

1. Applicant's Name: [REDACTED]

a. **Application Date:** 15 April 2022

b. **Date Received:** 18 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 reentry code change.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect being a victim to sexism. The applicant was subject to sexual harassment within their unit. The applicant only began to commit misconduct when the report was "swept under the rug" and retaliation from command became apparent. The applicant contends the command pulled them aside and instructed them to start separation procedures without any previous mention.

c. **Board Type and Decision:** In a records review conducted on 18 February 2026, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's length and the circumstances surrounding the discharge (PTSD diagnoses). 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 Secretarial Authority, with a corresponding separation code of JFF. 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, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 9 February 2022

c. **Separation Facts:** The applicant's Army Military Human Resource Record (AMHRR) is void of the case separation file. However, the applicant provided documents which are described below in 3c (1) through (6).

(1) **Date of Notification of Intent to Separate:** 26 October 2021

(2) **Basis for Separation:** The applicant was informed of the following reasons: On 10 December 2020, the applicant and PV2 P. E went to the PX and took a "Refuel The Adventure 10,400mAh Powerbank with 2 amp dual USB ports" with the value of \$31.95 and a "Everlast Hand Wrap" with the value of \$5.99. On 8 April 2021, disrespecting an NCO by walking away when instructed to stay in place, and failed to obey a lawful order by being in barracks past visiting hours.

(3) **Recommended Characterization:** Honorable

(4) **Legal Consultation Date:** On an undated memorandum, the applicant waived legal counsel.

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

(6) Separation Decision Date / Characterization: NIF

4. SERVICE DETAILS:

- a. Date / Period of Enlistment:** 7 January 2020 / 2 years, 24 weeks
- b. Age at Enlistment / Education / GT Score:** 20 / High School Graduate / 85
- c. Highest Grade Achieved / MOS / Total Service:** E-2 / 11B1O, Infantryman / 2 years, 1 month, 3 days
- d. Prior Service / Characterizations:** None
- e. Overseas Service / Combat Service:** None
- f. Awards and Decorations:** KDSM, AFSM, ASR
- g. Performance Ratings:** NA
- h. Disciplinary Action(s) / Evidentiary Record:**

(1) Developmental Counseling Form, 19 December 2020, documents an instance of the applicant violating Article 91 (Insubordinate conduct) and Article 92 (Failure to obey lawful order or Regulation), UCMJ; and failure to adhere to Command Policy Letter #9.

(2) Sworn Statement, 30 March 2021, indicates an Staff NCO (SNCO) in the applicant's chain of command provided a statement under oath. The SNCO reports the applicant was seen visiting a barracks room not belonging to them at approximately 0224 on 1 January 2021. The SNCO, the applicant's Team Lead, and Squad Leader tried to reach out to the applicant to find out their whereabouts. The applicant notified the SNCO they were arriving to the barracks. Upon the applicant's return, the SNCO informed the applicant of the visiting hours policy. The SNCO was notified by a third party, at approximately 0400, of the applicant leaving the barracks again. The SNCO went back to the room where the applicant previously found to ask the owner if the applicant had returned. The SNCO then tried to reach out via phone after learning the applicant was not present. The applicant seen walking in the barracks at 0500. The SNCO and other leadership present tried to question the applicant. They were all met with disrespect from the applicant. The applicant was given instruction on when and where to be to receive a counseling. The applicant closed the door in the face of the leadership. The applicant was later counseled and recommended for UCMJ charges.

(3) Memorandum For All Reviewing Authorities, 27 October 2021, reflects the applicant submitting an official statement to the command, confessing and taking ownership of the misconduct. The applicant claims all disciplinary actions are just and fair.

(4) FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 14 April 2021, indicates the applicant was found to have been disrespectful to SNCOs, violating Article 91, UCMJ and having knowledge of the barracks visitation policy, an order which it was your duty to obey, Failed to same by wrongfully being in barracks past visitation hours. This is violation of Article 92, UCMJ. The imposed punishment included a reduction to E-1, forfeiture of \$500 pay per month for two months, along with 60 days of restriction.

