

1. Applicant's Name: [REDACTED]**a. Application Date:** 11 May 2022**b. Date Received:** 11 May 2022**c. Counsel:****2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant Requests: The current characterization of service for the period under review is under other than honorable conditions. The applicant requests an upgrade to general (under honorable conditions), change to the reentry eligibility (RE) code and change to the narrative reason.

b. Applicant Contention(s) / Issue(s): The applicant requests relief contending, in effect, the applicant's misconduct was not willful; at the time of the charge the applicant was a teenager and, in a city alone with no family and had experienced a personal crisis. Leadership ensured the applicant was treated at a medical treatment facility and the applicant was diagnosed with a mood disorder and depression. The applicant was not given proper counsel on the impact of post service life of requesting a chapter 10.

c. Board Type and Decision: In a records review conducted on 25 February 2026, and by a 3-0 vote, the Board determined the discharge is inequitable and voted to grant clemency based on the applicant's length of service, the circumstances surrounding the discharge (OBHI diagnoses), and post-service accomplishments. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to General (Under Honorable Conditions) and changed the narrative reason for separation to Misconduct (AWOL), with a corresponding separation code of JKD. 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: In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / Under Other Than Honorable Conditions

b. Date of Discharge: 23 February 2011**c. Separation Facts:**

(1) Date Charges Preferred / DD Form 458 (Charge Sheet): On 22 April 2010, the applicant was charged with:

(a) Charge I: Violating Article 85, UCMJ. Specification: on or about 17 February 2010, without authority and with intent to remain away absent self from the unit and did remain so absent in desertion.

(b) Charge II: Violating Article 86, UCMJ. Specification: on or about 18 January 2010, without authority, absent self from unit and did remain so.

(2) Legal Consultation Date: 26 January 2011

(3) Basis for Separation: Pursuant to the applicant's voluntary request for discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial.

(4) CDR / Intermediate CDR Recommended Characterization: NIF

(5) Separation Approval Decision Date / Characterization: 10 February 2011 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment/Reenlistment Under Review: 18 March 2008 / 4 years

b. Age at Enlistment / Education / GT Score: 17 / GED / 112

c. Highest Grade Achieved / MOS / Total Service: E-2 / 68W10, Health Care Specialist / 2 years, 6 months, 26 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None / None

f. Awards and Decorations: GWOTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Enlisted Record Brief (ERB), 15 February 2011, reflects the applicant was flagged for Involuntary Separation/Discharge (BA) effective 30 August 2010 and for Adverse Action (AA) effective 18 January 2010, and was ineligible for reenlistment due to Other, Prohibitions not otherwise identified (9X).

(2) Two DA Forms 4187 (Personnel Action) indicate the applicant's duty status changed as follows:

- From Present for Duty (PDY) to Absent Without Leave (AWOL), effective date 18 January 2010
- From AWOL to Dropped From Rolls (DFR), effective date 17 February 2010

(3) DD Form 616 (Report of Return of Absentee) dated 28 May 2010, indicates the applicant was apprehended by civil authorities and returned to military control.

(4) 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, chapter 10, with a narrative reason of In Lieu of Trial by Court-Martial. The DD Form 214 was authenticated with the applicant's electronic signature. The applicant had lost time for the period 18 January 2010 to 27 May 2010.

i. Lost Time / Mode of Return: 4 months, 10 days (AWOL 18 January 2010 to 27 May 2010) / Apprehended by Civil Authorities

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: Medical documents from the Mental Health department at Fort Bliss, TX, indicates the applicant was treated for mental health issues (9 pages).

(2) AMHRR provided: None

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293 (Application for the Review of Discharge); Medical Document (9 pages); Resume; Employment Payment document; Email Correspondence (3 pages); DD Form 214 for the period ending 23 February 2011

6. POST SERVICE ACCOMPLISHMENTS: 9 years of employment with Ceasar Entertainment, Las Vegas, NV

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 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. It states:

(a) 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) 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) An under other-than-honorable-conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(2) Chapter 10, Discharge in Lieu of Trial by Court Martial is applicable to members who had committed an offense or offenses for which the authorized punishment included a bad conduct, or dishonorable discharge could submit a request for discharge for the good of the service. The request could be submitted at any time after the charges had been preferred. Although an honorable or general discharge was authorized, an under other than honorable conditions discharge was normally considered appropriate, unless the record was so meritorious it would warrant an honorable.

(a) After receiving legal counseling, the soldier may elect to submit a request for discharge in lieu of trial by court-martial. The soldier will sign a written request, certifying that they have been counseled, understands their rights, and may receive a discharge under other than honorable conditions.

(b) The following documents will accompany the request for discharge:

- A copy of a Charge Sheet (DD Form 458)
- Report of medical examination and mental status evaluation, if conducted
- A complete copy of all reports of investigation
- Any statement, documents, or other matter considered by the commanding officer in making his/her recommendation, including any information presented for consideration by the soldier or consulting counsel.
- A statement of any reasonable ground for belief that the soldier is, or was at the time of misconduct, mentally defective, deranged, or abnormal. When appropriate, evaluation by a psychiatrist will be included.

