

1. Applicant's Name: [REDACTED]**a. Application Date:** 16 October 2021**b. Date Received:** 6 January 2022**c. Counsel:** [REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant Requests: The current characterization of service for the period under review is under other than honorable conditions. The applicant requests an honorable.

b. Applicant Contention(s)/Issue(s): Through counsel, the applicant seeks relief contending they honorably served in the Army from 2007 – 2010 as a Motor Transport Operator, completing a 14-month combat tour in Iraq. During the applicant's deployment, they survived multiple IED (Improvised Explosive Device) attacks, one of which injured the applicant and witnessed the deaths of fellow Soldiers. Following the applicant's return, they experienced severe Posttraumatic Stress Disorder (PTSD) symptoms. The applicant's condition worsened after surviving the 2009 Fort Hood mass shooting and enduring a sexual assault by a superior. These cumulative traumas led to inpatient psychiatric care and multiple suicide attempts.

(1) In an effort to cope, the applicant began using heroin, which resulted in non-violent drug-related misconduct. With no prior disciplinary history, the applicant accepted an under other than honorable conditions discharge in lieu of court-martial. The applicant's discharge failed to consider the psychological injuries sustained in combat or the sexual trauma the applicant endured. The applicant did not benefit from current protections and policies requiring PTSD and Military Sexual Trauma (MST) evaluation prior to separation.

(2) Since discharge, the applicant has faced homelessness, unemployment, and continued PTSD. Despite these challenges, the applicant pursued sobriety, participated in Veterans Affairs (VA) treatment, volunteered in the applicant's community, and served as a role model to their family. The applicant demonstrated accountability and made meaningful efforts toward rehabilitation.

(3) The applicant's discharge was inequitable given the mitigating circumstances, revised Department of Defense (DoD) policies, and their honorable service. The misconduct stemmed from untreated psychological wounds, not criminal intent. The applicant seeks an upgrade to honorable (or alternatively, a general (under honorable conditions) with appropriate administrative corrections, in alignment with current DoD guidance for PTSD and MST cases.

c. Board Type and Decision: In a records review conducted on 22 August 2025, and by a 5-0 vote, the Board voted to grant relief in the form of an upgrade of the characterization of service to General (Under Honorable Conditions). The Board determined the narrative reason and reentry code are 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: In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / Under Other than Honorable Conditions

b. Date of Discharge: 4 October 2010

c. Separation Facts:

(1) **Date Charges Preferred / DD Form 458 (Charge Sheet):** 27 July 2010

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

(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:** NIF

(5) **Separation Approval Decision Date / Characterization:** 9 September 2010 / Under Other than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 26 June 2007 / 4 years, 18 weeks

b. Age at Enlistment / Education / GT Score: 19 / High School Diploma / 103

c. Highest Grade Achieved / MOS / Total Service: E-4 / 88M10 Motor Transport Operator / 3 years, 3 months

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq

f. Awards and Decorations: ICM-CS-2, AAM, GWOTSM, ASR, OSR-2

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 8 February 2010, for adverse action (AA).

(1) A Charge Sheet, dated 27 July 2010, the applicant was charged with three specifications of Article 112a, UCMJ (wrongful use/possession/distribution of a schedule I controlled substance). On or between 20 September – 24 November 2009, the applicant wrongfully possessed an unknown quantity of heroin, wrongfully used heroin, and wrongfully distributed an unknown quantity of heroin. Charges were preferred.

(2) On 3 August 2010, 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 under other than honorable conditions characterization of service and

declined to provide a statement on their behalf.

(3) A Criminal Investigation Division, Police Desk Blotter, dated 2 September 2010, provides a list of the applicant's offenses:

(a) On 3 June 2010, information received from CID revealed the applicant reported a staff sergeant raped them while in the barracks room while the applicant was under the influence of a prescribed sleeping medication. SSG's interview pending the conduct of a pre-text phone call between the applicant and SSG. The applicant was at this time, admitted to the psychological ward at the military treatment facility. SSG was interviewed and denied raping the applicant and stated they only checked on the applicant's condition, following a major traffic accident the applicant was involved in.

(b) On 10 August 2010, the applicant was found to be driving with a suspended license. The officer detected an odor believed to be marijuana emitting from the vehicle. The applicant gave the officer a verbal consent to conduct search which revealed a green leafy vegetable like substance, suspected to be marijuana. The suspected marijuana was tested using a Nark II "5" Test Kit, which tested positive. The applicant was then apprehended and transported to the station and advised of their rights.

(c) On 1 September 2010, Military Police responded to a call of a suspicious Soldier who was locked in the applicant's barracks room and refused to come out. MPs made entry into the room and found the Soldier hiding under the bed and further investigation revealed the applicant and the individual were in possession of a prohibited substance (spice) and the individual was reported absent without leave (AWOL). The applicant and the individual were apprehended and transported to the station where they waived their rights and rendered a written statement, admitting to the above offense. They were further processed and released to their unit.

i. **Lost Time / Mode of Return:** Under 10 USC 972: NIF, 8 – 17 February 2010 / NIF

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:** The applicant provided 103 pages of their medical record for review and consideration. Their diagnosis was identified as PTSD and possible TBI (they were being evaluated at the time of submission). Additionally, on 3 June 2010, the police desk blotter revealed the applicant was admitted to the psychological ward at the military treatment facility.

