

1. Applicant's Name: [REDACTED]

a. **Application Date:** 24 April 2022

b. **Date Received:** 27 April 2022

c. **Counsel:** None

2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:

a. **Applicant Requests:** The current characterization of service for the period under review is Under Other Than Honorable. The applicant requests an upgrade to honorable and a change to the narrative reason for separation.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect that they were under mental duress at the time dealing with isolation, marital abandonment, being a single parent to two children, and dealing with their friend's combat related deaths.

c. **Board Type and Decision:** In a records review conducted on 04 March 2026, and by a 3-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's length and quality of service and the circumstances surrounding the discharge (OBHI diagnoses). Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. 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:** Unsatisfactory Participation / AR 135-178, Chapter 12 / NA / NA / Under Other Than Honorable Conditions

b. **Date of Discharge:** 27 February 2009

c. **Separation Facts:** The applicant's Army Military Human Resource Record (AMHRR) is void of the case separation file.

(1) **Date of Notification of Intent to Separate:** NIF

(2) **Basis for Separation:** NIF (The applicant states that they were discharged for missing drills).

(3) **Recommended Characterization:** NIF

(4) **Legal Consultation Date:** NIF

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

(6) **Separation Decision Date / Characterization:** 27 February 2009 / Under Other Than Honorable

4. SERVICE DETAILS:

a. **Date / Reenlistment Under Review:** 11 March 2008 / 3 years

b. Age at Enlistment / Education / GT Score: 20 / Bachelor's / NIF

c. Highest Grade Achieved / MOS / Total Service: E-4 / 21B1O, Combat Engineer / 9 years, 8 months, 23 days

d. Prior Service / Characterizations: ARNG, 27 December 1996 – 25 Aug 1997 / JGA / UNC

ARNG, 4 January 2000 – 20 April 2000 / MBK /

UNC

INARNG, 4 June 1999 – 3 June 2007 / HD

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, ASR ARCAM-2, IMVE

g. Performance Ratings: None

h. Disciplinary Action(s) / Evidentiary Record:

(1) Orders 09-028-00034, 28 January 2009, separated the applicant with an Under Other Than Honorable Conditions under AR 135-178, for Unsatisfactory Participation.

(2) Orders 09-028-00032, 28 January 2009, reduced the applicant from Specialist E-4 to Private E-1.

i. 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) St. James Hospital and Health Centers Consultation Record, 13 October 2010, documents the applicant was diagnosed with generalized anxiety disorder, dysthymic disorder, and marital discord.

(b) VA Rating Decision, 10 December 2020, documents the applicant with a service connection generalized anxiety disorder with a 30 percent rating effective August 29, 2020.

(c) Statement of Medical Examination and Duty, Statement of Medical Examination and Duty Status, 13 August 2008, documents the applicant was evaluated for high heart rate, palpitations, and gastrointestinal issues.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; applicant's self-authored statement; orders; St. James Hospital and Health Center Medical Record; sick call slip; medical eligibility verification reserve component form; Statement of Medical examination and duty status; NGB 22; and associate's degree.

6. POST SERVICE ACCOMPLISHMENTS: The applicant presents their remarriage and completion of both an associate and a bachelor's degree in a technical field as signs of rehabilitation since leaving the service.

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. Multiple Department of Defense 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; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 135-178 (Enlisted Administrative Separations), prescribes the policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of Army National Guard of the United States (ARNGUS) and U.S. Army Reserve (USAR) enlisted Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) Chapter 2 provides general guidance, which applies when referenced under the reasons for separation in this regulation. Further guidance is set forth under the specific reasons for separation in chapters 4 through 15.

(a) Paragraph 2-9a prescribes an honorable characterization 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 2-9b, prescribes, if a Soldier's service has been honest and faithful, it is appropriate to characterize that service as general (under honorable conditions). Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

(c) Paragraph 2-9c, prescribes the service may be characterized as under other than honorable conditions only when discharge is for misconduct, fraudulent entry, unsatisfactory participation, or security reasons, and under other circumstances.

(1) Chapter 3-23 (Section IV), states, if separation proceedings under this chapter have been initiated against a Soldier confined by civil authorities, the case may be processed in the absence of the respondent.

(2) Chapter 12, provides in pertinent part, that individuals can be separated for being an unsatisfactory participant. Soldier is subject to discharge for unsatisfactory participation when it is determined that the Soldier is unqualified for further military service because: The Soldier is an unsatisfactory participant as prescribed by AR 135-91, chapter 4; Attempts to have the Soldier respond or comply with orders or correspondence.

Paragraph 12-3, prescribes the service of Soldiers separated under this chapter will be characterized as honorable or under honorable conditions as determined under chapter 2, section III, unless an uncharacterized description of service is warranted under paragraph 2-11.

