

**1. Applicant's Name:** [REDACTED]**a. Application Date:** 2 October 2021**b. Date Received:** 7 February 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 the DD Form 214 reflect the first term of completed service as honorable, and an upgrade to honorable on the period under review.

**b. Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect the discharge was both improper and inequitable. The applicant was accused of forging a marriage certificate and submitting it to DEERS for the Basic Housing Allowance (BAH). The applicant faced continuous speculation and accusations. After the discharge, the applicant was unable to access unemployment and their spouse was estranged. At time of the administrative separation board, the applicant was pregnant. The board procedures created additional stress and took a toll on the applicant and their child. The applicant did not want to reignite the situation and stress associated, causing the applicant the inability to argue the evidence properly. The applicant contends both themselves and spouse were unable to function as a family due to the added stress affecting everyone in the household.

**c. Board Type and Decision:** In a records review conducted on 20 January 2026, and by a 3-0 vote, the Board determined the narrative reason for separation is inequitable and voted to change it to Misconduct Minor Infractions with a corresponding SPD code of JKN. The characterization and re-entry code are proper and equitable. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

**3. DISCHARGE DETAILS:**

**a. Reason / Authority / Codes / Characterization:** Misconduct (Serious Offense) / AR 635-200, Chapter 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

**b. Date of Discharge:** 2 October 2020**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 4 September 2019

**(2) Basis for Separation:** The applicant was informed of the following reasons: Lying to both a Lt Col D. B (12 August 2019) and a CPT B. T (6 August 2019) stating "I married SPC S. B. on 14 June" or words to that effect; On or about 3 August 2019, violating a Military Protective Order (MPO) set in place by CPT B. T by failing to remain at least 100 feet away from SPC S. B., or words to that effect; between 3 and 14 August 2019, edited the "Date of marriage", block 28 on the Commonwealth of Virginia Marriage Register with the intention to deceive the chain of command.

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

**(4) Legal Consultation Date:** 4 November 2019

**(5) Administrative Separation Board:** NIF / The applicant mentions the board taking place in the narrative submitted within the application, but the board procedures and findings are not reflected in the applicant's AMHRR.

**(6) Separation Decision Date / Characterization:** 16 September 2020 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Reenlistment Under Review:** 29 May 2018 / 6 years

**b. Age at Enlistment / Education / GT Score:** 29 / High School Graduate / 96

**c. Highest Grade Achieved / MOS / Total Service:** E-5 / 88M2O, Motor Transport Operator / 9 years, 6 months, 2 days

**d. Prior Service / Characterizations:** RA, 9 March 2011 – 15 January 2014 / HD  
RA, 16 January 2014 – 6 November 2016 / HD  
RA, 7 November 2016 – 28 May 2018 / HD

**e. Overseas Service / Combat Service:** Korea (10 February 2015- 04 February 2016) / SWA / Afghanistan (25 May 2012 – 1 September 2012)

**f. Awards and Decorations:** AAM, AGCM-3, NDSM, GWOTSM, KSDM, ACM-CS, NCOPDR, ASR, OSR, NATOMDL

**g. Performance Ratings:** 1 February 2017 – 31 January 2018 / Qualified  
1 February 2018 – 31 January 2019 / Qualified  
1 February 2019 – 26 March 2020 / Qualified

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

**(1)** In an undated Judge Advocate General Corps entry reflects a timeline visual presentation of the applicant had a Military Protective Order (MPO) on 28 July 2019 following a domestic dispute involving SPC B., the applicant married SPC B. on 3 August 2019, the applicant using the open door policy with CPT T and states the applicant married SPC B. on 6 August 2019, the applicant using the open door policy with LTC B. stating the same information, and BN S1 receiving the marriage certificate stating the marriage was official on 14 June 2019 and CPT B. requested an official copy from the marriage officiate.

**(2)** Memorandum For Record, 21 August 2019, reflects a meeting taking place between the applicant and the commander using the open-door policy. During the meeting, the applicant informed CPT B.T. of their marriage to SPC S. B., claiming it dated back to 14 June 2019. The same statement was later relayed to BN Commander LTC B under the open-door policy. On both occasions, the applicant was instructed to provide a marriage license. When CPT B.T. received the license, block 28 appeared altered. CPT B. T. requested an official copy, which confirmed the marriage date as 3 August 2019. Based on this, CPT B. T. concluded the applicant gave false statements to commissioned officers on two separate occasions.

**(3)** Memorandum For Record, 21 August 2019, reflects the applicant was formally counseled three times. The applicant was counseled for alleged domestic dispute on 28 July

2019; falsifying a government document, providing false statements (lying) to commissioned officers, and violating an MPO; and finally, the applicant was counseled on initiation of FLAG placement for Adverse Actions (AA), notification of UCMJ Action recommendations, and a notice of involuntary separation (AB) recommendations.

(4) Military Protection Order, 28 July 2019, reflects the applicant was ordered to stay away from SGT S. B. because of an alleged domestic dispute starting the evening of the 27 July 2019 and into the morning of 28 July 2019. The military police were involved, neither party were arrested, nor have any charges filed. The applicant was ordered to restrict communication with the protected party directly or through a third party to include face to face, telephone, or in writing by letter, data fax, or electronic mail. The applicant was also ordered to stay at least 100 feet away from the protected party. This MPO was effective until 28 August 2019.

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:** The applicant submitted a VA Rating Letter with a service-connected 90 percent overall rating. Some components in the final rating include Adjustment Disorder with Mixed Anxiety and Depressed Mood at 70 percent.

