

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 6 April 2022
- b. **Date Received:** 26 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 general (under honorable conditions). The applicant requests an upgrade to honorable.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect the leadership in a war zone inflicted mental and physical torture, causing post-traumatic stress disorder, depression, and anxiety. The applicant, a highly respected Soldier, deteriorated to insignificance within months of deployment when First Sergeant G. initiated a campaign of humiliation and enforced isolation triggered by resentment over the applicant's indispensability to senior officers.

c. **Board Type and Decision:** In a records review conducted on 11 September 2025, and by a 4-1 vote, the Board determined the discharge was partially inequitable, finding the applicant's Behavioral Health diagnosis mitigated most of the separation basis regarding disrespect and disobedience. The Board granted Clemency for a remaining general order violation and upgraded the characterization of service to Honorable. However, the separation authority of AR 635-200, paragraph 14-12b, remained in effect with a Pattern of Misconduct separation code (JKA), and the Reentry Code was deemed proper and equitable. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

3. DISCHARGE DETAILS:

a. **Reason / Authority / Codes / Characterization:** Pattern of Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 3 January 2012

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 10 December 2011

(2) **Basis for Separation:** The applicant was informed of the following reasons: On 15 August 2011, the applicant disrespected a commissioned officer, Captain A. M. S., by rolling eyes and showing a marked indifference while Captain A. M. S., was speaking.

On 15 August 2011, the applicant willfully disobeyed a lawful order given by First Sergeant A. G.

On 7 November 2011, the applicant disrespected a noncommissioned officer, Staff Sergeant N. R., by saying, "You don't have to be such a smart ass."

On 11 November 2011, the applicant willfully disobeyed a lawful order given by Sergeant J. L.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20220007052

On 11 November 2011, the applicant violated a lawful general order, Paragraph 5(d), General Order Number 1, Regional Command-North, dated 29 June 2011, by wrongfully permitting a member of the opposite sex entry into the applicant's living space.

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

(4) Legal Consultation Date: On 11 December 2011, the applicant waived legal counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 11 December 2011 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 4 October 2010 / 3 years

b. Age at Enlistment / Education / GT Score: 36 / High School Graduate / 97

c. Highest Grade Achieved / MOS / Total Service: E-4 / 25L10, Cable Systems Installer/Maintainer / 4 years, 4 days

d. Prior Service / Characterizations: ARNG, 30 September 2007 – 19 March 2008 / NA
IADT, 20 March 2008 – 31 July 2008 / HD
ARNG, 1 August 2008 – 3 October 2010 / HD

e. Overseas Service / Combat Service: SWA / Afghanistan (12 June 2011 – 19 December 2011)

f. Awards and Decorations: NDSM, ACM-2CS, GWOTSM, NCOPDR, ASR, NATOMDL

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 21 August 2011, indicates on or about 15 August 2011, behave oneself with disrespect toward Captain A. M. S., the applicant's superior commissioned officer, then known by the applicant to be a superior commissioned officer, by rolling the applicant's eyes and showing a marked indifference while Captain A. M. S. was speaking. On or about 15 August 2011, disobey a lawful order from First Sergeant A. G. The imposed punishment included a reduction to E-3.

(2) FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 20 November 2011, indicates on or about 7 November 2011, were disrespectful in language toward Staff Sergeant N. R., a noncommissioned officer, then known by the applicant to be a noncommissioned officer, who was then in the execution of the office, by saying "You do not have to be such a smart ass" or words to that effect. On or about 11 November 2011, disobeyed a lawful order given by Sergeant J. L. On or about 11 November 2011, violate a lawful general order, to wit: Paragraph 5(d), General Order Number 1, Regional Command-North, dated 29 June 2011, by wrongfully permitting a member of the opposite sex entry into the applicant's living space. The imposed punishment included a reduction to E-1, forfeiture of \$450 pay per month for two months along with 45 days of extra duty and oral reprimand.

(3) Six Developmental Counseling Forms document instances of the applicant being disrespectful, failure to follow General Order number one, failure to obey orders or regulation and unsatisfactory performance.

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:** Department of Veterans Affairs Benefits letter, 6 April 2022, reflects an evaluation of PTSD with major depressive disorder, with a rating of 100 percent.

(2) **AMHRR Listed:** Report of Mental Status Evaluation (MSE), 24 August 2011, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant had been screened for PTSD and mTBI. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider the influence of these conditions. The evaluation included a diagnosis: Occupational problems.

5. **APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge; self-authored letter; Department of Veterans Affairs Benefits Letter and ARBA letter.

