

1. Applicant's Name: [REDACTED]**a. Application Date:** 1 January 2022**b. Date Received:** 22 February 2022**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:****a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade of their character of service.

(2) The applicant seeks relief contending, during their time of service, they gave it their all and best. They kept a great sense of character. The amount of pressure and stress everyone was under at Fort Drum, NY was out of control. No one wanted to be there, so days had their highs and lows. Now they are not a perfect model by far yet they gave blood, sweat, and tears, besides their battles. They literally watched one mistake ruined their career. From that point forward they had a bullseye on their back. They have letters speaking on their character. They just want control of their life.

b. Board Type and Decision: In a records review conducted on 24 January 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length of service and the circumstances surrounding the discharge (Acute Stress Reaction). Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

3. DISCHARGE DETAILS:

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

b. Date of Discharge: 24 June 2020**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 18 May 2020

(2) **Basis for Separation:** on or about 25 November 2019 and on or about 10 February 2020, failed two consecutive record Army Physical Fitness Tests (APFT).

(3) **Recommended Characterization:** Honorable

(4) **Legal Consultation Date:** 2 June 2020

(5) **Administrative Separation Board:** NA

(6) **Separation Decision Date / Characterization:** 3 June 2020 / Honorable

4. SERVICE DETAILS:

- a. **Date / Period of Enlistment:** 5 September 2017 / 3 years, 22 weeks
- b. **Age at Enlistment / Education / GT Score:** 20 / HS Graduate / 95
- c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 88M1O, Motor Transport Operator / 2 years, 9 months, 20 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** None
- f. **Awards and Decorations:** NDSM, ASR
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:**

(1) A DA Form 4856 (Developmental Counseling Form) dated 25 November 2019, reflects the applicant received event-oriented counseling from their platoon sergeant, to discuss their record APFT failure. The Key Points of Discussion reflects the applicant, on 25 November 2019, failed to achieve a passing score on two main events; sit-ups and the 2-mile run. This was their first attempt for the APFT. They were instructed of the requirement to take another APFT within 30 days and will do remedial physical training everyday until they have met the requirements to pass the APFT. The applicant agreed with the information and signed the form.

(2) A DA Form 4856 (Developmental Counseling Form) dated 11 February 2020, reflects the applicant received event-oriented counseling from their squad leader, for APFT failure. The Key Points of Discussion reflects the applicant, on 10 February 2020, failed the 2-mile run event on the APFT. From the squad leader's understanding, the applicant has failed three consecutive APFTs. The applicant has been given numerous opportunities and ample time to improve themselves to pass the APFT. The squad leader informed the applicant that paperwork will be started to chapter them out of the Army. The applicant agreed with the information and signed the form.

(3) A DA Form 4856 (Developmental Counseling Form) dated 31 March 2020, reflects the applicant received performance counseling from their company commander. In the Key Points of Discussion, the company commander informed the applicant of their recommendation to bar them from continued service. They are recommending this action as a result of two consecutive APFT failures. The applicant agreed with the information and signed the form.

(4) A DA Form 4126 (Bar to Continued Service) dated 31 March 2020, reflects the applicant's company commanders recommendation to bar the applicant from Continued Service for two consecutive APFT failures.

(5) A DA Form 3822 (Report of Mental Status Evaluation), dated 25 March 2020, reflects the applicant has no duty limitations due to behavioral health reasons and currently meets behavioral health medical retention. Section IV (Diagnoses) reflects behavioral health diagnoses are not applicable. The behavioral health provider states the applicant was seen for a mental status evaluation as part of administrative separation processing. They have no psychiatric disease or defect that warrants disposition through medical channels. They are

considered accountable for their actions and is subject to the normal channels of counseling and discipline.

