

1. Applicant's Name: [REDACTED]

a. **Application Date:** 10 December 2021

b. **Date Received:** 13 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 bad conduct discharge. The applicant requests an upgrade to honorable.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, the applicant's 100% disability rating by the Department of Veterans Affairs (VA) for diagnosed post-traumatic stress disorder (PTSD), depression and anxiety disorder were contributing factors to the applicant's conduct which led to discharge.

c. **Board Type and Decision:** In a records review conducted on 16 December 2025, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's diagnoses of Adjustment Disorder, Major Depressive Disorder, Anxiety Disorder Not Otherwise Specified (NOS), and Post-Traumatic Stress Disorder (PTSD), which outweighed the offenses of wrongful use of controlled substances and disobeying a superior commissioned Officer. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed 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. The Board determined the reentry code is 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:** Court-Martial (Other) / AR 635-200, Chapter 3 / JJD / RE-4 / Bad Conduct

b. **Date of Discharge:** 9 September 2016

c. **Separation Facts:** The applicant's Army Military Human Resource Record (AMHRR) is void of the case separation file

(1) **Pursuant to Special Court-Martial Empowered to Adjudge a Bad-Conduct Discharge):** NIF

(2) **Adjudged Sentence:** Orders Number 15084-33 dated 25 March 2015; reduction to the grade of E1, confinement for 179 days and Bad Conduct Discharge

(3) **Date / Sentence Approved:** NIF

(4) **Appellate Reviews:** NIF

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

4. SERVICE DETAILS:

- a. Date / Period of Enlistment/Reenlistment Under Review:** 13 March 2014 / 3 years
- b. Age at Enlistment / Education / GT Score:** 34 / one-year college / 95
- c. Highest Grade Achieved / MOS / Total Service:** E-5 / 88M1O, Motor Transport Operator / 8 years, 2 months, 10 days
- d. Prior Service / Characterizations:** RA, 3 January 2008 – 7 July 2009 / HD
RA, 8 July 2009 – 12 March 2013 / HD
- e. Overseas Service / Combat Service:** SWA / Iraq (8 October 2008 – 8 October 2009; 28 March 2011 – 20 December 2011); Afghanistan (14 December 2012 – 15 September 2013)
- f. Awards and Decorations:** ARCOM-3, AGCM-2, NDSM, GWOTSM, ICM-2CS, ASR, OSR, NATO MEDAL
- g. Performance Ratings:** 1 December 2013 – 3 May 2014 / Fully Capable
- h. Disciplinary Action(s) / Evidentiary Record:**
 - (1)** General Officer Memorandum of Reprimand (GOMOR), 24 August 2012, provides on 29 July 2012, the applicant was stopped by the Joint Base Langley-Eustis (JBLE) Police at a random checkpoint and was arrested for driving under the influence and refusing a breathalyzer.
 - (2)** GOMOR, 9 April 2015, provides on 30 August 2014, the applicant was stopped for speeding and driving without headlights on after dark; applicant was apprehended for operating a motor vehicle while under the influence of alcohol; a preliminary breathalyzer test resulted in a reading of 0.188, exceeding the legal limit of .08.
 - (3)** Orders Number 252-1309, 8 September 2016, indicate the applicant was reassigned to the U.S. Army Transition Point and scheduled for discharge from the Regular Army on 9 September 2016.
 - (4)** DD Form 214 (Certificate of Release or Discharge from Active Duty) indicates the applicant had completed the first full term of service. The applicant was discharged under the authority of AR 635-200, Chapter 3, with a narrative reason of Court-Martial (Other). The DD Form 214 was not authenticated with the applicant's electronic signature.
- i. Lost Time / Mode of Return:** 178 days (Confined by Military Authorities, 18 February 2015 – 14 August 2015) / Release from Confinement
- 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:** VA Disability Rating Decision dated 2 July 2021, provides the applicant received 100 percent disability for major depressive disorder, moderate (also claimed as PTSD, now also claimed as depressive disorder and anxiety disorder) effective 29 April 2021.
 - (2) AMHRR provided:** None

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293 (Application for the Review of Discharge; Self-Authored Letter; VA Benefits Decision Statement; Memorandum, Subject: Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming PTSD; Five Letters of Support; Certificate of Completion Outpatient Substance Abuse Program; and 18 pages of news articles.

