

1. Applicant's Name: [REDACTED]**a. Application Date:** 14 April 2022**b. Date Received:** 18 April 2022**c. Counsel:** [REDACTED]**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, in effect, correction of the NGB Form 22 (Report of Separation and Record of Service) to show an honorable characterization, change the narrative reason for separation to Secretarial Authority, and show the appropriate separation code.

b. Applicant Contention(s)/Issue(s): The applicant through counsel requests relief contending, in effect.

(1) At age 17 [with parental consent], the applicant joined the Massachusetts Army National Guard (MARNG). The applicant married an enlisted Marine in December 2009. The applicant and spouse moved to Jacksonville, North Carolina in January 2010. The applicant traveled 14 hours to Taunton, Massachusetts to participate in training, which created a hardship physically and financially. The applicant was granted a transfer to the Rocky Mount, North Carolina ARNG (NCARNG).

(2) The applicant alleges not being assigned a team leader, platoon, nor battle buddy. The applicant was also not given a Battle Assembly Schedule, nor guidance on when to report to the next drill weekend. The applicant received no further instructions. At that time the applicant [not being sure of the process] verbally requested a transfer to the Individual Ready Reserve (IRR) and ultimately A branch transfer into the U.S. Army Reserve (USAR), due to a hardship and the spouses upcoming deployment [to Afghanistan].

(3) The applicant's spouse deployed to Afghanistan in July or August 2010, the applicant is alleged to have missed drills on 21-22 July 2010 and 14-15 August 2010. The applicant had no job and no funds, the applicant's marriage was failing, and the bank account was in the spouse's name. The applicant was forced to relocate to Florida to live with a sister. The applicant alleges to have changed the address to have mail forwarded through the post office to the Florida address, but the applicant was not forwarded the certified mail that went undelivered.

(4) In 2011, the applicant enlisted into the USAR with the 805th Military Police Company, Cary, NC, and serve without any issues. The applicant alleges to have paid back a \$20,000 enlistment bonus that was received for enlisting in the MARNG, because the applicant did not complete the initial enlistment contract prior to being placed in the IRR. Evidence of the payback was not provided.

(5) The applicant has used the military training to advance in a civilian career. The applicant currently serves as a Detective with the Manor Township Police Department,

Armstrong County, Pennsylvania. The applicant is also in the process of obtaining a bachelor's degree in criminology and an advanced degree (Master 's Degree) to further the applicant's career.

c. Board Type and Decision: In a records review conducted on 17 March 2026, and by a 3-0 vote, the Board determined that the characterization of service was too harsh based on the applicant's length and quality of service, and as a result it is inequitable. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board's recommendation was forwarded to the Chief, National Guard Bureau, North Carolina Military Department, to the Adjutant General, State of North Carolina, under the provisions of 10 USC § 1553, for final approval. 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 / NGR 600-200, Paragraph 6-35j / NA/ RE-3 / General (Under Honorable Conditions).

b. Date of Discharge: 30 September 2010

c. Separation Facts: The applicant's Army Military Human Resources Record (AMHRR) is void of all the specific facts and circumstances concerning the events which led to the discharge from ARNG.

(1) Date of Notification of Intent to Separate: 25 August 2010

(2) Basis for Separation: The applicant was informed of the following reasons: Failure to report for unit assembly.

(3) Recommended Characterization: NIF

(4) Legal Consultation Date: NIF

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: NIF

4. SERVICE DETAILS:

a. Date / Period of Enlistment/Reenlistment Under Review: 24 July 2008 / 8 years

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

c. Highest Grade Achieved / MOS / Total Service: E-2 / 31B10YY, Military Police / 4 months, 20 days

d. Prior Service / Characterizations: IADT / 30 June 2009 - 19 November 2009 / HD

e. Overseas Service / Combat Service: None

f. Awards and Decorations: ASR, NDSM

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: NIF/ The applicant's AMHRR contains the following evidence:

(1) A North Carolina Interstate Transfer, 11 May 2010, reflects the applicant was transferred from the MA ARNG to the Rocky Mount, NC, ARNG.

(2) A Letters of Instruction- Unexcused Absence, 15 August 2010, reflecting the applicant was absent from scheduled Multiple Unit Training on 14 and 15 August 2010, without proper authority.

(3) Memorandum, 25 August 2010, notifying the applicant to contact the NCARNG, Rocky Mount, NC, before 10 September 2010 or the discharge procedures would be started.

(4) Two certified mail receipts, 18 and 25 August 2010, are addressed to the applicant at the same North Carolina address listed on the Interstate Transfer.

(5) State of North Carolina Orders 259-890, 16 September 2010, reflects the applicant was discharged from the ARNG, effective 30 September 2010, with a general, under honorable conditions, characterization of service. The applicant was reassigned to the USAR Control Group (Reinforcement).

(6) NGB Form 22 (National Guard Bureau Report of Separation and Record of Service), reflects the applicant was separated from the ARNG on 30 September 2010. The NGB Form 22 shows in:

- item 10d (Total Service for Pay), 2 years, 2 months, 7 days
- item 10e (Total Service for Retired Pay), 2 years, 0 months, 0 days
- item 23 (Authority and Reason), National Guard Regulation (NGR) 660-200, Paragraph 6-35j; Unsatisfactory Participation
- item 24 (Character of Service), General (Under Honorable Conditions)
- item 25 (Type of Certificate Used) - NGB Form 56a [General Discharge Under Honorable Conditions [NCARNG]
- item 26 (Reenlistment Eligibility), RE-3

i. Lost Time / Mode of Return: NIF

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:** None

(2) **AMHRR provided:** None

5. APPLICANT-PROVIDED EVIDENCE: Application; Brief; Applicant's Statement; two Character References; Enlistment Contract; DD Form 214; three Orders; Resume, Letter of Instruction (LOI); Memorandum; National Guard Bureau Form 22; School Transcript; two Certified Mail Receipts; various service records from the applicant's most current period of USAR service.

