

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 2 January 2022
- b. **Date Received:** 10 January 2022
- 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, a narrative reason change, and changes to the separation and reentry codes.

b. **Applicant Contention(s) / Issue(s):** The applicant requests relief contending, they served honorably but began experiencing physical and mental health issues following deployment. They returned home after a fellow sergeant suffered a heart attack, which contributed to deteriorating morale and leadership. Despite ongoing health concerns and attempts to seek treatment, the applicant felt ignored and unsupported by leadership. The applicant experienced multiple episodes of depression and sought help; however, was accused of malingering and received a nonjudicial punishment (NJP) instead of proper care.

(1) During their service, the applicant faced challenges with the command, poor unit cohesion, and retaliatory leadership, especially after filing complaints or expressing concerns. After being injured, the applicant could not complete physical duties, leading to a perception of failure and resulted in substance abuse, depression, and legal issues. The applicant was discharged and later denied Veterans Affairs (VA) care, faced homelessness and untreated medical conditions for several years.

(2) Despite their hardships, the applicant eventually received mental health treatment and began recovering. The applicant was remorseful for their actions, acknowledged accountability, and demonstrated motivation to reintegrate into society. The applicant requested an upgrade in their discharge status to reflect their initial honorable service and the mental health conditions which contributed to their misconduct. They expressed a desire to continue improving their life, to support their family, and to serve their community.

c. **Board Type and Decision:** In a records review conducted on 1 October 2025, and by a 5-0 vote, the Board determined that the reason for the applicant's separation and the character of service the applicant received upon separation were inequitable. Therefore, the Board voted to change the characterization of service to Honorable. The Board voted not to change the applicant's reason or accompanying SPD code as the reason the applicant was discharged was both proper and equitable. The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation. 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:** In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / General (Under Honorable Conditions)
- b. **Date of Discharge:** 14 September 2011

c. Separation Facts:

(1) **Date Charges Preferred / DD Form 458 (Charge Sheet):** 22 July 2011

(2) **Legal Consultation Date:** 4 August 2011

(3) **Basis for Separation:** Pursuant to the applicant's voluntary request for discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial.

(4) **CDR / Intermediate CDR Recommended Characterization:** 11 August 2011 / Under Other than Honorable Conditions

(5) **Separation Approval Decision Date / Characterization:** 11 August 2011

4. SERVICE DETAILS:

a. **Date / Period of Enlistment Under Review:** 9 July 2008 / 3 years, 20 weeks

b. **Age at Enlistment / Education / GT Score:** 26 / Associate's Degree / 127

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 92G10 Food Service Operation Specialist / 2 years, 10 months, 26 days

d. **Prior Service / Characterizations:** None

e. **Overseas Service / Combat Service:** SWA / Afghanistan (20090603-20100530)

f. **Awards and Decorations:** AAM-2, NDSM, ACM-CS-2, GWTSM, ASR, OSR, NATOMDL, CAB

g. **Performance Ratings:** NA

h. **Disciplinary Action(s) / Evidentiary Record:** The Enlisted Record Brief provides the applicant was flagged (Suspend Favorable Personnel Actions (FLAG) on 9 February 2011, for adverse action (AA) and on 12 May 2011, for field-initiated elimination (BA). On 4 April 2011, the ASAP manger notified the command of the applicant's positive urinalysis for cocaine (collected 2 March) and directed actions per AR 635-200, including CID (Criminal Investigation Division) notification; Behavioral Health referral within five duty days; initiation of a FLAG; and compliance with AR 635-200.

(1) On 6 June 2011, Military Police was notified by the County Criminal Justice Center of the applicant's off post arrest for the possession of a controlled substance, possession of drug paraphernalia, and driving under restraint. The applicant was arrested and held on a \$1,000 bond. They were granted a personal recognizance bond release and transported to the base police station for further processing and released to their unit.

(2) On 22 July 2011, the applicant was placed in pretrial confinement for being AWOL on four occasions (Article 86, UCMJ). Pretrial confinement was considered appropriate due to the applicant having failed out of rehabilitation centers on 17 February, 22 March, and 21 April 2011. While in these rehabilitation centers, the applicant tested positive for illegal drugs. The applicant repeatedly tested positive for controlled substances and did openly admit to using drugs on multiple occasions. A Charge Sheet provides the applicant's charges were preferred in violation of four specifications of Article 86, UCMJ (absent without leave) for being AWOL on or

between 4-10 February 2011; 15-21 March 2011; 18-19 May 2011; and 1-22 July 2011.

