

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 28 May 2022
- b. **Date Received:** 2 September 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 applicant was suffering from undiagnosed post-traumatic stress disorder (PTSD) which a lot of misconduct stemmed from. The applicant saw things that unexpectedly changed the applicant's life.

c. **Board Type and Decision:** In a records review conducted on 18 March 2026, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's PTSD mitigated the applicant's failures to obey and dereliction of duty. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. 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:** 17 September 2013

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 13 August 2013

(2) **Basis for Separation:** The applicant was informed of the following reasons: the applicant failed to obey a Commissioned Officer, failed to obey other lawful order, failed to report on divers occasions, and were derelict in the applicant's duties by falling asleep as a guard while on guard duty.

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

(4) **Legal Consultation Date:** 13 August 2013

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

(6) **Separation Decision Date / Characterization:** 3 September 2013 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

- a. Date / Period of Enlistment Under Review:** 14 September 2009 / 6 years, 21 weeks
- b. Age at Enlistment / Education / GT Score:** 21 / NIF / 102
- c. Highest Grade Achieved / MOS / Total Service:** E-4 / 11B1O, Infantryman / 4 years, 2 days
- d. Prior Service / Characterizations:** None
- e. Overseas Service / Combat Service:** SWA, Afghanistan (1 September 2010 – 6 January 2011)
- f. Awards and Decorations:** ACM-CS, AAM-2, NDSM, GWITSM, ASR, OSR, NATOM, CIB
- g. Performance Ratings:** NA
- h. Disciplinary Action(s) / Evidentiary Record:**

(1) Multiple Developmental Counseling Forms document instances of the applicant's diverse patterns of misconduct.

(2) CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 8 March 2013, indicates the applicant was found to have failed to go at the time prescribed to appointed place of duty on or about 15 and 17 January 2013; on or about 5 November 2012, without authority, go from the applicant's appointed place of duty; and on or about 29 October 2013, were derelict in the performance of duties, in that the applicant negligently failed to stay awake, as it was the applicant's duty to do. The imposed punishment included 14 days restriction.

(3) Two Personnel Action forms indicate the applicant's duty status changed as follows:

- From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 1 May 2013;
- From AWOL to PDY, effective 2 May 2013

(4) FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 5 June 2013, indicates the applicant was found to have on or about 1 May 2013, without authority, absent themselves from the unit, and did remain so absent until on or about 2 May 2013; on or about 30 April 2013, having received a lawful command from, the superior commissioned officer, to return to Fort Benning, GA no later than 29 April 2013, or words to that effect, did willfully disobey the same; and on or about 26 April 2013, having knowledge of a lawful order, fail to obey the same by wrongfully going to TX without submitting a mileage pass. The applicant was found guilty of all specifications however, no punishment was annotated in block 6 of the Record of Proceedings under Article 15, UCMJ. Enlisted Record Brief (ERB), 25 July 2013, shows the applicant was reduced from E-4 to E-1 effective 5 June 2013.

(5) CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 25 July 2013, indicates the applicant was found to have on or about 29 June 2013, were disrespectful in deportment toward a non-commissioned officer, by arguing about chow time and rolling of the eyes; and on or about 29 July 2013, with the intent to deceive, make a false official

statement. The imposed punishment included forfeiture of \$353 pay (suspended), along with 4 days of extra duty and restriction.

i. Lost Time / Mode of Return: 1 day, (AWOL, 1 May 2013 – 2 May 2013) / Returned to duty

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: 62 pages of medical records.

(2) AMHRR Listed: Report of Mental Status Evaluation (MSE), 10 July 2013, indicates the applicant was cleared for any administrative actions the command deemed appropriate. The applicant demonstrated the ability to understand and participate in administrative proceedings, appreciated the difference between right and wrong, and met medical retention requirements. PTSD and mTBI screenings were conducted, but the conditions were either absent or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider their influence. Adjustment disorder with mixed disturbances of emotions and conduct.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Medical records.

6. POST SERVICE ACCOMPLISHMENTS: None submitted in support of 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 non-waiverable 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.

(c) Paragraph 3-9 states a separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status.

(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 14-2c, prescribes Commanders will not take action prescribed in this chapter instead of disciplinary action solely to spare an individual who may have committed serious misconduct from the harsher penalties that may be imposed under the UCMJ.

(b) 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.

(c) 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.

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 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).

c. The applicant contends undiagnosed PTSD led to the applicant's misconduct. The applicant submitted medical records as evidence to support the contention the discharge resulted from undiagnosed PTSD. The applicant's AMHRR shows the applicant underwent a mental status evaluation (MSE) on 10 July 2013, which indicates the applicant was mentally responsible and was able to recognize right from wrong. The MSE also contains an in-service diagnosis of adjustment disorder with mixed disturbances of emotions and conduct. The separation authority considered the MSE/BHE.

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: Alcohol Dependence, Adjustment Disorder with disturbance of emotions and conduct, PTSD. Additionally, the applicant asserts undiagnosed PTSD, which may be sufficient evidence to establish the existence of a condition that could mitigate or excuse the discharge.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant deployed to Afghanistan from Sep 2010 to Jan 2011 and began ASAP treatment in March 2011.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the applicant initially sought treatment for alcohol use and PTSD-related symptoms in Mar 2011 and was later command-referred to ASAP. There was indication of self-medicating of PTSD symptoms. Applicant was diagnosed with Adjustment Disorder with disturbance of emotions and conduct as part of Chapter separation evaluation and is 70% service connected for PTSD. Given the nexus between PTSD and avoidance related behaviors, such as being AWOL or substance use, and behaviors associated with disregard for authority, there is sufficient evidence to support medical mitigation.

(4) Does the condition or experience outweigh the discharge? **Yes.** The Board concurred with the opinion of the Board's Medical Advisor, a voting member. As a result, the ADRB applied liberal consideration and found that the applicant's PTSD outweighed the applicant's failures to obey and dereliction of duty for the aforementioned reason(s).

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

c. Response to Contention(s): The applicant contends undiagnosed PTSD led to the applicant's misconduct. The Board considered this contention and determined that relief was warranted due to the applicant's PTSD mitigated the applicant's failures to obey and dereliction of duty.

d. The Board determined the discharge is inequitable based on the applicant's PTSD mitigated the applicant's failures to obey and dereliction of duty.

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 PTSD mitigated the applicant's failures to obey and dereliction of duty. Thus, the prior characterization is no longer appropriate.

(3) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

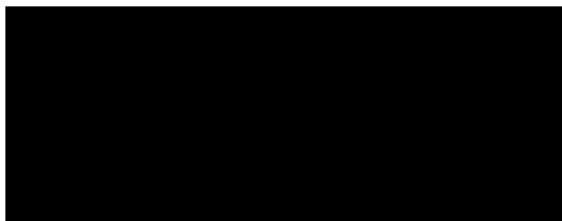
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes**
- b. Change Characterization to: Honorable**
- c. Change Reason / SPD Code to: Misconduct (Minor Infractions)/JKN**
- d. Change RE Code to: No Change**
- e. Change Authority to: AR 635-200**

Authenticating Official:

3/24/2026



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