(6) A DD Form 2807-1 (Report of Medial History) dated 27 April 2020, the applicant marked "Yes" to multiple items to the question "Have you ever had or do you now have." In item 30 (Examiner's Summary and Elaboration on all Pertinent Data) the examiner commented, diagnosed with acute bronchitis in fall 2019, given albuterol inhaler, no record of further evaluation or treatment, and no current symptoms. No recent profiles or encounter in last month for physical injury. Last evaluated for lower leg pain on 3 March 2020, normal radiology report, no objective findings of serious injury. Treated for acute stress related to employment and life events. Cleared by Behavioral Health on 25 March 2020.

(7) A DD Form 2808 (Report of Medial Examination) dated 27 April 2020, reflects the examiner marked "Normal" to all items examined, except for item 35 (Feet) and checked Pes Planus, mild, asymptomatic. The examiner marked the applicant is qualified for service, Chapter and has no physical profile restrictions. In item 78 (Summary of Defects and Diagnoses) the examiner wrote, worries, Pes Planus, lower back pain, and pseudofolliculitis barbae. In item 79 (Recommendations) the examiner wrote, cleared to separate, continue to follow up as needed with any questions or concerns.

(8) A memorandum, Alpha Company, 10th Brigade Support Battalion, 1st Brigade Combat Team, 10th Mountain Division (Light Infantry), subject: Separate Army Regulation 635-200, Paragraph 132e, Unsatisfactory Performance, APFT Failure, [Applicant], dated 18 May 2020, the applicant's company commander notified the applicant that under the provisions of Army Regulation 635-200, paragraph 13-2e, they are initiating action to separate them for Unsatisfactory Performance, APFT failure. The reason for the proposed action is described above in paragraph 3c(2). The company commander recommended the applicant's service be characterized as Honorable. On that same day, the applicant acknowledged the basis for the separation and of the right available to them.

(9) On 2 June 2020, the applicant completed their election of rights signing they had been advised by counsel of the basis for their separation and its effects and of the rights available to them; and of the effect of any action taken by them in waiving their rights. They understood they many expect to encounter substantial prejudice in civilian life if a general (under honorable conditions) discharge is issued to them. They further understood that as the result of issuance of a discharge that is less than honorable, they may be ineligible for many or all benefits as a veteran under both Federal and State laws They requested consulting counsel and elected not to submit statements in their behalf.

(10) A memorandum, Alpha Company, 10th Brigade Support Battalion, 1st Brigade Combat Team, 10th Mountain Division (Light Infantry), subject: Commander's Report – Proposed Separate Army Regulation 635-200, Chapter 13e, Unsatisfactory Performance, APFT Failure, [Applicant], dated 2 June 2020, the applicant's company commander submitted a request to separate them prior to their expiration term of service. The company commander states they do not consider it feasible or appropriate to accomplish other disposition as no other disposition is appropriate. The separation is in the best interest of both the Army and the applicant.

(11) A memorandum, Headquarters, 10th Brigade Support Battalion, 1st Brigade Combat Team, 10th Mountain Division (Light Infantry), subject: Separation under Army Regulation 635-200, Paragraph 13e, Unsatisfactory Performance, APFT Failure, [Applicant], dated 3 June 2020, the separation authority, having reviewed the separation packet of the applicant, directed the applicant be separated from the Army prior to the expiration of current

term of service and their service be characterized honorable. The separation authority directed the requirement for a rehabilitative transfer be waived as the transfer will serve no useful purpose or produce a quality Soldier.

(12) A DD Form 214 (Certificate of Release or Discharge from Active Duty), for the period ending 24 June 2020, shows in:

- item 12c (Net Active Service This Period) – 2 years, 9 months, 20 days
- item 18 (Remarks) – in part, Member has not completed first full term of service
- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 25 (Separation Authority) – Army Regulation 635-200, Chapter 13
- item 26 (Separation Code) – JHJ [Unsatisfactory Performance]
- item 27 (Reentry Code) – 3
- item 28 (Narrative Reason for Separation) – Unsatisfactory Performance

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: On 16 September 2022 the Army Review Boards Agency requested the applicant provide their medical documents to support their mental health issues, as of this date there has been no response.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), with statement
- DD Form 214
- four 3rd Party Statements

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

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

a. Title 10, U.S. Code, Section 1553, (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, Title 10, U.S. Code, Section 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

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

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

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

c. Army Regulation 15-180 (Army Discharge Review Board) 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; Title 10, U.S. Code, Section 1553; and DoD Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), dated 19 December 2016, set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) 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.

