

1. Applicant's Name: [REDACTED]

a. **Application Date:** 18 March 2022

b. **Date Received:** 21 March 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, suffering from post-traumatic stress disorder (PTSD) and other mental health issues. An upgrade would allow the applicant to use the GI Bill.

c. **Board Type and Decision:** In a records review conducted on 4 November 2025, and by a 3-0 vote, the Board determined the discharge is inequitable, therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed 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.

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, Paragraph 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 21 February 2020

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 16 December 2019

(2) **Basis for Separation:** The applicant was informed of the following reasons:

(a) On 2 April 2018, the applicant was insubordinate to a noncommissioned officer (NCO), when the NCO was asking about the applicant's cold weather gear. The applicant refused to make eye contact, ignored commands given to the applicant by the NCO, and walked away while the NCO was still addressing the applicant.

(b) Again, on 2 April 2018, while working on snow removal, the applicant was ordered to go speak to Sergeant (SGT) H., which the applicant ignored. The applicant was given several other orders by SGT H., which the applicant continued to ignore. Once the applicant acknowledged SGT H.'s presence, the applicant's manner was disrespectful.

(c) On 8 June 2018, the applicant disrespected two NCOs from the Honor Guard when they made corrections to the applicant's uniform and appearance during a funeral detail.

(d) On 15 March 2019, the applicant failed to sign out on leave and upon the applicant's return on 28 March 2019, the applicant failed to sign in from the applicant's leave which is in violation of the company Standard Operating Procedure (SOP).

(e) On 8 May 2019, the applicant was absent without leave for failing to report to first formation at 0630. Once the applicant showed up and the applicant's behavior was being discussed with the applicant, the applicant showed disrespect toward an NCO.

(f) On 31 July 2019, the applicant again failed to report to duty. When Sergeant First Class (SFC) H. contacted the applicant on 1 August 2019, the applicant stated the applicant was unable to change the applicant's flight and decided to leave a day early on leave. The applicant was not authorized to leave and did not properly notify the applicant's chain of command of the change. On 1 August 2019, the applicant was considered AWOL status until the applicant returned on 28 August 2019. The applicant's conduct was prejudicial to good order and discipline.

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

(4) Legal Consultation Date: On 16 December 2019, the applicant waived legal counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: Undated / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 2 October 2017 / 4 years

b. **Age at Enlistment / Education / GT Score:** 20 / HS Graduate / 96

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 56M1O, Religious Support Specialist / 2 years, 4 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) Two Personnel Action forms indicate the applicant's duty status changed as follows:

- From Present for Duty (PDY) to Failure to Report (FTR), effective 31 July 2019
- From FTR to Absent Without Leave (AWOL), effective 1 August 2019

(2) Law Enforcement Report, 19 September 2019, reflects the applicant was investigated for AWOL on 28 August 2019. Investigation revealed the applicant surrendered at the Military Police for AWOL. The applicant was read the rights and admitted to going AWOL.

(3) Ten Developmental Counseling Forms document instances of the applicant being insubordinate toward NCOs, failing to obey order or regulation, disrespect toward NCOs, failing to sign in and out from leave, being AWOL, making provoking speeches and gestures, failing to report to duty, and satisfactory performance for June 2019.

i. **Lost Time / Mode of Return:** None / However the applicant's AMHRR AWOL for 27 days, 1 August 2019 to 27 August 2019. This period is not annotated in item 29 of the DD Form 214.

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:

(a) Army Community Hospital, West Point, medical records, 14 November 2018 to 14 February 2020, reflect diagnoses: adjustment disorder, unspecified; other sleep disorders; chondrocostal junction syndrome (Tietze); adjustment disorder with mixed anxiety and depressed mood; and tinnitus bilateral.

(b) Department of Veterans Affairs (VA) Benefits Decision, 7 February 2022, indicates the applicant received a 70 percent rating for PTSD, a 90 percent combined rating.

