

1. Applicant's Name: [REDACTED]**a. Application Date:** 5 April 2022**b. Date Received:** 5 April 2022**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant Requests: The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect, during their time of service after returning from Afghanistan, the applicant was sexually assaulted by one of their peers. The assault caused severe mental health issues which affected the applicant's military career. The applicant loved being a part of something, serving this country, defending it, and all of it changed after the assault. The applicant became disgusted with their self, guilty, when none of it was their fault. The applicant stopped caring about life and going into the base to conduct their duty. After being discharged, the applicant believes they deserve a chance to move on with their life, go to school, get a good job with the government, being sexually assaulted was not something the applicant planned, neither was getting out of the military. The applicant would like to go back to school and for all of their sacrifices to be acknowledged. The applicant should not be paying for something which was done to them, meanwhile the person who assaulted the applicant is still in the military and living their best life.

c. Board Type and Decision: In a records review conducted on 5 February 2026, and by a 3-0 vote, the Board granted the request upon finding the separation was inequitable. The medical advisor opined there is evidence of BH conditions and experiences that mitigate the basis of separation. The VA has service connected the applicant for PTSD related to MST. There is a nexus with PTSD, MST and avoidance, so the FTRs, AWOL, and falsifying a sick call slip are mitigated. The Board reviewed all available case files and determined the applicant had length, quality and combat in Afghanistan. It was also noted that all the misconduct occurred following the deployment further giving credence to the applicant's contentions of being sexually assaulted by her peers. Considering all the factors the board voted to upgrade to Honorable, SA and reason code no change. 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: Pattern of Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 13 December 2019**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 29 October 2019

(2) Basis for Separation: The applicant was informed of the following reasons: For a Pattern of Misconduct. Article 15 received on 24 January 2019; Article 15 received on 18 June 2019;

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20220005048

Falsified a Sick Call slip; absent without leave from 5 September 2019 to 10 September 2019; and Failure to report on 17 September 2019.

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

(4) Legal Consultation Date: On 31 October 2019, the applicant waived legal counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 3 December 2019 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Reenlistment Under Review: 2 July 2017 / 5 years

b. Age at Enlistment / Education / GT Score: 27 / High School Graduate / 117

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92Y1O, Unit Supply Specialist / 4 years, 9 months, 4 days

d. Prior Service / Characterizations: RA, 10 March 2015 – 1 July 2017 / HD

e. Overseas Service / Combat Service: SWA / Afghanistan (10 May 2017 – 6 November 2017)

f. Awards and Decorations: ARCOM-C, NDSM, GWOTSM, ACM-CS, ASR, NATOMDL

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 24 January 2019, indicates on or about 3 October 2018, 7 September 2018, 6 September 2018, 5 September 2018, and 12 July 2018, the applicant without authority failed to go at the time prescribed to the appointed place of duty. The imposed punishment included a reduction to E-3, forfeiture of \$507 pay, extra duty for 14 days; restriction for 14 days, suspended.

(2) CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 14 May 2019, indicates on or about 8 April 2019, with intent to deceive, make to SGT Q., an official statement, and was then known by the applicant to be so false; and on or about 8 April 2019, wrongfully, without authority, wear upon the uniform, the grade of Specialist. The imposed punishment included a reduction to E-2 for three months (suspended), along with 7 days of extra duty.

(3) Law Enforcement Report – SIR (Category 3)/Final ©/Joint-00030-2019-CID023-000237-6E4, 23 July 2019, indicates the applicant reported being sexually assaulted by SPC [redacted] on two occasions. The applicant stated they and SPC [redacted] went out for dinner and drinks, became intoxicated then returned to the applicant's residence. The applicant stated they last remember SPC [redacted] kissing the applicant and then woke up to both of them naked in bed. SPC [redacted] stated the applicant then woke up and began to sexually assault them. The applicant stated the second incident occurred when SPC [redacted] went to the

residence uninvited. SPC [redacted] entered the residence and began to make advances then sexually assaulted the applicant by force. FPD investigated the incident under OCA#2019-000862 and 2019-000863, but inactivated their investigation at the applicant's request.

(4) Two Personnel Action forms indicate the applicant's duty status changed as follows:

From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 5 September 2019; and,

From AWOL to PDY, effective 10 September 2019.