(c) Paragraph 10-6 stipulates medical and mental examinations are not required but may be requested by the Soldier under AR 40-501, chapter 8.

(d) Paragraph 10-8b stipulates Soldiers who have completed entry-level status, characterization of service as honorable is not authorized unless the Soldier's record is otherwise so meritorious that any other characterization clearly would be improper.

(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

(4) 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 "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu Trial by Court-Martial.

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 general (under honorable conditions). The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The evidence in the applicant's Army Military Human Resource Record (AMHRR) confirms the applicant was charged with the commission of an offense punishable under the UCMJ with a punitive discharge. In consultation with legal counsel, the applicant voluntarily requested, in writing, a discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial. In this request, the applicant admitted guilt to the offense, or a lesser included offense, and indicated an understanding an under other than honorable conditions discharge could be received, and the discharge would have a significant effect on eligibility for veterans' benefits. The under other than honorable conditions discharge received by the applicant was normal and appropriate under the regulatory guidance.

c. On 26 January 2011, the applicant submitted a request of discharge in lieu of trial by BCD Special Court-Martial under AR 635-200, Chapter 10 acknowledging the request was submitted of the applicant free will and the applicant was advised and understood the implications that is attached to such discharge. On 10 February 2011, the separation authority reviewed the separation action and all supporting documents pertaining to the applicant and approved the applicant's administrative separation and characterized the applicant's service as Under Other Than Honorable Conditions and reduced the applicant to the lowest enlisted grade.

d. The applicant contends youth, and immaturity influenced their behavior at the time of discharge. However, the AMHRR confirms the applicant met entrance qualification standards, including age.

e. The applicant contends the applicant was not properly counseled on the implications of submitting a Chapter 10 request. The evidence in the applicant's AMHRR indicates the command took steps to support the applicant in meeting Army standards through counseling

and the imposition of non-judicial punishment and received legal consultation with Trial Defense Services.

f. The applicant contends a change to the characterization of service to rejoin the Army. At the time of discharge, the applicant received a characterization of service of under other than honorable conditions. Army Regulation 601-210, Chapter 4, establishes an under other than honorable conditions discharge as a non-waivable disqualification, making the applicant ineligible for reenlistment.

g. The applicant contends a change to the RE code or seeks to rejoin the military. Soldiers receive reentry codes during separation based on service records or discharge reasons. Since the applicant's discharge orders do not reflect the reentry code, contacting a local recruiter is the best course of action to determine reenlistment eligibility. Recruiters assess the Army's current needs and handle waivers for RE codes when appropriate.

h. The applicant contends the Army should change the narrative reason for the discharge. Under Chapter 10, of AR 635-200, the Army separated the applicant with an "under other than honorable conditions" discharge. Army Regulations designate "In Lieu of Trial by Court-Martial," as the narrative reason for discharge under this provision and assign the separation code "KFS." Army Regulation 635-8 (Separation Processing and Documents) governs how officials prepare the DD Form 214. This regulation mandates that block 28 must list the narrative reason for separation, and block 26 must show the corresponding separation code, both as specified in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation prohibits any deviation and does not allow officials to enter any other reason.

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 diagnosis: Adjustment Disorder with Depressed Mood, although symptoms suggest possible Major Depressive Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** Adjustment Disorder with Depressed Mood, although symptoms suggest possible Major Depressive Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board applied liberal consideration and opined that given the significant depressive symptoms existing prior to the AWOL and association between severe depressive symptoms and the misconduct, the basis is mitigated.

(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 the basis of separation.

b. Prior Decisions Cited: N/A

c. Response to Contention(s):

(1) Contention 1: youth, and immaturity influenced their behavior at the time of discharge. The Board considered this consideration during deliberations and found the applicant's misconduct was likely a result of their ongoing BH conditions and granted relief.

(2) Contention 2: the applicant was not properly counseled on the implications of submitting a Chapter 10 request. The Board considered this contention however, the evidence in the applicant's AMHRR indicates the command took steps to support the applicant in meeting Army standards through counseling and the imposition of non-judicial punishment and received legal consultation with Trial Defense Services.

d. The Board determined: The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board concurred with the conclusion of the medical advising official that the applicant's medical diagnosis (Adjustment Disorder with Depressed Mood, although symptoms suggest possible Major Depressive Disorder) mitigates the basis of separation (AWOL) and warrants a change to the character and narrative reason for separation. Based on a preponderance of evidence, the Board determined that the reason for the applicant's separation was inequitable. The Board voted to retain the reentry code based on the medical diagnosis.

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 General, (Under Honorable Conditions) because the applicant's Adjustment Disorder with Depressed Mood outweighing the applicant's AWOL offense. Thus, the prior characterization is no longer appropriate.

(3) The Board voted to change the applicant's reason for discharge to Misconduct (AWOL) with the accompanying SPD code JKD.

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

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214 / Separation Order:** Yes
- b. **Change Characterization to:** General, Under Honorable Conditions
- c. **Change Reason / SPD code to:** Misconduct (AWOL) / JKD
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** No Change

Authenticating Official:

2/27/2026



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