(2) **AMHRR Listed:** Report of Mental Status Evaluation (MSE), 14 April 2020, 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 found to have no mental defects or conditions. The command was advised to consider their influence.

**5. APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge; Memorandum Thru Office of the Staff Judge Advocate; Government Response to Defense Witness Production Request; VA Disability Summary Rating; Applicant Narrative; Third-party Letter; Two letters from the Office of the Inspector General; Memorandum Special Court Martial charge dismissal; Two Non-Commissioned Evaluation Reports (NCOERs); Application For Identification Card / DEERS Enrollment; Record of Emergency Data; Receipt for Virginia Court expenses; Virginia Court Decree of Annulment.

**6. POST SERVICE ACCOMPLISHMENTS:** Attended a Florida college for a Dental Assistant and volunteered at several organizations including Second Harvest Food Bank and maintaining a clean background history.

**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. 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.

**(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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c, misconduct (serious offense).

**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 their DD214 to reflect the first term of completed service as honorable, and an upgrade to honorable on the period under review. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

**b.** The applicant was notified with the intent to separate on 4 November 2019 for lying to superior officers about marriage official date, violating a MPO and allegedly editing the "Date of marriage", block 28 on a Commonwealth of Virginia Marriage Register with the intention to deceive the chain of command. The applicant was recommended a general (under honorable conditions) discharge. The applicant requested counsel on 4 November 2019. The applicant's AMHRR is void of any Administrative Separation Board procedures but did warrant one because of the time in service (TIS). The applicant underwent an MSE on 14 April 2020 and not found to have any mental diagnoses. The separation authority considered the MSE and directed a general (under honorable conditions) characterization of discharge on 16 September 2020.

**c.** The applicant contends the discharge was both improper and inequitable. The applicant was accused of forging a marriage certificate and submitting it to DEERS for the Basic Allowance for Housing (BAH). The applicant's AMHRR reflects the applicant having multiple formal counseling from leadership for the alleged offense. The applicant submitted a memorandum from the Special Court Martial Convening Authority, COL T. Z, directing the dismissal of all the charges brought against the applicant on 27 February 2020.

**d.** The applicant contends harassment and discrimination by members of the chain of command. After the alleged misconduct the applicant faced continuous speculation and alligations. The applicant also contends after their discharge, their spouse was estranged. However, the applicant provided no supporting evidence beyond their statement. The AMHRR includes no evidence the applicant sought assistance or reported the harassment.

**e.** The applicant contends family issues influenced their behavior and ultimately led to their discharge. The applicant provided no supporting evidence beyond their statement. The AMHRR contains no indication the applicant sought assistance before engaging in the misconduct, which resulted in the separation action under review.

**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, Adjustment Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** The applicant is 70 percent Service Connected (SC) for PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that the available information shows the applicant has BH conditions that potentially mitigates their misconduct as outlined in the BoS. They are 70 percent SC for PTSD and were diagnosed during their term of service with an Adjustment Disorder. However, the applicant's misconduct characterized by providing false official statements, editing a marriage license with the intent to deceive, and violating a no contact order is not mitigated by either BH condition as the misconduct is not a natural sequela to either. Additionally, there is no evidence the applicant had a condition that impaired their ability to distinguish between right and wrong and adhere to the right.

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends the discharge was both improper and inequitable. The Board considered this contention and found that the narrative reason for discharge was inequitable given the applicant's length, to include combat, and quality of service.

(2) The applicant contends harassment and discrimination by members of the chain of command. The Board reviewed the file and did not find evidence of harassment by the chain of command, and thus did not find this contention compelling.

(3) The applicant contends family issues influenced their behavior and ultimately led to their discharge. The Board considered the circumstances surrounding the applicant's discharge, and determined that given the applicant's service and issues surrounding the discharge, the narrative reason of serious offense was too harsh and voted to change to minor infractions.

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 concurred with the medical advising official that the applicant's PTSD partially mitigated some of the misconduct, but it does not mitigate providing false official statements, violating a no contact order or editing a marriage license with the intent to deceive. The Board found sufficient evidence of in-service factors (Length, Quality and Combat) that mitigated some of the remaining misconduct and felt that it no longer qualified as a serious offense. Based on a preponderance of evidence, the Board determined that the narrative reason for the applicant's separation is inequitable and voted to

change it to Misconduct Minor Infractions with an SPD code of JKN. The Board found the characterization and re-entry code to be equitable. The Board voted to retain the RE-4 given the applicant's medical diagnosis.

**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 not to change the applicant's characterization of service because, despite applying liberal consideration of all the evidence before the Board, the applicant's PTSD diagnoses did not excuse or mitigate the offenses of providing false official statements, violating a no contact order or editing a marriage license with the intent to deceive. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process.

(3) The Board voted to change the applicant's reason for discharge to Misconduct Minor Infractions with a corresponding SPD code of 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

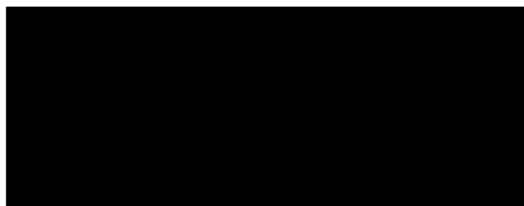
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## 10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: No Change
- c. Change Reason / SPD code to: Misconduct Minor Infractions/ JKN
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

## Authenticating Official:

1/28/2026



### Legend:

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

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

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

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