(5) Three Developmental Counseling Forms which indicate the applicant was counseled for notification of suspension of favorable actions; falsifying DD Form 689; absent without leave and failure to report.

i. **Lost Time / Mode of Return:** AWOL for 5 days, 5 September 2019 to 10 September 2019. This period is not annotated on the DD Form 214 block 29.

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:** None

(2) **AMHRR Listed:**

(a) Report of Medical History, 1 October 2019, the examining medical physician noted in the comments section: Followed regularly by behavioral health.

(b) Report of Mental Status Evaluation (MSE), 1 October 2019, indicates the applicant was cleared for any administrative actions the command deemed appropriate. The applicant demonstrated the ability to understand and participate in administrative proceedings, appreciated the difference between right and wrong, and met medical retention requirements. PTSD and mTBI screenings were conducted, but the conditions were either absent or did not meet AR 40-501 criteria for a medical evaluation board. The applicant was screened for sexual trauma history. The applicant does have a BH condition or diagnosis which constitutes a matter of extenuation in relation to the basis for the administrative separation. This opinion is based solely on the clinical judgment of the provider and does not constitute a forensic legal opinion. The applicant was diagnosed with Adjustment Disorder with mixed anxiety and depressed mood.

5. **APPLICANT-PROVIDED EVIDENCE:** Online Application.

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), 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.

g. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), 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.

(a) Paragraph 3-7a states 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) Paragraph 3-7b states a General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(2) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

(a) Paragraph 14-3, prescribes 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.

(b) Paragraph 14-12b, addresses a pattern of misconduct consisting of either discreditable involvement with civilian or military authorities or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted

standards of personal conduct found in the Uniform Code of Military Justice, Army Regulations, the civilian law and time-honored customs and traditions of the Army.

(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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12b, pattern of misconduct.

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.

b. The available evidence reflects the applicant was notified of the intent to discharge them from the U.S. Army for a pattern of misconduct. Article 15 received on 24 January 2019; Article 15 received on 18 June 2019; Falsified a Sick Call slip; Absent without leave from 5 September 2019 to 10 September 2019; and Failure to report on 17 September 2019. The applicant waived consulting counsel and representation by military counsel and was involuntarily discharged from the U.S. Army. The DD Form 214 provides the applicant was discharged with a character of service of general (under honorable conditions) for a pattern of misconduct.

c. The applicant contends after returning from Afghanistan, being sexually assaulted by one of their peers. The assault caused severe mental health issues which affected the applicant's military career. The applicant stopped caring about life and going to the base to conduct their duty. The applicant did not submit evidence other than their statement to support the contention the discharge resulted from any medical condition. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 1 October 2019, indicating the applicant was mentally responsible and recognized right from wrong. PTSD and mTBI screenings were conducted, but the conditions were either absent or did not meet AR 40-501 criteria for a medical evaluation board. The applicant was screened for sexual trauma history. The applicant does have a BH condition or diagnosis which constitutes a matter of extenuation in relation to the basis for the administrative separation. This opinion is based solely on the clinical judgment of the provider and does not constitute a forensic legal opinion. The applicant was diagnosed with Adjustment Disorder with mixed anxiety and depressed mood. Report of Medical History, 1 October 2019, the examining medical physician noted in the comments

section: Followed regularly by behavioral health. The separation authority considered the MSE and Report of Medical History.

d. The applicant contends an upgrade would provide access to educational benefits through the GI Bill. Eligibility for veterans' benefits, including Post-9/11 or Montgomery GI Bill educational assistance, does not fall under the purview of the Army Discharge Review Board. The applicant should contact a local Department of Veterans Affairs office for further assistance.

e. The applicant contends an upgraded discharge would improve employment prospects. The Board does not grant relief to secure or enhance job opportunities.

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: Adjustment Disorder, TBI, PTSD, MST.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant was diagnosed in service with an Adjustment Disorder and TBI, and there is evidence of two incidents of MST that occurred in June and October 2018. The VA has service connected the applicant for PTSD related to MST.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board applied liberal consideration and opined that there is evidence of BH conditions and experiences that mitigate the basis of separation. The applicant was diagnosed in service with an Adjustment Disorder and TBI, and there is evidence of two incidents of MST that occurred in June and October 2018. The VA has service connected the applicant for PTSD related to MST. There is a nexus with PTSD, MST and avoidance, so the FTRs, AWOL, and falsifying a sick call slip are mitigated. There is clear evidence in the medical record that the applicant was experiencing maladaptive behaviors in direct response to the MST. It is more likely than not that the applicant's experience of MST contributed to her making a false official statement about never being demoted or receiving any UCMJ punishment and wrongfully wearing the grade of Specialist. It is typical for victims of MST to experience intense shame after the trauma, and it likely that the applicant engaged in this misconduct to avoid intensifying the feelings of shame and embarrassment associated with the MST. Accordingly, all the misconduct in the basis of separation is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the condition or experience outweighed/did not outweigh the basis of separation.

