

1. Applicant's Name: [REDACTED]

a. **Application Date:** 06 April 2022

b. **Date Received:** 12 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, was diagnosed in service with traumatic brain injury (TBI) with cognitive impairment and most of the colleagues at work noticed the change in the applicant's behavior. The leadership ignored the applicant's condition which created a toxic and hostile environment which developed into panic attacks, anxiety and later diagnosed with posttraumatic stress (PTSD). The applicant sought all the help within reach, and no one was willing to help, therefore, the applicant never received a fair and balanced discharge due their mental health.

c. **Board Type and Decision:** In a records review conducted on 5 February 2026, the Board granted the request, by a 3-0 vote, based on the determination that the separation was inequitable. Based on guidance from the medical advisor, the applicant endured MST as well as other BH conditions— in-service and post-service diagnosis of TBI, MST, Chronic Adjustment Disorder, PTSD, Major Depressive Disorder, Generalized Anxiety Disorder, and Panic Disorder—that mitigated the majority of the misconduct in the file. The misconduct associated with 'making a false official statement' was not medically mitigated; however, the Board concluded during deliberations that this misconduct was still associated with the BH conditions and voted unanimously to mitigate this misconduct considering the applicant's length of service (1y, 9m) as well. The Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board determined the Characterization was inequitable and voted to change it too Honorable. The Board determined the RE code was 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:** 12 November 2020

c. **Separation Facts:**

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

(2) **Basis for Separation:** The applicant was informed of the following reasons: The Commander's Report indicates the applicant had shown a pattern of misconduct, by failing to report,

disrespecting their superior noncommissioned officer, making false official statements with intent to deceive and failing to follow lawful order which it was the applicant's duty to obey.

(3) Recommended Characterization: The Company Commander's recommendation is NIF; however, the Battalion Commander recommended honorable

(4) Legal Consultation Date: NIF

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 16 October 2020 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 22 January 2019 / 3 years, 25 weeks

b. Age at Enlistment / Education / GT Score: 18 / High School Graduate / 87

c. Highest Grade Achieved / MOS / Total Service: E-3 / 91B1O, Wheeled Vehicle Mechanic / 1 year, 9 months, 21 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Alaska / None

f. Awards and Decorations: NDSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) The Commander's Report, 13 October 2020, indicates the applicant received a Summarized Article 15, 8 May 2020, for violation of Article 86; Article 91; and Article 107. The imposed punishment included extra duty and restriction for 7 days.

(2) The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) indicates the applicant had not completed the first full term of service. The applicant was discharged under the authority of AR 635-200, paragraph 14-12b, with a narrative reason of Pattern of Misconduct. The DD Form 214 was authenticated with the applicant's electronic signature.

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:

(a) VA Rating Decision, 30 March 2021, indicates the applicant was granted 30 percent service-connection for migraine variants and 10 percent service-connection for traumatic brain injury (TBI) with cognitive impairment.

(b) VA Letter, 21 March 2022, indicates the applicant had been an established patient of the Alaska VA Healthcare System since October 2021. The applicant was being treated for ongoing mental health diagnoses of posttraumatic stress disorder (PTSD), chronic due to personal history of abuse in childhood; major depressive disorder, recurrent, unspecified; generalized anxiety disorder, panic disorder; and insomnia due to other mental disorder.

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; self-authored statement; Certificate of Release or Discharge from Active Duty; Office of the Under Secretary of Defense Memorandum; Department of Veterans Affairs Letter; VA Rating Decision; enlisted records brief; separation packet; three third-party letters.

6. POST SERVICE ACCOMPLISHMENTS: The applicant has a newborn child and spouse and is on medication and meeting with a psychiatrist. The applicant is enrolled in the University of Alaska and is striving to become a Radiologic Technologist.

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 Commander's Report indicates the applicant was being discharged for a pattern of misconduct, by failing to report, disrespecting their superior noncommissioned officer, making a false official statement with intent to deceive and failing to follow lawful orders which it was their duty to obey. The applicant's election of rights was not in file; however, the applicant was involuntarily discharged from the U.S. Army. The DD Form 214 provides the applicant was discharged with a character of service of general (under honorable conditions) for a pattern of misconduct.

c. The applicant's Army Military Human Resources Record (AMHRR) includes partial facts and circumstances concerning the events leading to the discharge from the Army. The applicant's AMHRR includes a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was authenticated by the applicant's electronic signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 14, paragraph 14-12b, by reason of Pattern of Misconduct, with a characterization of service of general (under honorable conditions).

d. The applicant contends being diagnosed with in service TBI with cognitive impairment. The applicant's coworkers noticed the change in the applicant's behavior. The leadership ignored the applicant's condition which created a toxic and hostile environment and developed into panic attacks, anxiety and later diagnosed with posttraumatic stress. The applicant sought all the help within reach, and no one was willing to help, therefore, the applicant never received a fair and balanced discharge due their mental health. The applicant was later diagnosed with PTSD and sought help. The applicant provided VA Rating Decision, 30 March 2021, which indicates the applicant was granted 30 percent service-connection for migraine variants and 10 percent service-connection for traumatic brain injury (TBI) with cognitive impairment. VA Letter, 21 March 2022 indicates the applicant had been an established patient of the Alaska VA Healthcare System since October 2021. The applicant was being treated for ongoing mental health diagnoses of posttraumatic stress disorder (PTSD), chronic due to personal history of abuse in childhood; major depressive disorder, recurrent, unspecified; generalized anxiety disorder, panic disorder; and insomnia due to other mental disorder. The applicant's AMHRR includes no documentation of a medical diagnosis. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

e. The third-party statements provided with the application reflect the applicant's character and strong ethics while serving and after being discharged from the Army.

f. The applicant has a newborn child and spouse and is on medication and meeting with a psychiatrist. The applicant is enrolled in the University of Alaska and is striving to become a Radiologic Technologist. The Army Discharge Review Board has the authority to consider post-service factors when reviewing discharge recharacterization requests. However, no law or regulation permits upgrading an unfavorable discharge solely due to time passed or good conduct in civilian life. The Board evaluates each case individually to determine whether post-service achievements indicate previous in-service misconduct was an anomaly rather than a reflection of the applicant's overall character

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: TBI, MST, Chronic Adjustment Disorder, PTSD, Major Depressive Disorder, Generalized Anxiety Disorder, Panic Disorder.

