

1. Applicant's Name: [REDACTED]

a. **Application Date:** 28 January 2022

b. **Date Received:** 7 February 2022

c. **Counsel:** None

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

a. **Applicant's Requests and Issues:** The current characterization of service for the period under review is Under Other than Honorable Conditions. The applicant requests an upgrade to Honorable and a narrative reason change.

b. The applicant seeks relief contending, they served in the U.S. Army from 6 February 2007 – 5 March 2010, including a tour in Iraq from 31 October 2007 – 23 June 2008. While serving in Iraq, they were in a convoy that had three Humvees in it, in which they were the last one. As they was going to their FOB (forward operating base), there was two guys standing at the power plant watching them drive by. As they turned won the hill an explosion happened. The IED (improvised explosive device) was 5-10 meters behind and the shock wave was very strong. Since this day, that event has affected their entire life, as they have vivid nightmares, hate being around people, and now cannot stand to be in large crowds. They used to love being around people and was a great Soldier up until this incident.

(1) After returning to the U.S., they started drinking to kill the pain. That is when the applicant begin a downward spiral and turned into a raging alcoholic. While on active duty, the made mistakes trying to cover their pain. They were drinking and when they ran out of money, they had to resort to stealing to get money to get the alcohol and the drugs needed to cover up the pain they were in. This is what led to their getting a civil conviction and their Under Other than Honorable discharge.

(2) The applicant left the military and their life became worse with more alcohol and more drugs, arrest, and jail time. All they needed was help with their Posttraumatic Stress Disorder (PTSD); however, due to their discharge, they were not eligible for Veteran Affairs (VA) Benefits. On 1 May 2020, they filed a VA disability claim for their PTSD and after many months, they received a decision on 19 November 2021, which denied them a service-connection for PTSD but approved them for treatment purposes only under 38 USC Chapter 17. The VA concedes that their PTSD was caused by their military service in Iraq and the VA examiner confirmed the in-service stressors contributed to their PTSD. If the applicant had been treated for their PTSD while on active duty, their career would have been different and their life after the Army would have been better.

(3) They are requesting all the evidence be reviewed, including their self-authored statement sent to the VA. The applicant was an exemplary Soldier prior to the incident in Iraq, which changed their whole life. Even though the VA has diagnosed and they are receiving treatment for their PTSD, they are still barred from other VA benefits, and barred from receiving basic healthcare treatment due to their military discharge. An upgrade to Honorable, can help them have control of their circumstances and to hopefully live a normal life.

c. **Board Type and Decision:** In a records review conducted on 24 January 2025, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's length of service and the circumstances surrounding the discharge (PTSD diagnoses). Accordingly, the Board voted to grant relief in the form of an upgrade to the

characterization of service to General (Under Honorable Conditions). The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

Please see Section 9 of this document for more detail regarding the Board's decision.

(Board member names available upon request)

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct (Civil Conviction) / AR 635-200, Chapter 14, Section II / JKB / RE-3 / Under Other than Honorable Conditions

b. Date of Discharge: 5 March 2010

c. Separation Facts:

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

(2) Basis for Separation: They were convicted in a civilian court of theft in the second degree.

(3) Recommended Characterization: Under Other than Honorable Conditions

(4) Legal Consultation Date: 23 November 2009

(5) Administrative Separation Board: On 18 February 2010, an Administrative Separation Board convened and found that since the applicant had been convicted in civil court, they recommended an Other than Honorable discharge.

(6) Separation Decision Date / Characterization: 5 March 2010 / Under Other than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 6 February 2007 / 3 years

b. Age at Enlistment / Education / GT Score: 21 / High School Diploma / 92

c. Highest Grade Achieved / MOS / Total Service: E-4 (SPC) / 91D10 Tactical Power Generation Specialist / 2 years, 2 months, 9 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) On 6 February 2007, they enlisted in the Regular Army for 3 years as a private second class, PV2 (E-2). The Enlisted Record Brief provides on 3 December 2008, they

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promoted to private first class, PFC (E-3); and on 1 September 2008, to specialist, SPC (E-4). On 18 June and 20 July 2009, they were flagged, Suspend Favorable Personnel Actions (FLAG), for field-initiated involuntary separation (BA) and adverse action (AA).