b. Prior Decisions Cited: **N/A**

c. Response to Contention(s):

(1) The applicant contends after returning from Afghanistan, being sexually assaulted by one of their peers. The assault caused severe mental health issues which affected the applicant's military career. The applicant stopped caring about life and going to the base to conduct their duty.

The Board recognizes and appreciates the applicant's service, considered this contention during board proceedings along with the totality of the applicant's service record, and determined that the applicant's length and quality of service, to include combat service, outweighed the applicant's AEOL, and falsifying a sick call slip are mitigated and relief was warranted.

(2) The applicant contends an upgrade would provide access to educational benefits through the GI Bill.

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. The Board does not grant relief solely to enable these benefits or to gain employment or enhance employment opportunities barring some other impropriety or inequity to outweigh the misconduct.

(3) The applicant contends an upgraded discharge would improve employment prospects.

The Board considered this contention but determined that the contention is not a matter upon which the Army Discharge Review Board grants a change in discharge. The issue raises no matter of fact, law, procedure, or discretion related to the discharge process, nor is it associated with the discharge when it was issued.

d. The Board determined in a records review conducted on 5 February 2026, and by a 3-0 vote, the Board granted the request upon finding the separation was inequitable. The medical advisor opined there is evidence of BH conditions and experiences that mitigate the basis of separation. The VA has service connected the applicant for PTSD related to MST. There is a nexus with PTSD, MST and avoidance, so the FTRs, AWOL, and falsifying a sick call slip are mitigated. The Board reviewed all available case files and determined the applicant had length, quality and combat in Afghanistan. It was also noted that all the misconduct occurred following the deployment further giving credence to the applicant's contentions of being sexually assaulted by her peers. Considering all the factors the board voted to upgrade to Honorable, SA and reason code no change:

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) In a records review conducted on 5 February 2026, and by a 3-0 vote, the Board granted the request upon finding the separation was inequitable. The medical advisor opined there is evidence of BH conditions and experiences that mitigate the basis of separation. The VA has service connected the applicant for PTSD related to MST. There is a nexus with PTSD, MST and avoidance, so the FTRs, AWOL, and falsifying a sick call slip are mitigated. The Board reviewed all available case files and determined the applicant had length, quality and combat in Afghanistan. It was also noted that all the misconduct occurred following the deployment further giving credence to the applicant's contentions of being sexually assaulted by her peers. Considering all the factors the board voted to upgrade to Honorable, SA and reason code no change.

(3) The Board voted to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, and the reason the applicant was discharged was inequitable.

(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

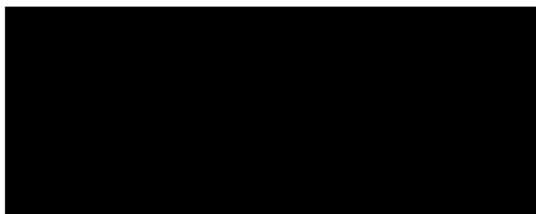
AR20220005048

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD Code to: Secretarial Authority / JFF
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200, Chapter 15

Authenticating Official:

2/25/2026



Legend:

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

GD – General Discharge
HS – High School
HD – Honorable Discharge
IADT – Initial Active-Duty
Training
MP – Military Police
MST – Military Sexual Trauma
N/A – Not applicable
NCO – Noncommissioned Officer
NIF – Not in File
NOS – Not Otherwise Specified

OAD – Ordered to Active Duty
OBH (I) – Other Behavioral
Health (Issues)
OMPF – Official Military
Personnel File
PTSD – Post-Traumatic Stress
Disorder
RE – Re-entry
SCM – Summary Court Martial
SPCM – Special Court Martial

SPD – Separation Program
Designator
TBI – Traumatic Brain Injury
UNC – Uncharacterized
Discharge
UOTH – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs