

1. Applicant's Name: [REDACTED]**a. Application Date:** 24 June 2022**b. Date Received:** 24 June 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 and a narrative reason change.

b. Applicant Contention(s)/Issue(s): The applicant requests relief, contending their discharge has severely hindered their ability to provide for their family and to serve their community through a career in law enforcement. The applicant asserts the alleged misconduct was directly related to a condition for which they now receive disability compensation, the DA Form 4856 (developmental counseling form, dated 21 November 2019) contained false or mistaken statements, and despite submitting sworn statements and attempting to use the open door policy and legal channels, the applicant was discouraged and improperly barred from the installation until seeking removal of the bar from the Post Commander.

c. Board Type and Decision: In a records review conducted on 10 March 2026, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's length of service. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

3. DISCHARGE DETAILS:

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

b. Date of Discharge: 28 May 2020

c. Separation Facts: The Army Military Human Resource Record provided the following details:

(1) Date of Notification of Intent to Separate: 12 March 2020

(2) Basis for Separation: On 8 October 2019, the applicant willfully disobeyed an order given by a Staff Sergeant, by refusing to take an Army Physical Fitness Test (APFT).

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

(4) Legal Consultation Date: 15 April 2020 / The applicant elected counsel and elected to provide statement(s) on their behalf.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 25 April 2020 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 3 October 2017 / 4 years, 21 weeks

b. Age at Enlistment / Education / GT Score: 20 / GED / 106

c. Highest Grade Achieved / MOS / Total Service: E-3 / 42A10 Human Resources Specialist / 2 years, 7 months, 26 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, GWOTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: The Enlisted Record Brief and a Report to Suspend Favorable Personnel Action (FLAG), provides the applicant was flagged on 25 April and 14 November 2019, for APFT Failures (JA) and for field-initiated involuntary separation (BA). The applicant was counseled on 28 April and 8 October 2019 for recorded APFT fails. Two sworn statements, dated 11 and 13 May 2020, reflects on 8 October 2019, the applicant was scheduled for a record APFT and informed leadership their profile had expired although they were still injured, and stated they would likely fail the run. Although one account states the applicant refused the test, another reflects the applicant completed the push-up and sit-up events before being called back by leadership prior to the two-mile run.

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: Forty pages of in-service medical records between 26 April 2019 – 10 February 2020, indicates the following diagnoses: shin splints, neck pain, thoracic spine pain, and Dorsalgia, unspecified.

(2) AMHRR provided: The Reports of Medical History and Examination, dated 12 December 2019 and 27 January 2020, provides the applicant was qualified for separation and the provider noted no conditions warranted a medical evaluation board and recommended they follow-up with the primary care manager as needed. A Report of Mental Status Evaluation, conducted 28 January 2020, shows the applicant was psychiatrically cleared for administrative proceedings and referenced AHLTA for their documented medical diagnoses. The BH provider's recommendation was for the applicant to continue to follow-up with BH as previously scheduled.

5. APPLICANT-PROVIDED EVIDENCE: ACTS Online Application; Self-Authored Statement; Two Sworn Statements

6. POST SERVICE ACCOMPLISHMENTS: None provided with application.

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 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.

f. 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.

(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 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. Paragraph 14-12c, states a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

(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: RE-1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

g. 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 14-12C, 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 an upgrade to honorable and a narrative reason change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

(1) An unauthenticated DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was separated under the provisions of AR 635-200, Chapter 14-12C for misconduct (serious offense) with a general (under honorable conditions) characterization of service. The applicant was flagged for APFT failures (April and October 2019) and for involuntary separation. They elected counsel and elected to provide statements on their behalf, having served 2 years, 7 months, and 26 days of a 4 year, 21-week enlistment contractual obligation.

(2) In January 2020, the applicant reported, in effect, physical ailments and TBI in their medical history. They completed their separation examinations and was medically qualified and psychiatrically cleared for separation.

b. The applicant contends their discharge has significantly impacted their ability to provide for their family and pursue a career in law enforcement, and the alleged misconduct was related

to a condition for which they now receive VA disability compensation. The applicant further asserts the DA Form 4856 contained false or mistaken information and their attempts to seek redress through the open-door policy and legal channels were discouraged despite providing sworn statements. Additionally, they were mistakenly barred from the installation until requesting removal from the Post Commander.

c. Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is unlikely to succeed. 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.

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: MDD, Anxiety Disorder, Bipolar II Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** The applicant is 80% SC with 70% SC for Bipolar Disorder.

(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 applicant requests relief stating that his misconduct is directly related to physical ailments for which the applicant currently has a VA disability rating. In their application, the applicant is citing disc desiccation, bilateral facet arthropathy, and disc protrusion. There is no evidence that the applicant is claiming a Mental Health link to their Basis of Separation nor was evidence of a link found in the application or medical records. The ARBA medical advisor concedes that the applicant was diagnosed in-service with Adjustment Disorder, Bipolar II Disorder, MDD, and an unspecified Anxiety Disorder. During their Chapter MH MSE, the provider noted that the applicant understands the difference between right and wrong as well as found their impulse control and cognitions to be within normal limits. As there is no nexus between the aforementioned MH diagnoses and their basis of separation, the misconduct is not medically mitigated.

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

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant contends their discharge has significantly impacted their ability to provide for their family and pursue a career in law enforcement, and the alleged misconduct was related to a condition for which they now receive VA disability compensation. The applicant further asserts the DA Form 4856 contained false or mistaken information and their attempts to seek redress through the open-door policy and legal channels were discouraged despite providing sworn statements. Additionally, they were mistakenly barred from the installation until requesting removal from the Post Commander.

The Board considered this contention, but did not address it, as the Board voted to upgrade the characterization and narrative reason of service due to the applicant's length of service outweighing the applicant's pattern of misconduct.

d. The Board determined the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The Board found insufficient evidence of in-service mitigating factors and the applicant does not have a BH condition that mitigates the applicant's misconduct of disobeying an order to take an annual Physical Fitness Test. However, the Board determined the discharge was inequitable given the applicant's Length of service. Therefore, the Board voted to change the applicant's reason for separation and the character of service.

e. Rationale for Decision:

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

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's length of service outweighed the applicant's misconduct of disobeying an order to take an Army Physical Fitness Test.

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

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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

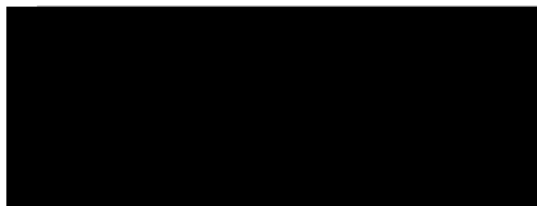
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10. BOARD ACTION DIRECTED:

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

Authenticating Official:

3/19/2026



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
UOTHHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs