

1. Applicant's Name: [REDACTED]

a. **Application Date:** 7 December 2021

b. **Date Received:** 20 December 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 general (under honorable conditions). The applicant requests an upgrade to honorable.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, the applicant was administratively discharged during advanced initial training (AIT) due to the applicant's experiences of significant family emergencies which caused a lack of motivation, the intentional failure of record Army Physical Fitness Tests (APFT) and the applicant's desire to leave the Army prior to the completion of the applicant's service contract. The applicant contends an upgrade would permit reenlistment in the Armed Forces.

c. **Board Type and Decision:** In a records review conducted on 20 January 2026, and by a 3-0 vote, the Board determined that the narrative reason for discharge was too harsh based on the applicant's struggles, and as a result it is inequitable. Accordingly, the Board voted to grant relief by changing the narrative reason for separation to Misconduct (Minor Infractions), the separation code to JKN, and the reentry code to RE-3. The board determined the characterization of service was proper and equitable and voted not to change it. 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:** Misconduct, (Serious Offense) / AR 635-200, Chapter 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 19 April 2016

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 23 March 2016

(2) **Basis for Separation:** The applicant was informed of the following reasons: on multiple occasions, the applicant wrongfully attempted to procure an administrative separation by deliberately failing APFTs.

(3) **Recommended Characterization:** General (Under Honorable Conditions)

(4) **Legal Consultation Date:** On 4 April 2016 the applicant waived legal counsel.

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

(6) Separation Decision Date / Characterization: 12 April 2016 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment/Reenlistment Under Review: 13 April 2015 / 6 years

b. Age at Enlistment / Education / GT Score: 22 / associate degree / 108

c. Highest Grade Achieved / MOS / Total Service: E-3 / None / 1 year, 7 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None / None

f. Awards and Decorations: NDSM

g. Performance Ratings: N/A

h. Disciplinary Action(s) / Evidentiary Record:

(1) Four DA Forms 705 (APFT Scorecard), depicting numerous recordings of record APFTs.

- 10 August 2015, Diagnostic, fail
- 17 August 2015, Diagnostic, pass
- 21 September 2015, Diagnostic, pass
- 19 October 2015, Record, fail
- 9 November, Diagnostic, fail
- 17 November 2015, Diagnostic, fail
- 30 November 2005, Diagnostic, fail
- 7 December 2015, Diagnostic, fail
- 14 December 2015, fail
- 11 January 2016, Record, fail

(2) DA Form 2823 (Sworn Statement) dated 24 February 2016, the applicant stated, “due to stressful conditions, the applicant purposely failed APFTs” to cause separation from the U.S. Army.

(3) Field Grade Article 15, 9 March 2016, violation of Article 80, on multiple occasions between on or about 19 October 2015 to on or about 11 January 2016, attempt to procure separation from the Armed Forces by deliberately failing APFTs; reduction to E1, forfeiture of \$783.00, extra duty and restriction for 30 days and an oral reprimand.

(4) Report of Mental Status Evaluation (MSE), 11 January 2016, provides the applicant is resentful and angry “at the Army” because the applicant believed school tuition was to be paid in exchange for 6 years active-duty commitment. The applicant felt the command would keep administering APFTs until passing; the applicant’s frustration centers around the fact that the applicant’s malingering had not achieved the intended goal of separation. The applicant was diagnosed with malingering and life circumstances problem (regret enlistment in U.S. Army). The applicant can appreciate the difference between right and wrong, was cleared for any administrative actions deemed appropriate by the command and could participate in chapter separation proceedings.

(5) Orders Number 105-0109, 14 April 2016, indicate the applicant was reassigned to U.S. Army Transition Point and scheduled for discharge from the Regular Army on 19 April 2016.

(6) The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) indicates the applicant had not completed the first full term of service. The applicant was discharged under the authority of AR 635-200, paragraph 14-12c, with a narrative reason of Misconduct (Serious Offense). The DD Form 214 was authenticated with the applicant's electronic signature.

