

1. Applicant's Name: [REDACTED]**a. Application Date:** 2 May 2022**b. Date Received:** 5 May 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 a change of their narrative reason for separation and reentry code.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, their first enlistment contract was very unfair, unequal, and wrong due to the leadership to the point where they felt very targeted and picked out. They never said or would have said anything disrespectful to any of their command team; however, their platoon leader was new to the company and took what they said to their platoon leader as coming off rudely. They just wanted the platoon leader to understand their frustration and to be equal among the rest of the Soldiers. On 22 September 2021, they showed up late to duty due to a friend's death. They feel as though they were being misunderstood for their thoughts they shared; however, they received several counselings. They wish to continue their military career on a better start and find good leadership they can look up to and to motivate Soldiers.

c. Board Type and Decision: In a records review conducted on 29 January 2026, and by a 3-0 vote, the Board determined the discharge is inequitable because the applicant's RE-4 code was excessively severe compared to the minor misconduct involving disrespect toward a commissioned officer and a single failure to report. Therefore, the Board voted to grant relief in the form of upgrading the applicant's RE code to 3, while determining that the General discharge, JKN separation code, and narrative reason for discharge were proper and equitable. 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 (Minor Infractions) / AR 635-200 / JKN/ RE-4 / Under Honorable Conditions (General)

b. Date of Discharge: 15 December 2021

c. Separation Facts: The applicant's case separation file is void from the Army Military Human Resource Record (AMHRR); however, the applicant provided excerpts of their case separation files. The information in 3c(1) through (6) were derived from those documents.

(1) Date of Notification of Intent to Separate: NIF

(2) Basis for Separation: The applicant was informed of the following reasons [Note: reflected on the Commander's Report]: on 15 September 2021, disrespectful to a commissioned officer and on 22 September 2021, failed to report to work.

(3) Recommended Characterization: NIF

(4) **Legal Consultation Date:** NIF

(5) **Administrative Separation Board:** NIF

(6) **Separation Decision Date / Characterization:** NIF

4. SERVICE DETAILS:

a. **Date / Period of Enlistment Under Review:** 11 August 2020 / 3 years, 27 weeks

b. **Age at Enlistment / Education / GT Score:** 18 / HS Graduate / 90

c. **Highest Grade Achieved / MOS / Total Service:** E-3 / 19K10, M1 Armor Crewmember / 1 year, 4 months, 5 days

d. **Prior Service / Characterizations:** NA

e. **Overseas Service / Combat Service:** None

f. **Awards and Decorations:** ASR

g. **Performance Ratings:** NA

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

(1) A DA Form 2627 (Record of Proceedings under Article 15, Uniform Code of Military Justice (UCMJ)) dated 22 October 2021 reflects the applicant received nonjudicial punishment, in that they did, on or about 15 September 2021, behave themselves with disrespect toward a commissioned officer, by back talking under their breath after being ordered to do an exercise, in violation of Article 89 (Disrespect toward superior commissioned officer), UCMJ; and in that they did, on or about 22 September 2021, without authority, fail to go at the time prescribed to their appointed place of duty, in violation of Article 86 (Failing to go appointed place of duty), UCMJ. Their punishment consisted of a reduction in rank/grade from private first class/E-3 to private/E-1, forfeiture of half pay for one month and extra duty and restriction for 14 days. The applicant elected not to appeal.

(2) A memorandum, Bravo Company, 2nd Battalion, 69th Armor Regiment, 2nd Armored Brigade Combat Team, 3rd Infantry Division, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12a, Minor Disciplinary Infractions, [Applicant], dated 2 November 2021, reflects the applicant's company commander's recommendation for the applicant to be separated from the Army prior to the expiration of their current term of service. The commander states they do not consider it feasible or appropriate to accomplish other disposition as continuation of service is not recommended due to performance and attitude.