6. POST SERVICE ACCOMPLISHMENTS: Employed at Tallahassee Diagnostic Imaging, Radiology Associates of Tallahassee and completed a 16 week outpatient substance abuse program at the VA Tallahassee Healthcare Clinic.

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.

(2) 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

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's AMHRR is void of documentation indicating the applicant was adjudged guilty by a court-martial and the sentence was approved by the convening authority. Court-martial convictions stand as adjudged or modified by appeal through the judicial process.

c. The Board is empowered to change the discharge only if clemency is determined to be appropriate. Clemency is an act of mercy, or instance of leniency, to moderate the severity of the punishment imposed.

d. The applicant contends being diagnosed with major depressive disorder, moderate (also claimed as PTSD, now also claimed as depressive disorder and anxiety disorder) by the VA supports a discharge upgrade to honorable. The applicant provided several medical documents indicating a diagnosis. The AMHRR is void any medical evidence indicating the applicant was suffering from a disabling medical or mental condition during the discharge processing, warranting separation processing through medical channels.

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, Major Depressive Disorder, Anxiety Disorder Not Otherwise Specified (NOS), Post-Traumatic Stress Disorder (PTSD).

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with an Adjustment Disorder, Major Depressive Disorder, and Anxiety Disorder NOS and is service connected by

the VA for Major Depressive Disorder and combat-related PTSD. There is also evidence that the applicant was a victim of Intimate Partner Violence (IPV) during 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 there is evidence of BH conditions that mitigate the basis of separation. The applicant was diagnosed in service with an Adjustment Disorder, Major Depressive Disorder, and Anxiety Disorder NOS and is 100% service connected by the VA for Major Depressive Disorder and combat-related PTSD. There is also evidence that the applicant was a victim of IPV during military service. Given the nexus between Major Depressive Disorder, PTSD, Anxiety Disorder NOS, IPV, and self-medicating with substances, the three specifications of wrongful use of a controlled substance (cocaine x 2; marijuana x 1) are mitigated. There is also a nexus between PTSD and difficulty with authority, so the disrespect and willfully disobeying a superior commissioned Officer are mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opinion, the Board determined that the applicant's diagnoses of Adjustment Disorder, Major Depressive Disorder, Anxiety Disorder NOS and PTSD outweighed the offenses related to the wrongful use of controlled substances and disobeying a superior commissioned Officer.

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant contends being diagnosed with major depressive disorder, moderate (also claimed as PTSD, now also claimed as depressive disorder and anxiety disorder) by the VA supports a discharge upgrade to honorable. The Board considered this contention and found that the applicant's diagnoses of Major Depressive Disorder, PTSD, and Anxiety Disorder provided sufficient grounds to warrant an upgrade to an Honorable discharge.

d. The Board determined the discharge is inequitable based on the applicant's diagnoses of Adjustment Disorder, Major Depressive Disorder, Anxiety Disorder Not Otherwise Specified (NOS), and Post-Traumatic Stress Disorder (PTSD), which outweighed the offenses of wrongful use of controlled substances and disobeying a superior commissioned Officer. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed 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. The Board determined the reentry code is proper and equitable and voted not to change it.

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 diagnoses of Adjustment Disorder, Major Depressive Disorder, Anxiety Disorder Not Otherwise Specified (NOS), and Post-Traumatic Stress Disorder (PTSD) outweighed the offenses of wrongful use of controlled substances and disobeying a superior commissioned Officer.

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

(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: Honorable
- 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:

1/13/2026

**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