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:** None

(2) **AMHRR provided:** MSE dated 11 January 2016, see paragraph 4h(4).

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293 (Application of the Review of Discharge; Self-Authorized Statement with two photocopies; Letter of Support from Cherished Memories Photography; National Personnel Records Center (NPRC) memorandum; DD Form 214 for the period ending 19 April 2016; DD Form 4 (Enlistment/Reenlistment Document) and 13 pages of additional enlistment documents, social security administration card; DD Form 93 (Record of Emergency Data); SGLV Form 8286 (Servicemembers' Group Life Insurance Election and Certificate); Orders Number 154-399 dated 3 June 2015; Orders Number 306-025 dated 2 November 2015; Orders Number 105-0109 dated 14 April 2016; Enlisted Record Brief and 104 pages Administrative Separation packet and supporting documents.

6. POST SERVICE ACCOMPLISHMENTS: current employment in the position of the Director of Photography, a member of the Rotary International District 5330 Camp, and the completion of degrees in Film, Music Engineering and Sociology.

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, 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.

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 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 waivable and nonwaivable 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 waivable. Eligibility: Ineligible unless a waiver is granted.
- RE-4 Applies to: Person separated from last period of service with a nonwaivable 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.

e. 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.

(2) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. 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, states a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

(3) 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. 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

(4) 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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, Misconduct (Serious Offense).

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

b. The applicant requests an upgrade due to the applicant's experiencing significant family emergencies which caused a lack of motivation, the intentional failure of record APFTs and the applicant's desire to leave the Army prior to the completion of the applicant's service contract. There is no evidence in the AMHRR the applicant ever sought assistance before committing the misconduct, which led to the separation action under review.

c. The applicant requests an upgrade in orders to permit reenlistment in the Armed Forces. At the time of discharge, the applicant received a general, (under honorable conditions) characterization of service. Army Regulation 601-210, chapter 4, stipulates separation for unsatisfactory and misconduct constitutes a non-waivable disqualification; thus, the applicant is no longer eligible for reenlistment.

d. The applicant's AMHRR contains the specific facts and circumstances concerning the events leading to the discharge from the Army. The applicant's AMHRR does include a properly constituted DD Form 214, which was authenticated by the applicant's electronic signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, paragraph 14-12c, by reason of Misconduct (Serious Offense), with a characterization of service of general (under honorable conditions).

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. Prior Decisions Cited: None.

c. Response to Contention(s):

(1) The applicant contends that family issues affected behavior and ultimately caused the discharge. A change to the characterization of service would allow them to rejoin the Army. The Board considered this contention and granted partial relief in changing the narrative reason for discharge. The applicant's Re3 allows for them to rejoin the military if they so desire.

d. The Board determined: The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. Based on a preponderance of evidence, the Board determined that narrative reason the applicant received upon separation was inequitable as it appeared overly harsh for the misconduct. It should be noted the applicant admitted to failing the Army Physical Fitness Test multiple times intentionally in order to be released from the Army based due to self-proclaimed personal issues at the time. While this Board considers this action by the applicant inappropriate, the Board voted unanimously to upgrade the narrative reason to Misconduct (Minor Infractions) with an SPD code of JKN. The General (Under Honorable Conditions) discharge will stand as proper and equitable. The applicant has a reentry code of RE3; therefore, they have the option to reapply for military service if desired.

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 not to change the applicant's characterization of service because, despite applying liberal consideration of all the evidence before the Board, the applicant's willful failures to pass the Army Physical Fitness Test are not mitigated by any evidence provided. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process.

(3) The Board voted to change the applicant's reason for discharge to Misconduct (Minor Infractions) with an accompanying SPD code of JKN.

(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 / Separation Order:** Yes
- b. **Change Characterization to:** No Change
- c. **Change Reason / SPD code to:** Misconduct (Minor Infractions)/JKN
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** No Change

Authenticating Official:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20220003515

1/28/2026

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