer and had to be airlifted to the hospital. It was after the stabbing the applicant began having symptoms of PTSD. After returning from the hospital, the applicant learned the person who stabbed the applicant had been promoted. The applicant's anger turned to homicidal thoughts against those who had treated the applicant unfairly. There were no consequences for the person who stabbed the applicant. The applicant AMHRR is void evidence pertaining to the applicant being stabbed.

e. The applicant states it is hard to received civilian insurance for an injury which occurred while the applicant was in the Army. The applicant deserves benefits as a veteran . The applicant and family are struggling with the applicant's PTSD and other mental illnesses.

**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: The applicant asserts PTSD secondary to a personal attack while deployed. While he was not formally diagnosed after AWOL, documentation does document impairment with related symptoms that suggest some form of OBH.

(2) Did the condition exist, or experience occur during military service? **Yes.** The applicant asserts PTSD secondary to a personal attack while deployed. While not formally diagnosed after AWOL, documentation does show impairment with related symptoms that suggest some form of OBH.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partially.** The Board's Medical Advisor applied liberal consideration and opined that given the records suggest some level of impairment due to an OBH, the possibility the deployment wound in the medical file was due to asserted trauma in the application, and association between trauma and avoidance along with OBH impacting distress tolerance and problem solving, the basis is mitigated and some relief recommended.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the applicant's diagnosis of OBH outweighed the applicant's AWOL basis of separation.

b. Response to Contention(s):

(1) The applicant contends the applicant did not return to duty in Iraq because the applicant was suffering from PTSD and severe depression. The applicant was having thoughts of suicide and did not know how to explain it at the time. The Board determined that this contention was valid and voted to upgrade the characterization of service due to the applicant's OBH outweighed the applicant's AWOL basis of separation.

(2) The applicant contends the depression first started because of missing family and it got worse when the applicant was stabbed by a noncommissioned officer and had to be airlifted to the hospital. It was after the stabbing the applicant began having symptoms of PTSD. After returning from the hospital, the applicant learned the person who stabbed the applicant had been promoted. The applicant's anger turned to homicidal thoughts against those who had treated the applicant unfairly. There were no consequences for the person who stabbed the applicant.

The Board determined that this contention was valid and voted to upgrade the characterization of service due to the applicant's OBH outweighed the applicant's AWOL basis of separation.

c. The Board after carefully examining the applicant's record of service during the period of enlistment under review and all other evidence presented, the Board determined that clemency is warranted based on indications of some mental impairment and OBHI mitigating the applicant's AWOL. However, the applicant may request a 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.

**d. Rationale for Decision:**

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

(2) The Board determined that clemency is warranted based on indications of some mental impairment and a diagnosis of OBH mitigating the applicant's AWOL. Accordingly, the Board voted to grant relief by upgrading the applicant's characterization of service to General (Under Honorable Conditions). Thus, the prior characterization is no longer appropriate.

(3) The Board may only vote to upgrade based on clemency for Bad Conduct Discharges, the characterization of service is the only actionable item in determination for discharge upgrade. Thus, no change is warranted for narrative reason or accompanying SPD code.

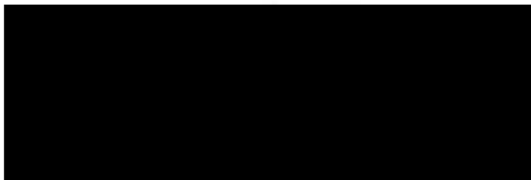
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

**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:**

10/8/2025



**Legend:**

AWOL – Absent Without Leave  
 AMHRR – Army Military Human Resource Record  
 BCD – Bad Conduct Discharge  
 BH – Behavioral Health  
 CG – Company Grade Article 15  
 CID – Criminal Investigation Division  
 ELS – Entry Level Status  
 FG – Field Grade Article 15  
 FTR – Failure to Report

GD – General Discharge  
 HS – High School  
 HD – Honorable Discharge  
 IADT – Initial Active-Duty Training  
 MP – Military Police  
 MST – Military Sexual Trauma  
 N/A – Not applicable  
 NCO – Noncommissioned Officer  
 NIF – Not in File  
 NOS – Not Otherwise Specified

OAD – Ordered to Active Duty  
 OBH (I) – Other Behavioral Health (Issues)  
 OMPF – Official Military Personnel File  
 PTSD – Post-Traumatic Stress Disorder  
 RE – Re-entry  
 SCM – Summary Court Martial  
 SPCM – Special Court Martial

SPD – Separation Program Designator  
 TBI – Traumatic Brain Injury  
 UNC – Uncharacterized Discharge  
 UOTHC – Under Other Than Honorable Conditions  
 VA – Department of Veterans Affairs