- 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: Applicant submitted a Mental Status Evaluation, 12 July 2021 but the copy is not clear. However, the report is clear enough to indicate the applicant did not have any mental health diagnoses.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Enlistment/Reenlistment Document Armed Forces of the United States; Report of Medical Examination; Report of Medical History; Mental Status Evaluation; Case Separation File; Third-party Character Statements; Training Completion Certificates; High School Diploma; Deployment History Out-processing Report; Certificate of Release or Discharge from Active Duty; Individual Training Record; Defense Finance And Accounting Service Military Pay And Leave Statement.

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.
- 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.

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 a RE-code change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The applicant was notified of the intent to separate on 26 October 2021, for The applicant was informed of the following reasons: On 10 December 2020, the applicant and PV2 P. E went to the PX and took a "Refuel The Adventure 10,400mAh Power bank with 2-amp dual USB ports" with the value of \$31.95 and a "Everlast Hand Wrap" with the value of \$5.99. On 8 April 2021, disrespecting an NCO by walking away when instructed to stay in place, and failed to obey a lawful order by being in barracks past visiting hours. The applicant waived counsel on an undated memorandum. The applicant was recommended for an honorable discharge. The applicant's AMHRR is void of the separation authority directed discharge. The applicant's DD Form 214 reflects the applicant was discharged with a general (under honorable conditions) discharge.

c. . The applicant was subject to sexual harassment within their unit. The applicant was in a male dominate environment and it resulted in the applicant receiving comments and jokes, which made the applicant uncomfortable. After some time of deliberation, the applicant finally reported the harassment. The applicant was met with the report getting "swept under the rug". The applicant also believes they were subject to retaliatory actions, finally resulting in discharge. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command. The applicant provided a letter addressing the command and mentioning the disciplinary actions they were subject to were just and fair. The applicant provided no supporting evidence beyond their statement to support the harassment claims.

d. The applicant contends they were not aware of the separation. The applicant contends being notified for the first time by leadership telling them to start discharge procedures. The applicant did submit evidence of developmental counselings cautioning if misconduct continues charges under the UCMJ, promotion restrictions, and possibly separation are all possible outcomes as a result. The counseling does not explicitly state the applicant was recommended for separation. The AMHRR does not reflect a case separation file.

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: MST in Korea, prior to misconduct, and Other Specified Trauma and Stressors Related Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** MST in Korea, prior to misconduct.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that the disobeying and disrespect are mitigated given the trauma, especially by a leader, occurred prior to the misconduct and nexus between trauma, difficulty with authority, distrust of authority especially when an offender was a leader, and fight response including irritability and anger. While the theft is not directly mitigated, the Board could consider the context, i.e. the applicant was more likely than not acting out secondary to the MST and the item value is low.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that PTSD due to MST outweighed the medically unmitigated theft.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant was subject to sexual harassment within their unit. The Board liberally considered this contention and determined that it was valid due to the applicant's Post Traumatic Stress Disorder outweighing the applicant's offenses of theft, disobeying orders, and disrespecting an NCO. Therefore, a discharge upgrade is warranted.

(2) The applicant contends they were not aware of the separation. The Board recognizes and appreciates the applicant's service, considered this contention during board proceedings along with the totality of the applicant's service record, and determined that the applicant's length and quality of service, to include combat service, outweighed the applicant's theft, and disrespecting an NCO and relief was warranted

d. The Board determined the discharge is inequitable based on medical mitigation for the basis for separation.

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 MST mitigated the applicant's misconduct of theft and disrespect of an NCO. Thus, the prior characterization is no longer appropriate.

(3) The Board voted to change the reason for discharge Secretarial Authority under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JFF.

(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

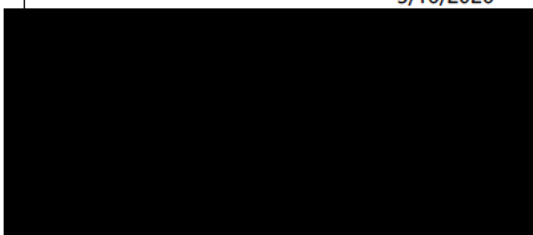
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10. BOARD ACTION DIRECTED:

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

Authenticating Official:

3/16/2026



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