(2) AMHRR Listed:

(a) Report of Medical Examination, 19 September 2019, reflects the applicant reported having an adjustment disorder. The examining medical physician noted in the summary of medical diagnoses section: See Armed Forces Health Longitudinal Technology Application (AHLTA).

(b) Report of Mental Status Evaluation (MSE), 11 December 2019, indicates the applicant demonstrated the ability to understand and participate in administrative proceedings. The applicant was diagnosed with cyclothymic Disorder, provisional; intermittent explosive disorder, provisional; and attention deficit hyperactivity disorder (ADHD), previous diagnosis. The condition was of sufficient severity to interfere with the applicant's ability to function in the military. The applicant was not amenable to Behavioral Health treatment and was unlikely to respond to command efforts at rehabilitation.

5. APPLICANT-PROVIDED EVIDENCE: Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; VA Benefits Decision; and the Army Community Hospital medical records.

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 shows the applicant's unit commander initiated separation because the applicant committed several offenses of disrespecting NCOs, failing to sign in and out from leave, failing to obey the SOP, and failing to report to duty. The commander recommended a general (under honorable conditions) discharge and the separation authority approved the recommendation.

c. The applicant contends:

(1) The applicant was diagnosed with PTSD and other mental health conditions and the VA granted the applicant disability. The applicant provided several medical documents reflecting the applicant was diagnosed with adjustment disorder, unspecified; other sleep disorders; chondrocostal junction syndrome (Tietze); adjustment disorder with mixed anxiety and depressed mood; and tinnitus bilateral. The VA rated the applicant 70 percent disabled for PTSD, 90 percent combined rating. The applicant's AMHRR reflects the applicant underwent a mental status evaluation (MSE) on 11 December 2019, which indicates the applicant demonstrated the ability to understand and participate in administrative proceedings. The applicant was diagnosed with cyclothymic Disorder, provisional; intermittent explosive disorder, provisional; and attention deficit hyperactivity disorder, previous diagnosis. The condition was of sufficient severity to interfere with the applicant's ability to function in the military. The

applicant was not amenable to Behavioral Health treatment and was unlikely to respond to command efforts at rehabilitation. The separation authority considered the MSE.

(2) 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.

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, Cyclothymic Disorder, Intermittent Explosive Disorder, Adjustment Disorders.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is 100 percent SC for PTSD and diagnosed during his TIS with Cyclothymic Disorder, Intermittent Explosive Disorder (IED), and Adjustment Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that a review of the records shows the applicant has BH conditions that mitigates his misconduct as outlined in the BoS. The applicant is 70 percent SC for PTSD and has in-service BH conditions of Cyclothymic Disorder, Intermittent Explosive Disorder, and various Adjustment Disorders (subsumed by PTSD). As there is a nexus between the applicant's BH conditions and problems with authority, impulsive behavior, avoidant behavior, marked confusion, and concentration issues, his misconduct as outlined in the BoS is fully mitigated by his BH conditions and upgrade based on medical mitigation is supported.

(4) Does the condition or experience outweigh the discharge? **Yes.** The condition and experience outweighed the discharge.

b. Prior Decisions Cited: None

c. Response to Contentions:

(1) The applicant contends being diagnosed with PTSD and other mental health conditions and the VA granted the applicant disability. The Board acknowledged the applicant's Behavioral Health diagnoses.

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

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d. The Board determined the discharge is inequitable, therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed 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.

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 to Honorable based on medical mitigation for the Basis of Separation.

(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

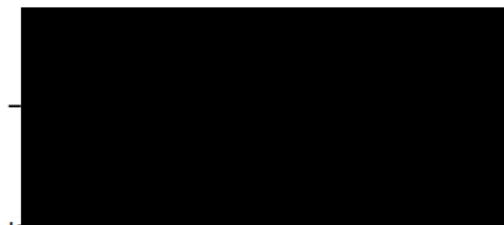
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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:

2/6/2026



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