(3) On 4 August 2011, after consulting with counsel, the applicant voluntarily requested discharge for the good of the service in lieu of trial by court-martial under the provisions of AR 635-200, Chapter 10. In their request, the applicant affirmed no one had subjected them to coercion, counsel advised them of the implications of their request, and the applicant further acknowledged they were guilty of the charge against them or a lesser one, understanding they may be discharged with an under other than honorable conditions characterization of service and declined to provide a statement on their behalf.

(4) Army Discharge Review Board Case Report and Directive, dated 30 March 2016, provides the applicant previously requested an upgrade from under other than honorable conditions (UOTHC) to general (under honorable conditions) characterization of service which was granted. A new DD Form 214 (Certificate of Release or Discharge from Active Duty), dated 26 April 2016, reflects the new characterization and the previous DD Form 214 issued 14 September 2011, was voided.

i. **Lost Time / Mode of Return:** AWOL, 4-10 February 2011 / PDY

- AWOL, 16 March – 21 April 2011 / PDY
- AWOL, 18 May – 5 June 2011 / PDY
- CCA, 19 July – 4 August 2011 / PDY
- AWOL, 9 – 18 August 2011 / AWOL
- CCA, 19 August – 1 September 2011 / PDY

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:** A Veterans Affairs (VA) Summary of Benefits Letter, dated 27 May 2022, provides the applicant was granted a 90% service-connected disability rating for PTSD, TBI, and for other physical ailments. The applicant additionally provided 11 pages of medical records including a Post-Deployment Health Re-Assessment (PDHRA), Pre/Post Deployment Soldier Wellness Assessment Medical Report, and a Radiologic Examination Report.

(2) **AMHRR provided:** On 22 April 2011, the Addiction Counselor with ASAP (Army Substance Abuse Program) Services provided a rehabilitation summary to the commander in reference to the applicant’s recovery stating the following: The applicant was enrolled in ASAP in February 2011 following a command referral due to ongoing cocaine use. Although initially negative for methamphetamines, the applicant was diagnosed with cocaine dependency and admitted for detox. After discharge, the applicant began outpatient treatment but relapsed and went AWOL in March 2011. The applicant was then admitted to an inpatient program, completed it, and coordinated follow-up care. However, the applicant went AWOL again the following day and required detox at a facility. Despite multiple treatment attempts and support interventions, the applicant failed to maintain sobriety or comply with program requirements. Their participation in ASAP remained marginal, and their prognosis was determined to be poor. Under AR600-85, the applicant met the criteria for a Chapter 9 rehabilitation failure.

(a) A medical health examination, dated 29 April 2011, provides the applicant was qualified for separation. In the summary of defects and diagnoses, the provider annotated a provisional diagnosis of PTSD by an off-post provider pending an evaluation by the military BH provider and recommended to continue with BH appointments.

(b) A mental status evaluation, dated 27 June 2011, provides the applicant was unfit for duty due to a personality disorder or other mental condition that does not amount to a medical disability. Their diagnoses were Adjustment Disorder with disturbance of conduct and emotions, and Cocaine Dependence and was recommended to continue ongoing follow-up appointments. The BH provider scored the applicant positive for PTSD and found the applicant was attending ASAP IOT (Army Substance Abuse Program Intensive Outpatient Treatment) and individual session(s) to target ongoing cocaine dependence and other substance abuse issues. The applicant was psychologically cleared for administrative proceedings.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Certificate of Release or Discharge from Active Duty; Two Self-Authored Statements; Awards and Recognitions; Medical Records; Veterans Affairs Summary of Benefits Letter; eBenefits Printout

6. POST SERVICE ACCOMPLISHMENTS: The applicant has been rehabilitated, overcame homelessness, demonstrated personal accountability, and has reintegrated into society.

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

a. 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.

b. 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.

c. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge

d. 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 600-85 (Army Substance Abuse Program (ASAP)) provided a comprehensive alcohol and drug abuse prevention and control policies, procedures, and responsibilities for Soldiers for ASAP services. The ASAP is a command program that emphasizes readiness and personal responsibility. The ultimate decision regarding separation or retention of abusers is the responsibility of the Soldier's chain of command. Abuse of alcohol or the use of illicit drugs by military personnel is inconsistent with Army values and the standards of performance, discipline, and readiness necessary to accomplish the Army's mission. All Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

(1) Unit commanders must intervene early and refer all Soldiers suspected or identified as alcohol and/or drug abusers to the ASAP. The unit commander should recommend enrollment based on the Soldier's potential for continued military service in terms of professional skills, behavior, and potential for advancement. ASAP participation is mandatory for all Soldiers who are command referred. Failure to attend a mandatory counseling session may constitute a violation of Article 86 (Absence Without Leave) of the UCMJ.

