

1. Applicant's Name: [REDACTED]

a. **Application Date:** 29 January 2022

b. **Date Received:** 9 February 2022

c. **Counsel:**

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

a. **Applicant Requests:** The current characterization of service for the period under review is General (Under Honorable Conditions). The applicant requests an upgrade to Honorable.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending they underwent major life changes that disrupted their efficiency of service. They served in Kuwait in Support of Operation Iraqi Freedom/Operation Enduring Freedom in 2008/2009. By the time they had a permanent change of station to Fort Jackson, a few months later, there were a parent of four small children that was in the process of a divorce. At their new duty station, they were put in the position of acting supply sergeant of the supply room. They were honored and proud they were entrusted with such a position at the time of service, but unfortunately their new professional responsibilities, new family demands and health issues were in conflict. They tried their best to maintain control and balance in silence to their superiors because of pride and shame.

c. **Board Type and Decision:** In a records review conducted on 30 October 2025, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, the circumstances surrounding the discharge (Major Depressive Disorder) and post-service accomplishments. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

3. DISCHARGE DETAILS:

a. **Reason / Authority / Codes / Characterization:** Unsatisfactory Performance / Army Regulation 635-200, Chapter 13 / JHJ / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 15 December 2010

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 20 October 2010

(2) **Basis for Separation:** The applicant was informed of the following reasons: failed to perform their duties several times during an eight month period in include being late, not being reliable, failing to turn in equipment and receiving an Article 15.

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

(4) Legal Consultation Date: 20 October 2010

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 24 November 2010

4. SERVICE DETAILS:

a. Date / Period of Reenlistment Under Review: 1 August 2008 / 4 years

b. Age at Enlistment / Education / GT Score: 24 / HS Graduate / 98

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92Y1O, Unit Supply Specialist / 4 years, 10 months, 28 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Korea, SWA / Kuwait (6 January 2008 – 3 April 2009)

f. Awards and Decorations: AAM-2, AGCM, NDSM, GWTEM, GWTSM, KDSM, ASR, OSR-2

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Eight DA Forms 4856 (Developmental Counseling Form) dated 8 March 2010 through 30 September 2010 reflects the applicant received multiple counseling for various acts of misconduct to include occurrences of failure to report, failure to obey, insubordination, lack of self-discipline, a disrespectful attitude, failure to render proper military customs and courtesies, false statement, and lying.

(2) A memorandum, Delta Company, 2nd Battalion, 39th Infantry Regiment, 165th Infantry Brigade, subject: Separate under Army Regulation 635-200, Chapter 13, Separation for Unsatisfactory Performance, [Applicant], dated 20 October 2010, the applicant's company commander notified the applicant that they are initiating action to separate them for Unsatisfactory Performance. The reason for the proposed action is the applicant has failed to perform their duties several times during an eight-month period to include being late, not being reliable, failing to turn in equipment and receiving an Article 15. On the same day, the applicant acknowledged the basis for the separation and of the rights available to them.

(3) On 20 October 2023, the applicant completed their election of rights signing they have been advised by consulting counsel of the basis for the contemplated action to separate them for unsatisfactory performance under Army Regulation 635-200, chapter 13, and its effects; of the rights available to them; and the effect of any action taken by them in waiving their rights. They elected waive consulting counsel. They understood that they may expect to encounter substantial prejudice in civilian life if a General (Under Honorable Conditions) discharge is issued to them. The applicant selected not to submit statements in their own behalf; however, as part of the applicant's case files for separation, there is an attached statement from the applicant. The applicant states it is their interpretation that their chain of command has issues with them and other cadre that are single parents and or a certain ethic group. In being under this chain of command, they feel they have been unfairly treated and discriminated

against. They have not had the chance to advance professionally to their next rank; they have never received monthly counseling on their performance; and neither have they received the support from their chain of command that they needed to carry out their mission.

(4) A memorandum, Delta Company, 2nd Battalion, 39th Infantry Regiment, 165th Infantry Brigade, subject: Commander's Report – Separate under Army Regulation 635-200, Chapter 13, Separation for Unsatisfactory Performance, [Applicant], dated 20 October 2010, the applicant's company commander submitted a request to separate them from the U.S. Army. The commander states the applicant received an Article 15 in violation of Article 86 (Failure to go place of duty), the applicant's punishment consisted of a reduction in rank/grade from specialist/E-4 to private first class/E-3, forfeiture of \$423.00 pay and extra duty for 14 days.

(5) A memorandum, Headquarters, 165th Infantry Brigade, subject: Separate under Army Regulation 635-200, Chapter 13, Separation for Unsatisfactory Performance, [Applicant], dated 20 October 2010, reflects the applicant's battalion commander's recommendation for the applicant's service to be characterized as General (Under Honorable Conditions).

(6) A memorandum, Headquarters, 165th Infantry Brigade, subject: Separate under Army Regulation 635-200, Chapter 13, Separation for Unsatisfactory Performance, [Applicant], dated 24 October 2010, the separation authority, having reviewed the separation packet of the applicant and recommendations of the chain of command, directed the applicant be discharged and furnished a General (Under Honorable Conditions) discharge. The commander determined the requirements for a rehabilitative transfer are waived.