(2) Nine Personnel Actions provide the applicant's status changes as follows:

4 March 2009: Present for Duty (PDY)	Absent Without Leave (AWOL)
9 March 2009: AWOL	PDY
24 March 2009: PDY	AWOL
24 April 2009: AWOL	Dropped From Rolls (DFR)
29 April 2009: AWOL	Confined by Civil Authorities (CCA)
29 April 2009: DFR	CCA
19 May 2009: CCA	PDY
9 June 2009: PDY	AWOL
10 June 2009: AWOL	PDY
18 June 2009: PDY	AWOL

(3) On 3 December 2008, according to the commander's report, the applicant received nonjudicial punishment (NJP) for dereliction of duty and DUI (driving under the influence) in violation of Articles 92 (dereliction in performance of duties) and 111, UCMJ (drunk driving). Their punishment imposed a reduction to PFC (E-3); forfeiture of \$370.00, suspended; extra duty for 14 days; and restriction for 14 days.

(4) A Criminal Investigation Division (CID) Report, dated 21 April 2009, provides an investigation determined on 10 March 2009, the applicant committed larceny of government property and of private funds, when the applicant used another Soldier's Military Star Card, without their consent, to make multiple purchases at various locations on Fort Richardson, AK and Elmendorf Air Force Base, AK, which totaled \$3,204.65. The applicant committed the offense of having been AWOL on 24 March 2009 and had not returned to military control when this report was submitted.

(5) Although undated, the company commander notified the applicant of their intent to initiate separation proceedings under the provisions of AR 635-200, Chapter 14, Section II, Misconduct (Civil Conviction), for having been convicted in civilian court of theft in the second degree. They recommended an Under Other than Honorable Conditions characterization of service, in which both the brigade and battalion commanders concurred with. On 13 November 2009, the applicant acknowledged receipt of their separation notice. On 23 November 2009, after having consulted with defense counsel, they requested an Administrative Separation Board (unless the applicant was separated with no less than a General (Under Honorable Conditions), in which case they had no right to a board). On 18 February 2010, the Board found that the applicant had been convicted by civil court and therefore, recommended an Under Other than Honorable Conditions characterization of service.

(6) On 5 March 2010, the separation authority approved the discharge with an Under Other than Honorable Conditions characterization of service. A DD Form 214 (Certificate of Release or Discharge from Active Duty) provides the applicant was discharged accordingly the same day, with 2 years, 2 months, and 22 days of total service. They were not available to provide their electronic signature and has not completed their first full term of service.

i. **Lost Time / Mode of Return:** Under 10 USC 972: 24 March – 23 April 2009; 24 April – 18 May 2009; 9, 11-22 June 2009; 23 June – 19 July 2009; 20 July – 25 September 2009; 26 September – 4 October 2009; 5 October 2009 – 5 March 2010

j. Behavioral Health Condition(s): PTSD

(1) **Applicant provided:** A VA Rating Decision, dated 17 November 2021, granted the applicant a service-connection for treatment purposes only under 38 USC, Chapter 17 for PTSD.

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE:

a. Application for the Review of Discharge; Two Self-Authored Statements; Photo; VA Rating Decision; Character Letter

(1) A character letter from the applicant's aunt provides they were a carefree young person who bravely volunteered yet returned a shell of their former self. After years of reading self-help books and earnestly striving to rebuild their life, the applicant still has lapses in judgement and restless moodiness that belies a tormented soul. The applicant withdrew from their family while in Bagdad and when the family spoke with them, the applicant was distant and quiet on phone calls. When they returned home for a visit, the slamming of a door would cause the applicant to jump in a startled fashion. They went AWOL upon returning from Iraq and it appeared they were not thinking clearly and the aunt believed it to be the effects of PTSD. Their having gone AWOL spoke to the applicant's thought processes and the deep psychological disturbances they were suffering from.

(2) Drugs and alcohol played a role in the applicant's incarceration. The applicant tried to self-medicate using street drugs and alcohol, which soon caught up with them and consequently they spent a lot of time in jail for nonviolent drug related offenses. The aunt knew all along that the applicant really needed therapy. They emerged into the Letcher Co Drug Court Program and was nearing graduation in August 2020 [then]. The applicant has no medical insurance, was working just barely above the minimum wage, plagued with an inability to relax, and works until they collapse to rise and do it all the next day. The applicant confessed the need to remain busy because they would get "in [their] head" if they did not. It appeared that the government has failed one of their own and should restore trust to a broken Soldier, that they may somehow be restored.

6. POST SERVICE ACCOMPLISHMENTS: Application for the Review of Discharge; Self-Authored Statement; VA Rating Decision

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. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

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 635-200 (Active Duty Enlisted Administrative Separations), set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) Chapter 3 provides 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.

(a) 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.