(2) Alcohol and/or other drug abusers, and in some cases dependent alcohol users, may be enrolled in the ASAP when such enrollment is clinically recommended. Soldiers who fail to participate adequately in, or to respond successfully to, rehabilitation will be processed for administrative separation and not be provided another opportunity for rehabilitation except under the most extraordinary circumstances, as determined by the Clinical Director in consultation with the unit commander.

(3) Alcohol and/or other drug abusers, and in some cases dependent alcohol users, may be enrolled in the ASAP when such enrollment is clinically recommended. Soldiers who fail to participate adequately in, or to respond successfully to, rehabilitation will be processed for administrative separation and not be provided another opportunity for rehabilitation except under the most extraordinary circumstances, as determined by the Clinical Director in consultation with the unit commander.

(4) All Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

g. 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:

(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.

h. Army Regulation 631-10 (Absence, Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings) provides policies and procedures for reporting unauthorized absentees and deserters, the administering of absent without leave (AWOL) personnel and deserters, returning absentees and deserters to military control and the surrendering of military personnel to civilian law enforcement authorities. When a soldier returns from an absence that is or appears to be unauthorized, the unit commander informally investigates whether disciplinary action should be taken and if the soldier be charge with time lost.

(1) Classification of an absence is dependent upon such factors as the following:

- Order and instructions, written/oral, the Soldier received before/during absence

- Age, military experience, and general intelligence of the Soldier
- Number and type of contact the Soldier had with the military absent
- Complete or incomplete results of a court-martial decision if any

(2) An absence immediately following authorized leave is classified as AWOL. Should the absence subsequently be reclassified, the soldier's leave is corrected to reflect the reclassified absence, except if the absence is caused by the following:

- Mental incapacity
- Detention by civilian authorities
- Early departure of a mobile unit due to operational commitments

i. 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.

(e) A Dishonorable discharge is the most severe type of discharge and will be given to a Soldier pursuant only to an approved sentence of general or special court-martial. The appellate review must be completed and affirmed sentence ordered duly executed. Behaviors such as fraud, desertion, treason, espionage, sexual Assault, and murder and other actions may be punished with a dishonorable discharge.

(f) An Uncharacterized separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status. This characterization is when the Soldier is separated by reason of selected changes in service obligation, convenience of the Government, and Secretarial plenary authority. A Soldier is in an entry-level status (ELS) if the Soldier has not completed more than 180 days of creditable continuous active duty prior to the initiation of separation action.

(2) Chapter 10, Discharge in Lieu of Trial by Court Martial is applicable to members who had committed an offense or offenses for which the authorized punishment included a bad conduct, or dishonorable discharge could submit a request for discharge for the good of the service. The request could be submitted at any time after the charges had been preferred. Although an honorable or general discharge was authorized, an under other than honorable conditions discharge was normally considered appropriate, unless the record was so meritorious it would warrant an honorable.

(a) After receiving legal counseling, the soldier may elect to submit a request for discharge in lieu of trial by court-martial. The soldier will sign a written request, certifying that they have been counseled, understands their rights, and may receive a discharge under other than honorable conditions.

(b) The following documents will accompany the request for discharge:

- A copy of a Charge Sheet (DD Form 458)
- Report of medical examination and mental status evaluation, if conducted
- A complete copy of all reports of investigation
- Any statement, documents, or other matter considered by the commanding officer in making his/her recommendation, including any information presented for consideration by the soldier or consulting counsel.
- A statement of any reasonable ground for belief that the soldier is, or was at the time of misconduct, mentally defective, deranged, or abnormal. When appropriate, evaluation by a psychiatrist will be included.

(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, it will 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

(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 "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu Trial by Court-Martial.

(i) Manual for Courts-Martial (2008 Edition), United States, states military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good orders and discipline in the Armed Forces. **Article 86** (more than 30 days and terminated by apprehension) states in

the subparagraph, the maximum punishment consists of a dishonorable discharge, forfeiture of all pay and allowances, and confinement for 18 months. **Article 112a** (wrongful distribution and wrongful possession of a schedule I controlled substance) states in the subparagraph, the maximum punishment consists of dishonorable discharge, forfeiture of all pay and allowances, and confinement for two years.

a. Title 38, U.S. Code, Sections 1110 and 1131, permits the VA to award compensation for a medical condition which was incurred in or aggravated by active military service. The VA, however, is not required by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual's medical condition, although not considered, medically unfitting for military service at the time of processing for separation, discharge, or retirement, may be sufficient to qualify the individual for VA benefits based on an evaluation by the agency.