(2) **AMHRR provided:** None

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge or Dismissal; Legal Brief; Self-Authored Statement; Initial Evaluation of Residuals of Traumatic Brain Injury (I-TBI) Disability Benefits Questionnaire; Veterans Affairs Report of General Information; Medical Records; Four character letters

6. POST SERVICE ACCOMPLISHMENTS: The applicant has continued to seek out treatment and counseling. They have participated in the Walla Walla substance abuse and PTSD program. They have attended classes to continue to learn about managing recovery, emotions, mental illness, and abuse. The applicant has additionally taken classes through the VA regarding dealing with MST. They are pursuing a certificate for a computer class and participates in

regular social activity. The applicant volunteers some of their time with the local Women's center and works with a local veterans' foundation, while maintaining their sobriety.

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 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.

d. 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.

e. 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.

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 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 soldiers 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

h. 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:

- 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

(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 "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 112a** (wrongful use of a schedule I controlled substance) states in the subparagraph, the maximum punishment consists of a dishonorable discharge, forfeiture of all pay and allowances, and confinement for five years. **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 15 years.

j. 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. 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 indicates they were separated 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 grade. The record indicates between September – November 2009, the applicant was charged with wrongful possession of an unknown quantity of heroin, wrongful use of heroin, and wrongful distribution of an unknown quantity of heroin (three specifications of Article 112a, UCMJ, wrongful use/possession of a schedule I controlled substance). The charges were preferred.

(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 of AR 635-200, Chapter 10, discharge in lieu of trial by court-martial. 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) Through counsel, the applicant contends, they honorably served in combat and sustained severe psychological injuries from IED attacks, a mass shooting, and sexual assault. The applicant's resulting PTSD and addiction directly caused the non-violent misconduct which led to the applicant's discharge. The applicant accepted responsibility, sought treatment, and worked toward rehabilitation. Current DoD policies recognize PTSD and MST as mitigating factors. Had these standards been in place at the time, the applicant likely would have received an honorable discharge. An upgrade is warranted based on equity, policy change, and the applicant's continued efforts to recover and serve their community. The applicant requests the upgrade to access critical VA services to help support the applicant's continued recovery and to honor the applicant's combat service and sacrifices.

(c) The applicant was granted a service-connection for treatment purposes only under 38 U.S.C. chapter 17 for PTSD and at the time of this applicant, was being reviewed for TBI. They served 3 years and 3 months of a 4-year contractual obligation.

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 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: PTSD, mild TBI, MST, Depressive DO. [Note-Anxiety DO NOS and Nightmare DO are subsumed under diagnosis of PTSD.]

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found MST occurred during active duty. VA service connection for PTSD and TBI establishes nexus with active service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that the applicant has several BH conditions which mitigate some of their misconduct, PTSD, mild TBI, MST, Depressive Disorder. [Anxiety DO NOS and Nightmare DO are subsumed under diagnosis of PTSD]. As there is an association between PTSD, TBI, depression, self-medication with illicit substances and avoidant behaviors, there is a nexus between these conditions, and wrongful use of heroin, oxycodone, marijuana, cocaine and periods of AWOL. These conditions do not mitigate possession and distribution of heroin, driving on a suspended license, hiding a soldier guilty of AWOL in their barrack's room, or leaving the scene of an MVA.

(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: None

c. Response to Contention(s): Through counsel, the applicant seeks relief contending, the contentions described in the **Applicant Contention(s)/Issue(s)** section. The support letters from their foster parent, a journalist who interviewed them for a story on homeless veterans, and case managers supports the applicant's contentions and recommended enabling full access to the care and benefits the applicant earned through wartime service. The Board liberally considered these contentions and decided to grant a compassionate upgrade to a General (Under Honorable Conditions).

d. The Board determined: The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. 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, Combat, Quality) and concurred with the conclusion of the medical advising official that the applicant has several BH conditions which mitigate some of their misconduct, PTSD, mild TBI, MST, Depressive Disorder. [Anxiety DO NOS and Nightmare DO are subsumed under diagnosis of PTSD]. As there is an association between PTSD, TBI, depression, self-medication with illicit substances and avoidant behaviors, there is a nexus between these conditions, their wrongful use of heroin, oxycodone, marijuana, cocaine and periods of AWOL. These conditions do not mitigate possession and distribution of heroin, driving on a suspended license, hiding a soldier guilty of AWOL in their barrack's room, or leaving the scene of an MVA. This remaining misconduct fell below that level of meritorious

service warranted for an upgrade to Honorable discharge. The Board considered the applicant's military service, to include deployment, quality and length of time since discharge. 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).

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 General (Under Honorable Conditions) because, the applicant's PTSD, length and quality of service outweighed some, but not all, of the applicant's misconduct.

(3) 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.

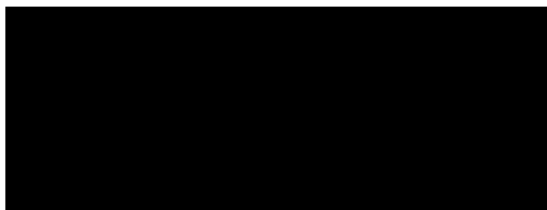
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes**
- b. Change Characterization to: 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:

10/1/2025



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