(3) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 15 December 2021, with 1 year, 4 months, and 5 days of net active service this period. The applicant has not completed their first full term of service. Their DD Form 214 shows in –

- item 4a (Grade, Rate or Rank) – Private
- item 4b (Pay Grade) – E-1

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- item 121 (Effective Date of Pay Grade) – 22 October 2021
- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 25 (Separation Authority) – Army Regulation 635-200
- item 26 (Separation Code) – JKN
- item 27 (Reentry Code) – 4
- item 28 (Narrative Reason for Separation) – Misconduct (Minor Infractions)

i. Lost Time / Mode of Return: NA

j. Behavioral Health Condition(s): None

5. APPLICANT-PROVIDED EVIDENCE:

- two DD Forms 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- DD Form 4 (Enlistment Document), page 4
- Enlisted Record Brief
- excerpts of Case Files for Approved Separations
- Separation Order
- DD Form 214
- Statement for Enlistment in the Rhode Island Army National Guard

6. POST SERVICE ACCOMPLISHMENTS:

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 U.S. Code 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 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.

g. 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.

(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 14-12a, states a Soldier is subject to action per this section for a pattern of misconduct consisting solely of minor military disciplinary infractions.

(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 "JKN" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, Misconduct (Minor Infractions).

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

b. A review of the available evidence provides an administrative irregularity in the proper retention of records, specifically the AMHRR case files for approved separation is not in evidence. The documents provided by the applicant reflects they received nonjudicial punishment under the provisions of Article 15, UCMJ for violation of Article 86 and Article 89 and was involuntarily discharged from the U.S. Army. The applicant's DD Form 214 indicates their discharge under the provisions of Army Regulation 635-200 by reason of Misconduct (Minor Infractions), with a characterization of service of general (under honorable conditions). The applicant completed 1 year, 4 months, and 5 days of net active service. The applicant did not complete their first full term of service of their 3-years, 27-week enlistment obligation.

c. Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is 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.

d. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it 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? **No.** 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):

(5) The applicant contends their first enlistment contract was very unfair, unequal, and wrong due to the leadership to the point where they felt very targeted and picked out. The Board considered this contention and found no evidence in the record indicating improper treatment or unequal application of standards by leadership.

(6) The applicant contends they never said or would have said anything disrespectful to any of their command team; however, their platoon leader was new to the company and took what they said to platoon leader as coming off rudely. They just wanted the platoon leader to understand their frustration and to be equal among the rest of the Soldiers. The Board considered this contention and noted that the Article 15 proceedings documented sufficient evidence to support the finding of disrespect.

(7) The applicant contends on 22 September 2021, they showed up late to duty due to a friend's death. The Board considered this contention and acknowledged the applicant's personal circumstances; however, the record reflects the failure to report was properly documented and addressed through nonjudicial punishment.

(8) The applicant contends they feel as though they were being misunderstood for their thoughts they shared; however, they received several counselings. The Board considered this contention and determined that the counseling history reflected appropriate command efforts to address performance and conduct concerns.

(9) The applicant contends they wish to continue their military career on a better start, find good leadership they can look up to, and to motivate Soldiers. The Board considered this contention and determined that the counseling history reflected appropriate command efforts to address performance and conduct concerns.

d. The Board determined the discharge is inequitable because the applicant's RE-4 code was excessively severe compared to the minor misconduct involving disrespect toward a commissioned officer and a single failure to report. Therefore, the Board voted to grant relief in the form of upgrading the applicant's RE code to 3, while determining that the General discharge, JKN separation code, and narrative reason for discharge were proper and equitable.

e. Rationale for Decision:

(10) 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.

(11) The Board voted not to change the applicant's characterization of service because it was found proper and equitable based on the evidence of record and compliance with all regulatory requirements.

(12) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, as the reason the applicant was discharged was both proper and equitable.

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(13) The RE code will change because the Board determined that the original RE-4 was disproportionately severe for the minor misconduct, and relief was warranted by adjusting it to RE-3.

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: No Change
- d. Change RE Code to: RE-3
- e. Change Authority to: No Change

Authenticating Official:

2/6/2026

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