(2) 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.

(3) A Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

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

(5) Paragraph 13-2e stated initiation of separation proceedings is required for Soldiers without medical limitations who have two consecutive failures of the APFT, unless the responsible commander chooses to impose a bar to re-enlistment.

(6) Paragraph 13-10 (Characterization of Service) stated the service of Soldiers separated because of unsatisfactory performance will be characterized as honorable or under honorable conditions as warranted by their military records.

(7) Chapter 15 (Secretarial Plenary Authority), currently in effect, provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JHJ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 13, separation for unsatisfactory performance.

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 DoD Instructions 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 waivable. Eligibility: Ineligible unless a waiver is granted.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaivable 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.

8. SUMMARY OF FACT(S):

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

b. The applicant's AMHRR reflects they received event oriented counseling for two consecutive APFT failures, notified of separation, and was involuntarily separated. Their DD Form 214 indicates their discharge under the provisions of Army Regulation 635-200, chapter 13, separation for unsatisfactory performance, with a characterization of service of general (under honorable conditions). The applicant completed 2 years, 9 months, and 20 days of net active service; however, the applicant did not complete their first full term of service obligation of 3 years and 22 weeks.

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

d. The applicant's AMHRR does not reflect documentation of a diagnosis of a mental health condition, nor did the applicant provide evidence of a mental health diagnosis during their military service.

e. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

9. BOARD DISCUSSION AND DETERMINATION:

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

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses: Acute Stress Reaction, Other Reactions to Severe Stress, Adjustment Disorder, Anxiety Disorder, Unspecified Trauma and Stressor Related Disorder, and Cannabis Use Disorder Severe.

(2) Did the condition exist, or experience occur during military service? **Yes.** Acute Stress Reaction, Other Reactions to Severe Stress

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that given the service-connected trauma occurred prior to the basis and nexus between trauma and avoidance, it is possible the applicant failed the APFTs as a means of exiting service. However, the additional misconduct which may have contributed to the characterization, is unrelated to the trauma and not mitigated. Rather, on the whole, the applicant has a pattern of conduct difficulties existing prior to service which continue post-service.

(4) Does the condition or experience outweigh the discharge? **Yes.** The Board considered the unmitigated misconduct used to characterize the applicant's service and found that an upgrade was warranted.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends during their time of service, they gave all and their best. They kept a great sense of character. The applicant contends the amount of pressure and stress everyone was under at Fort Drum, NY was out of control. No one wanted to be there, so days had their highs and lows. The applicant contends they are not a perfect model by far, yet they gave blood, sweat, and tears, besides their battles. They literally watched one mistake ruined their career. From that point forward they had a bullseye on their back. The Board liberally considered this contention and determined that it was valid due to the Acute Stress Disorder outweighing the applicant's offenses. Therefore, a discharge upgrade is warranted.

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) and concurred with the conclusion of the medical advising official that given the service-connected trauma occurred prior to the basis and nexus between trauma and avoidance, it is possible the applicant failed the APFTs as a means of exiting service. The Board voted to excuse the additional misconduct as the length of service outweighed the medically unmitigated misconduct. 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.

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Acute Stress Disorder outweighed the applicant's offenses. Thus, the prior characterization is no longer appropriate.

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

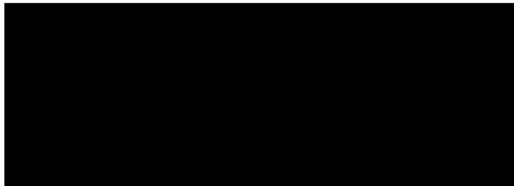
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

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

Authenticating Official:

12/23/2025



Legend:

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

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

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

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