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 waivable. 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 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.

(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 reflects the applicant was notified of the intent to discharge them from the U.S. Army. On 15 August 2011, the applicant disrespected a commissioned officer, Captain A. M. S., by rolling eyes and showing a marked indifference while Captain A. M. S., was speaking. On 15 August 2011, the applicant willfully disobeyed a lawful order given by First Sergeant A. G. On 7 November 2011, the applicant disrespected a noncommissioned officer, Staff Sergeant N. R., by saying, "You don't have to be such a smart ass." On 11 November 2011, the applicant willfully disobeyed a lawful order given by Sergeant J. L. On 11 November 2011, the applicant violated a lawful general order, Paragraph 5(d), General Order Number 1, Regional Command-North, dated 29 June 2011, by wrongfully permitting a member of the opposite sex entry into the applicant's living space.

c. The applicant contends suffering from post-traumatic stress disorder, depression, and anxiety. The applicant provided a Department of Veterans Affairs Benefits letter, 6 April 2022, reflecting an evaluation of PTSD with major depressive disorder, with a rating of 100 percent. The AMHRR includes a Report of Mental Status Evaluation (MSE), 24 August 2011, reflecting the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The applicant had been screened for PTSD and mTBI. The conditions were either not present or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider the influence of these conditions. The evaluation included a diagnosis: Occupational problems.

d. The applicant contends First Sergeant G. initiated a campaign of humiliation and enforced isolation triggered by resentment over the applicant's indispensability to senior officers. The applicant provided no supporting evidence beyond their statement to support the contention. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

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: Depression, Anxiety Disorder NOS, PTSD, TBI.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with Depression and Anxiety Disorder NOS and is service connected by the VA for PTSD. The VA also diagnosed the applicant with a service related TBI.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of BH conditions that provide partial mitigation. The applicant was diagnosed in service with Depression and Anxiety Disorder NOS and is service connected by the VA for PTSD. The VA also diagnosed the applicant with a service related TBI. Given the nexus between PTSD and difficulty with authority, as well as the nexus with TBI, irritability and diminished impulse control, the incidents of disrespect and disobeying lawful orders are mitigated. However, violating a general order by having a member of the opposite sex in one's living space is not mitigated by Depression, Anxiety Disorder NOS, PTSD, or TBI since none of these conditions interfere with the ability to distinguish between right and wrong and act in accordance with the right.

(4) Does the condition or experience outweigh the discharge? **No.** After liberally considering all evidence, the ADRB determined that the applicant's condition did not outweigh the basis for separation, affirming the discharge narrative of Pattern of Misconduct while granting an upgrade to Honorable (HD) as clemency.

b. Prior Decisions Cited: None.

c. Response to Contention(s):

(1) The applicant contends suffering from post-traumatic stress disorder, depression, and anxiety. The Board considered this contention regarding the applicant's diagnoses, acknowledging them as potentially mitigating but ultimately determining they did not outweigh the basis for separation, while granting an upgrade to Honorable as clemency.

(2) The applicant contends First Sergeant G. initiated a campaign of humiliation and enforced isolation triggered by resentment over the applicant's indispensability to senior officers. The Board considered this contention alleging harassment by First Sergeant G., but found it did not negate the applicant's responsibility for the infractions, affirming the discharge reason while granting an upgrade to Honorable as clemency.

d. The Board determined the discharge is partially inequitable based on the applicant's BH diagnosis which outweighed the majority of the applicant's basis for separation with regard to the incidents of disrespect and disobeying lawful orders. The board further applied liberal consideration and are offering Clemency for the remaining offense of violating a general order. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The board further found that the extensiveness and seriousness of the infractions warrant the current separation authority of AR 635-200, paragraph 14-12b, narrative reason for separation remains Pattern of Misconduct, and the separation code is JKA. The Board determined the RE Code was 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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20220007052

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, although the discharge was found to be equitable and only partially related to the applicant's Post-Traumatic Stress Disorder, clemency was applied to the basis of separation.

(3) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, and the reason the applicant was discharged was both proper and equitable.

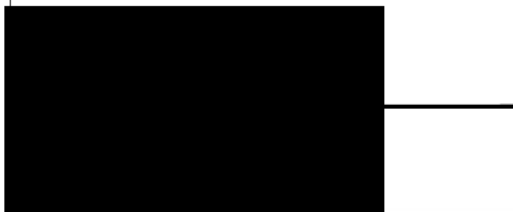
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

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

Authenticating Official:

10/7/2025



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
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