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, a narrative reason change, and changes to the separation and reentry codes. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

(1) A DD Form 214 reflects their separation under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial, with an under other than honorable conditions characterization of service, which resulted in the applicant being reduced to the lowest enlisted paygrade. The record indicates the applicant went AWOL on several occasions, totaling 3 months and 10 days of LOST time and charges were preferred. They served 2 years, 10 months, 26 days of a 3 year-20 week contractual obligation.

(a) After consulting with counsel, the applicant voluntarily requested discharge for the good of the service in lieu of trial by court-martial under the provisions listed above. In their request, they affirmed no one had subjected them to coercion, counsel advised them of the implications of their request, and the applicant further acknowledged they were guilty of the charge against them or a lesser one, understanding they may be discharged with an under other than honorable conditions characterization of service, in which the separation authority approved.

(b) The applicant petitioned the ADRB for a discharge upgrade and was approved (AR20150008459) and as a result, their characterization of service was upgraded to general (under honorable conditions), voiding their initial DD Form 214.

(2) The applicant contends, the misconduct which they have accepted full responsibility for, stemmed from service-connected mental health conditions left unaddressed during enlistment. They actively sought treatment post-discharge, demonstrated rehabilitation, and requested a discharge upgrade based on prior honorable service, lack of proper support, and continued efforts to reintegrate as a productive member of society.

(3) They were medically qualified for separation and recommended to follow-up with their ongoing BH therapy. The provider additionally noted, the applicant received an off post

diagnosis of PTSD and was pending an evaluation from the military BH.

(a) Their mental status evaluation determined the applicant had an Adjustment Disorder with disturbance of conduct and emotions and was cocaine dependent. The BH provider found them positive for PTSD and identified their current enrollment in ASAP IOT.

(b) A VA summary of benefits letter, dated 27 May 2022, provides the applicant was awarded a 90% service-connected disability rating for PTSD-TBI and other physical ailments.

b. Chapter 10 is a voluntary discharge request in-lieu of trial by court-martial. A discharge under other than honorable conditions normally is appropriate for a soldier who is discharge in lieu of trial by court-martial. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record during the current enlistment. For Soldiers who have completed entry-level status, characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be improper.

c. Published Department of Defense guidance indicates the guidance is not intended to interfere or impeded on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether its 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 DoD and VA medical records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses: Adjustment Disorder, Cocaine Dependence, PTSD, Major Depressive Disorder, Mood Disorder NOS, Anxiety Disorder NOS, 2009 mTBI.

(2) Did the condition exist, or experience occur during military service? **Yes.** Adjustment Disorder, Cocaine Dependence, PTSD, Major Depressive Disorder, Mood Disorder NOS, Anxiety Disorder NOS, 2009 mTBI.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor determined that the medical conditions are mitigating. The Board's Medical Advisor applied liberal consideration and opined that given the trauma occurred prior to the misconduct and nexus between trauma, substance use, and substance related behavior and avoidance (AWOL), the basis is mitigated.

(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 condition or experience outweighed the basis of separation.

b. Prior Decisions Cited: AR20150008459 (granted on 30 March 2016; from UOTHC to general (under honorable conditions)

c. Response to Contention(s): The applicant contends, the misconduct which they have

accepted full responsibility for, stemmed from service-connected mental health conditions left unaddressed during enlistment. They actively sought treatment post-discharge, demonstrated rehabilitation, and requested a discharge upgrade based on prior honorable service, lack of proper support, and continued efforts to reintegrate as a productive member of society. The Board members considered this contention and voted to change the characterization of service to Honorable.

d. The Board determined based on a preponderance of evidence, that the reason for the applicant's separation and the character of service the applicant received upon separation were inequitable. The Board Members noted the applicant's trauma occurred prior to the applicant's misconduct and nexus between trauma and substance use and behavior, the basis of separation, AWOL, is mitigated. Therefore, the Board voted to change the characterization of service to Honorable.

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 characterization of service to Honorable based on the applicant's trauma and the nexus between trauma and substance use and behavior, the applicant's AWOL basis of separation is mitigated.

(3) The Board voted not to change the applicant's reason for discharge or accompanying SPD code, as the reason the applicant was discharged was both 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.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable Discharge
- c. Change Reason / SPD code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200

Authenticating Official:

10/9/2025



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