(7) A DD Form 214 (Certificate of Release or Discharge from Active Duty), reflects that applicant was discharged from active duty on 15 December 2010, shows in:

- item 4a (Grade, Rate or Rank) – Private First Class
- item 4b (Pay Grade) – E-3
- item 12i (Effective Date of Pay Grade) – 16 September 2010
- item 18 (Remarks) – in part, Member has completed first full term of service
- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 25 (Separation Authority) – Army Regulation 635-200, Chapter 13
- item 26 (Separation Code) – JHJ
- item 27 (Reentry Code) – 3
- item 28 (Narrative Reason for Separation) – Unsatisfactory Performance

i. **Lost Time / Mode of Return:** None

j. **Behavioral Health Condition(s):** The following documents have been provided to the ARBA Medical Advisor, if applicable. See “**Board Discussion and Determination**” for Medical Advisor Details.

(1) **Applicant provided:** Department of Veteran Affairs (VA) eBenefits Disability screenshot reflecting a 70-percent for depressive disorder.

(2) **AMHRR provided:** None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- VA eBenefits Disability Screenshot

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the application.

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

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

c. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

d. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect

for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

e. Army Regulation 15-180 (Army Discharge Review Board), dated 25 September 2019, sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

f. Army Regulation 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:

- 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 waiverable. Eligibility: Ineligible unless a waiver is granted.
- 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 635-200 provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation. It states:

(a) An honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(b) A general discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(c) An under other-than-honorable-conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(2) Chapter 13 contains the policy and outlines the procedures for separating individuals for unsatisfactory performance, and provides, in pertinent part, commanders will separate a member under this Chapter when, in the commander's judgment, the member will not develop sufficiently to participate satisfactorily in further training and/or become a satisfactory Soldier. Paragraph 13-8 stipulates the service of Soldiers separated because of unsatisfactory performance will be characterized as honorable or under honorable conditions as warranted by their military records.

(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

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 "JHJ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 13, unsatisfactory performance.

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 Army Discharge Review Board considers applications for upgrade as instructed by DoD Instruction 1332.28.

b. The applicant's AMHRR reflects the received multiple counseling for various acts of minor disciplinary infraction. The applicant's DD Form 214 indicates their discharge under the provisions of Army Regulation 635-200, chapter 13, separation for unsatisfactory performance, with a characterization of service of General (Under Honorable Conditions). The applicant completed 4 years, 10 months, and 28 days of net active service and complete their first full term of service obligation; however, they did not complete their 4 years reenlistment obligation.

c. Chapter 13 contains the policy and outlines the procedures for separating individuals for unsatisfactory performance, and provides, in pertinent part, commanders will separate a member under this Chapter when, in the commander's judgment, the member will not develop sufficiently to participate satisfactory in further training and/or become a satisfactory Soldier.

The service of Soldiers separated because of unsatisfactory performance will be characterized as honorable or general (under honorable conditions) as warranted by their military records.

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. DOCUMENTS / TESTIMONY PRESENTED DURING PERSONAL APPEARANCE: In addition to the evidence in the record, the Board carefully considered the additional document(s) and testimony presented by the applicant at the personal appearance hearing.

a. **The applicant submitted the following additional document(s):**

b. **The applicant presented the following additional contention(s):**

c. **Counsel / Witness(es) / Observer(s):**

10. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses/experiences: MDD and Adjustment Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is 100 percent Service Connected (SC) for MDD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that a review of the records shows the applicant has BH conditions that mitigates their misconduct as outlined in the Basis of Separation. The applicant is 100 percent SC for MDD and was diagnosed during her service with Adjustment Disorder. The applicant provides a compelling account of the stressors they were experiencing following deployment, and the records corroborated their assertion. In accordance with liberal consideration and given the nature of the misconduct, it is this Advisor's opinion that there is sufficient evidence for full mitigation, and sufficient support for an upgrade based on medical mitigation

(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:** NA – Applies to Personal Appearances only.

c. **Response to Contention(s):**

(1) The applicant contends they underwent major life changes that disrupted their efficiency of service. They served in Kuwait in Support of Operation Iraqi Freedom/Operation

Enduring Freedom in 2008/2009. By the time they had a permanent change of station to Fort Jackson, a few months later, there were a parent of four small children that was in the process of a divorce. At their new duty station, they were put in the position of acting supply sergeant of the supply room. They were honored and proud they were entrusted with such a position at the time of service, but unfortunately their new professional responsibilities, new family demands and health issues were in conflict. They tried their best to maintain control and balance in silence to their superiors because of pride and shame. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's MDD outweighing the applicant's unsatisfactory performance.

d. The Board determined: The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighed the applicant's basis of separation. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the RE Code was proper and equitable and voted not to change it.

e. Rationale for Decision:

(1) Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or not. In reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's MDD outweighed the applicant's misconduct of poor performance. Thus, the prior characterization is no longer appropriate.

(3) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

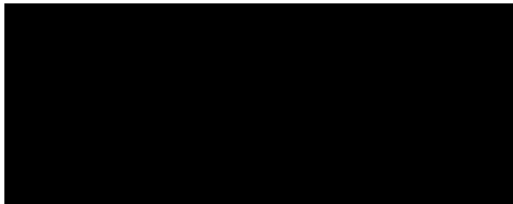
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11. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: Misconduct (Minor Infractions)/JKN
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200, paragraph 14-12a

Authenticating Official:

11/4/2025



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
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