6. POST SERVICE ACCOMPLISHMENTS: The applicant contends using military training for gainful employment. The applicant serves as a Detective with the Manor Township Police Department, Armstrong County, Pennsylvania. The applicant is also in the process of obtaining a bachelor's and master's degree in criminology.

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), dated 25 September 2019, 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 waivable and nonwaivable 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.
- RE-4 Applies to: Person separated from last period of service with a nonwaivable 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. NGR 600-200, in effect at the time, prescribes the criteria, policies, processes, procedures and responsibilities to classify; assign; utilize; transfer within and between states; provides Special Duty Assignment Pay; separate, and appoint to and from Command Sergeant Major, ARNG and Army National Guard of the United States (ARNGUS) enlisted Soldiers. Paragraph 6-35 (Separation/Discharge from State ARNG and/or Reserve of the Army), states all Soldiers will be notified of a commander's recommendation for their involuntary discharge. If the characterization is other than honorable or under honorable conditions the Soldier will be informed of the specific factors in the service record that warrant such characterization.

(1) Paragraph 6-35j refers to Army Regulation 135-178, chapter 13 for unsatisfactory participation. Commanders may recommend retention of Soldiers who have accrued 9 or more

unexcused absences within a one-year period. Submit requests with justification for retention to the AG (MPMO/G1).

(2) Include verification that the notification requirements of Army Regulation 135-91 [Service Obligations, Methods of Fulfillment, Participation Requirements, and Enforcement Procedures] and paragraph 6-32 have been met. Soldiers must be notified by registered or certified mail the intent and projected discharge date. Retention approval authority can be delegated to the lieutenant colonel command level.

h. Army Regulation 135-178 (Army National Guard and Army Reserve – Enlisted Administrative Separations), 18 March 2014, sets forth the basic authority for the separation of enlisted ARNG and USAR personnel.

i. Army Regulation 135-91 provides that a Soldier is an unsatisfactory participant when the Soldier attains 9 or more unexcused absences from scheduled inactive duty training during a 1-year period. Unless an absence is authorized, a Soldier failing to attend a scheduled drill will be charged with an unexcused absence. When absence involves a Multiple Unit Training Assembly (MUTA), or any portion of a MUTA, the charge will be one unexcused absence for each 4-hour period not attended, but not to exceed four unexcused absences. Unexcused absences remain charged to the Soldier on reassignment or reenlistment in another Reserve Component unit.

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 contends the NGB Form 22 should be upgraded to show an honorable characterization, change the narrative reason for separation, and add the appropriate separation code. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's discharge orders and NGB Form 22 indicate the applicant was discharged under the provisions of NGR 600-200, Paragraph 6-35j, unsatisfactory participation, with a characterization of service of general, under honorable conditions. The NGB Form 22 lists an RE code of "3."

c. The applicant contends the NGB Form 22 should be upgraded due to unforeseen circumstances. The applicant was dealing with marital and financial problems, and a spouse's deployment to Afghanistan. When the applicant's spouse deployed the applicant was left with no resources to remain in North Carolina. The applicant was forced to relocate to Florida to live with a relative. The applicant requested to be placed in the IRR and believed that action was under consideration. The applicant missed drills on 21-22 July 2010 and 14-15 August 2010. Formal notification was attempted, but the certified notifications were returned. On 25 August 2010 the applicant was notified that discharge proceedings would be initiated if the applicant failed to contact the unit by 10 September 2010. The applicant failed to contact the unit and the NC ARNG issued the applicant a general discharge, under honorable conditions on 30 September 2010.

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? **No.** The Board's Medical Advisor reviewed DoD and VA medical records and found

no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused or mitigated a discharge.

(2) Did the condition exist, or experience occur during military service? **N/A**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) Multiple hardships and a lack of communication from command led to the missed drills. The Board considered this contention, as well as the applicant's continued military service, and voted to grant relief.

d. The Board determined the original discharge to be inequitable. The review of the record indicates the applicant made every effort to complete their service contract and acted in accordance with the instructions given. The Board concluded that the original discharge was the result of administrative deficiencies, which failed to accurately document the applicant's status during a period involving multiple unit transfers and relocations. The applicant's commendable subsequent service in the U.S. Army Reserve (USAR) was noted as clear evidence of their unwavering desire to serve. Consequently, the Board granted relief, upgrading the discharge to Honorable (HD).

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 length and quality of service, as well as the circumstances surrounding the misconduct, outweigh the applicant's unsatisfactory participation. Thus, the prior characterization is no longer appropriate. This recommendation was forwarded to the NGB for approval.

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

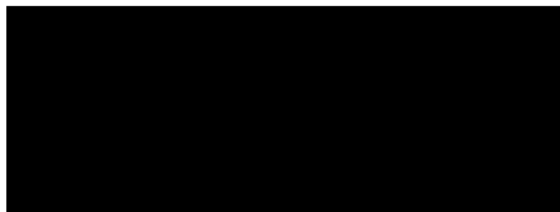
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New NGB 22 / 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:

3/19/2026



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