(b) 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. 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 14-5, Section II (Conviction by Civil Court). A Soldier may be considered for discharge when initially convicted by civil authorities, or when action is taken that is tantamount to a finding of guilty, if one or more of the following conditions are present: (a) A punitive discharge authorized for the same or a closely related offense under the M.C.M., as amended. (b) The sentence by civil authorities includes confinement for six months or more, without regard to suspension or probation.

(4) 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.

e. 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 "JKB" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, Section II, Misconduct (Civil Conviction).

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 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.

g. 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.

h. 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 121 (larceny of military property valued over \$500) states in the subparagraph, the maximum punishment consists of a dishonorable discharge, forfeiture of all pay and allowances, and confinement for ten years. Article 121 (larceny of private property valued over \$500) states in the subparagraph, the maximum punishment consists of dishonorable discharge, forfeiture of all pay and allowances, and confinement for five years.

i. 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): 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 and a narrative reason change. A review of the records provides administrative irregularity in the proper retention of official military records, specifically, whether the applicant was referred to ASAP and their medical/mental separation examination(s), which is required under this chapter of separation.

b. The available evidence provides the applicant enlisted in the RA, promoted to SPC, and served for 2 years, 4 months, and 12 days prior to being flagged for involuntary separation. They received counseling's for various acts of misconducts and received NJP for dereliction of duty (Article 92, UCMJ: dereliction in performance of duties) and for DUI (Article 111: drunken driving) which imposed a reduction to PVT and restriction. Additionally they have been AWOL on four separate occasions, which totaled 78 days and has been in confinement for a total of 107 days according to the commander's report. Separation proceedings were initiated under the provisions of AR 635-200, Chapter 14, Section II, Misconduct (Civil Conviction), with an Under Other than Honorable Conditions characterization of service.

(1) After consulting with counsel, the applicant requested consideration of their case by an administrative separation board (unless they were to be separated with no less than a General (Under Honorable Conditions characterization) of service; however, due to the civil conviction, the Board recommended that the applicant's service should be characterized as Under Other than Honorable Conditions.

(2) The record is void of a separation mental status evaluation and/or a medical examination. The applicant provided a VA Rating Decision granting them service-connection for treatment purposes only under 38 USC, Chapter 17 for PTSD. They served 2 years, 2 months, and 9 days of their 3-year contractual obligation.

c. Chapter 14 establishes policy and prescribes procedures for separating 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 discharge 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? **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 diagnosis: PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given the trauma occurred prior to the misconduct, nexus between trauma and substance use, and likelihood larceny was secondary to funding their substance use, the basis is mitigated.

(4) Does the condition or experience outweigh the discharge? **Partial.** The Board considered all of the evidence and determined that an upgrade to a General (Under Honorable Conditions).

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant seeks relief contending that their PTSD was caused by military service in Iraq and the VA examiner confirmed the in-service stressors contributed to their PTSD. If the applicant had been treated for their PTSD while on active duty, their career would have been different and their life after the Army would have been better. The Board liberally considered this contention and determined that it was valid due to the applicant's Post Traumatic Stress Disorder outweighing the applicant's substance abuse. Therefore, a discharge upgrade is warranted.

(a) They are requesting all the evidence be reviewed, including their self-authored statement sent to the VA. The applicant was an exemplary Soldier prior to the incident in Iraq, which changed their whole life. Even though the VA has diagnosed, and they are receiving treatment for their PTSD, they are still barred from other VA benefits and barred from receiving basic healthcare treatment due to their military discharge. An upgrade to Honorable, can help them have control of their circumstances and to hopefully live a normal life. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not

fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance

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. The Board found sufficient evidence of in-service mitigating factors (Length) and concurred with the conclusion of the medical advising official that given the trauma occurred prior to the misconduct, nexus between trauma and substance use, and likelihood larceny was secondary to funding his substance use, the basis is mitigated. Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was inequitable and warranted an upgrade to General (Under Honorable Conditions). The applicant's service was not sufficiently meritorious to warrant an Honorable discharge.

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to General (Under Honorable Conditions) because, the applicant's PTSD did excuse or mitigate the offenses of substance abuse; however the applicant's conduct fell below that level of meritorious service warranted for an upgrade to Honorable discharge.

(2) 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.

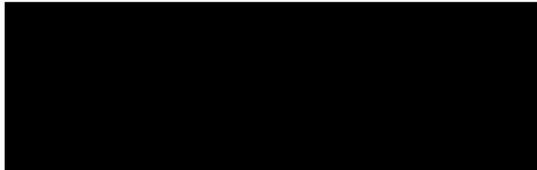
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: General (Under Honorable Conditions)
- c. Change Reason / SPD code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

Authenticating Official:

10/24/2025



Legend:

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

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