(3) Chapter 13, 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 memorandums. Secretarial separation authority is normally exercised on a case-by-case basis.

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 change to the narrative reason for separation. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. Between the applicant's reenlistment on 11 March 2008 and the discharge on 27 February 2009, the applicant was diagnosed with generalized anxiety disorder, dysthymic disorder, and marital discord. The specific number of drills the applicant missed during this period cannot be determined and the applicant was discharge for unsatisfactory participation.

c. The applicant's Army Military Human Resources Record (AMHRR) is void of the administrative separation. The applicant's AMHRR includes a properly constituted discharge order: Orders 09-028-00034, 28 January 2009. The orders indicate the applicant's discharge was under AR 135-178 provisions, with a characterization of service of Under Other Than Honorable Conditions. The separation orders are proper, the discharge and characterization of service was equitable, and the discharge was designated in accordance with applicable regulations.

d. The applicant's absence of the administrative separation in the AMHRR presumes the presumption of regularity in the conduct of governmental affairs.

e. The applicant checked the PTSD box on the application potentially related to the combat deaths of former members of their unit. A search of the applicant's official record, which is noted to be incomplete and missing documents, could not verify if the applicant deployed or served overseas.

f. The applicant requests a narrative reason change. Service members receive published orders when discharged from the U.S. Army National Guard indicating the effective date and characterization of the discharge. Narrative reasons are usually not included in the order. As the applicant's discharge order does not have these elements, the ADRB has no basis for changing the discharge order. Local recruiters can determine eligibility to reenlist if the applicant desires to rejoin the military. Recruiters can best advise a former service member as to the needs of the Army and process required waivers of reentry eligibility.

g. The applicant's case for relief is based on the argument that the discharge for unsatisfactory participation was the direct result of an untreated mental health crisis. The applicant asserts the crisis was precipitated by the combat deaths of former unit members, marital abandonment, and becoming the single parent of two children. The applicant acknowledges that instead of informing the command of these struggles, that the applicant sought civilian medical treatment for the resulting anxiety and panic disorder and failed to attend their reserve drills. The applicant presents these circumstances as a mitigating factor for the board to consider.

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: Generalized Anxiety Disorder and Dysthymic Disorder. Additionally, the applicant asserts missing drill due to mental distress associated with dealing with combat deaths as well as other situational stressors, which may be sufficient evidence to establish the existence of a condition that could mitigate or excuse the discharge.

(2) Did the condition exist or experience occur during military service? **Yes.** During their time in service the applicant showed signs of Generalized Anxiety Disorder and Dysthymic Disorder. Additionally, a LOD form showed a medical event documenting physical symptoms of anxiety and a report of medication used to treat anxiety.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board applied liberal consideration and opined that there is sufficient evidence to support that the applicant had a mental health condition during their time in service. Medical documentation from June 2008 showed diagnoses of Generalized Anxiety Disorder (GAD) and Dysthymic Disorder, and an LOD form from August 2008 showed they were experiencing physical symptoms of anxiety and reported taking medication for anxiety while on duty. Additionally, the applicant is 30% service connected by the VA for GAD. The applicant asserts they were separated for missing drill, and while the separation facts are not in file, the reason for separation was Unsatisfactory Participation. Given the evidence of a mental health condition while on active service, and in accordance with liberal consideration, medical mitigation could be considered.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the Generalized Anxiety Disorder and Dysthymic Disorder outweighed the basis of separation (unsatisfactory participation).

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends mental, and health conditions affected their ability to trust their command for help: The Board liberally considered this contention and determined that it was valid due to the applicant's Generalized Anxiety Disorder and Dysthymic Disorder outweighed the basis of separation (unsatisfactory participation). Therefore, a discharge upgrade is warranted.

d. The Board determined the discharge is inequitable based on medical/BH mitigation for the Basis of Separation. The board voted to upgrade due to this medical mitigation and the applicant's length and quality of service. The Board determined no upgrade was warranted for the narrative reason as it was proper and equitable due to the basis for separation being continuous absence.

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

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reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

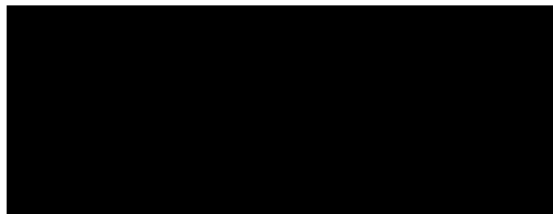
(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Generalized Anxiety Disorder and Dysthymic Disorder outweighed the basis of separation (unsatisfactory participation. Thus, the prior characterization is no longer appropriate.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Authority to: No Change

Authenticating Official:

3/5/2026



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