(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 a TBI and experienced an MST during military service. The applicant is service connected by the VA for the TBI and Chronic Adjustment Disorder. The applicant also asserts that Anxiety and PTSD existed during military service.

(3) Does the condition or experience excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of BH conditions and experiences that partially mitigate the basis of separation. The applicant was diagnosed in service with mild Traumatic Brain Injury and Cognitive Communication Deficit. The medical record shows she endorsed symptoms of intrusive thoughts, nightmares, and difficulty concentrating related to the applicant's history of child abuse. In addition, they later endorsed anxiety, depression, anger, and sleep issues due to work related stressors; specifically, applicant's reported MST, "issues with inappropriate touching have been filed with EO and IG". Given the nexus between MST and TBI and difficulty with authority, applicant's misconduct of disrespecting her superior noncommissioned officer and failing to follow a lawful order is mitigated by their BH condition. In addition, given the association between MST and TBI and avoidance, the FTR is also mitigated. However, making a false official statement with intent to deceive is not mitigated because none of the applicant's BH conditions or experiences interfere with the ability to distinguish between right and wrong and act in accordance with the right and there is no evidence that any of the BH conditions contributed to this misconduct.

(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 condition or experience outweighed/did not outweigh the basis of separation.

b. Prior Decisions Cited: **N/A**

c. Response to Contention(s):

(1) The applicant contends being diagnosed with in service TBI with cognitive impairment. The applicant's coworkers noticed the change in the applicant's behavior. The leadership ignored the applicant's condition which created a toxic and hostile environment and developed into panic attacks, anxiety and later diagnosed with posttraumatic stress. The applicant sought all the help within reach, and no one was willing to help, therefore, the

applicant never received a fair and balanced discharge due their mental health. The applicant was later diagnosed with PTSD and sought help.

The Board determined that this contention was valid and voted to upgrade the characterization of service due to BH conditions TBI, MST, Chronic Adjustment Disorder, PTSD, Major Depressive Disorder, Generalized Anxiety Disorder, Panic Disorder as well as a reported MST that support medical mitigation for all most of the misconduct. The nexus between MST and TBI and difficulty with authority, her misconduct of disrespecting her superior noncommissioned officer and failing to follow a lawful order and making a false statement, FTR is mitigated by her BH condition.

(2) The third-party statements provided with the application reflect the applicant's character and strong ethics while serving and after being discharged from the Army. 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 post service accomplishments, outweighed the applicant's failure to obey a lawful order and making a false statement relief was warranted.

(3) The applicant has a newborn child and spouse and is on medication and meeting with a psychiatrist. The applicant is enrolled in the University of Alaska and is striving to become a Radiologic Technologist.

The Board determined that this contention was valid and voted to upgrade the characterization and reason code of service due to PTSD TBI, MST, Chronic Adjustment Disorder, PTSD, Major Depressive Disorder, Generalized Anxiety Disorder, Panic Disorder mitigating the applicant's offense of failure to obey a lawful order and making a false statement.

d. The Board determined in a records review conducted on 5 February 2026, and by a 3-0 vote, the Board granted the request upon finding the separation was inequitable. The Board determined the narrative reason for the applicant's separation is improper based on the applicant's length and quality of service and the circumstances surrounding the discharge (in-service and post-service diagnosis of TBI, MST, Chronic Adjustment Disorder, PTSD, Major Depressive Disorder, Generalized Anxiety Disorder, and Panic Disorder. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board determined the Characterization was inequitable and voted to change it too Honorable. 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 reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

(2) The medical advisor opined there are BH conditions as well as a reported MST that support medical mitigation for all most of the misconduct. The nexus between MST/TBI and the applicant's misconduct—difficulty with authority, applicant's misconduct of disrespecting their superior noncommissioned officer and failing to follow a lawful order, FTR—provides mitigation for the majority of the total misconduct. Addressing the non-mitigated misconduct of 'making a false official statement,' the medical advisor suggested there wasn't a definite link between the BH condition and this misconduct as it doesn't affect the applicant's ability to know right from

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20220007335**

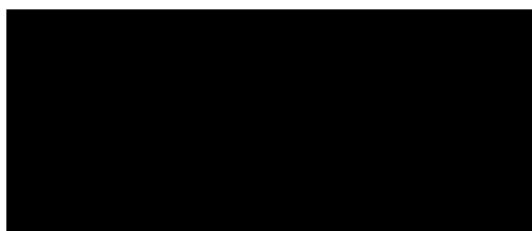
wrong. However, after discussion with the Board members, the medical advisor concurred with the argument that even this misconduct was mitigated as the applicant lied about their location in this misconduct as they didn't want the command knowing they were seeking medical attention for their trauma as they had trust issues with command. After careful deliberation of all available documents, which included the applicant's length of service, the Board applied liberal consideration and voted unanimously to upgrade the discharge to HD/SA/no change.

(3) The Board voted to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, and the reason the applicant was discharged was inequitable.

(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: Secretarial Authority / JFF
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200, Chapter 15

Authenticating Official:**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