

1. Applicant's Name: [REDACTED]

a. **Application Date:** 31 May 2022

b. **Date Received:** 14 June 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 their discharge was unjust and the result of sustained leadership failures throughout their three years of service within the unit. The applicant asserts the work environment was consistently toxic, marked by ostracism, excessive criticism, and a lack of recognition for accomplishments, particularly within the unit ministry team. They contend they were held to unrealistic expectations without adequate guidance or mentorship and were disproportionately disciplined for perceived shortcomings. The applicant maintains the involuntary separation was not the product of misconduct, but rather the consequence of ineffective leadership and inequitable treatment which ultimately marginalized and discarded a Soldier who did not conform to the unit's preferred mold.

c. **Board Type and Decision:** In a records review conducted on 19 March 2026, and by a 3-0 vote, the Board upgraded to Honorable, SPD code of JKN with no change to the RE Code. 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:** 22 July 2020

c. **Separation Facts:** The Army Military Human Resource Record provides the following details:

(1) **Date of Notification of Intent to Separate:** 10 June 2020

(2) **Basis for Separation:** On or about 17 April 2018, the applicant failed to report to their appointed place of duty (work call).

- On 19 April 2018, they failed to report to their appointed place of duty (training).
- On 20 April 2018, the applicant failed to obey a lawful order from a sergeant to contact them at 0530 hours to inform them of their duty time and uniform for the next 14 days.

- On 15 April 2019, they failed to go to their appointed place of duty (physical training (PT)); on 11 May 2019, the applicant failed to go to their appointed place of duty (dinner KP).
- On 4 November 2019, they failed to go to their appointed place of duty (wedding support at the four chaplains on the main post).
- On 21 November 2019, the applicant was disrespectful in deportment towards a sergeant by interrupting them and saying to them, "yup."

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

(4) Legal Consultation Date: 22 June 2020 / The applicant elected counsel and declined to provide a personal statement.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 29 June 2020 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 28 March 2017 / 4 years

b. Age at Enlistment / Education / GT Score: 24 / High School Diploma / 103

c. Highest Grade Achieved / MOS / Total Service: E-4 / 56M10 Religious Support / 3 years, 3 months, 25 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: The Enlisted Record Brief provides the applicant was flagged (Suspend Favorable Personnel Actions (FLAG)) on 7 May 2020, for field-initiated involuntary separation (BA). Between 19 April 2018 and 7 May 2020, the applicant received eight counseling statements for various acts of indiscipline such as failing to report on multiple occasions, failure to follow instructions, disrespect towards noncommissioned officers (NCOs), and for being flagged for involuntary separation.

(1) A Record of Proceedings Under Article 15, UCMJ, 16 July 2018, provides the applicant received nonjudicial punishment (NJP) in violation of two Article 86 specifications for failing to report to work call on 17 April 2018 and for failing to report to training on 19 April 2018. In addition to an Article 91 violation for willfully disobeying a lawful order from a sergeant to contact them at 0530 to inform them of the applicant's place of duty and uniform of the day for 15 days, in which the applicant disobeyed on 20 April and 4 May 2018. Their punishment imposed a suspended reduction to private (E-2); suspended forfeitures of \$428.00 pay; and extra duty for seven days.

(2) On 11 December 2019, a Summarized Record of Proceedings Under Article 15, UCMJ reflects the applicant received NJP in violation of three Article 86 specifications for failing to report to PT formation, dinner at the dining facility, and to support the authorized weddings at the four chapels on post, on 15 April, 11 May, and 4 November 2019. Their punishment imposed extra duty for 14 days.

(3) Between 20 May and 10 June 2020, the applicant completed separation examinations. A mental status evaluation psychologically cleared them for administrative proceedings with no diagnosis or recommendations identified. A medical examination qualified the applicant for service without any medical diagnoses noted and recommended two follow up appointments for behavioral health and their hearing.

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:** The applicant asserts Post Traumatic Stress Disorder (PTSD) and other mental health issues and provided documentation effective 16 December 2020 reflecting a 50% service-connected disability rating for unspecified depressive disorder (claimed as depression, work stress, paranoid reaction, anxiety condition, PTSD personal trauma, and sleep disturbances)

(2) **AMHRR provided:** None

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Self-Authored Statement; Three Character Letters; Therapist Letter; Veterans Affairs Rating Decision and Medical Records

6. POST SERVICE ACCOMPLISHMENTS: The applicant has been service-connected through the VA for care and support and has earned an Associate Degree in Biology in 2021.

7. STATUTORY, REGULATORY AND POLICY REFERENCE(S): 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.

a. 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.

b. 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.

c. 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.

d. 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.

e. 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:

(1) 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.

(2) 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.

(3) 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.

f. 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.

(2) Chapter 14 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. 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. Paragraph 14-12b (Pattern of Misconduct), stated, a pattern of misconduct consisting of one of the following – discreditable involvement with civil 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 UCMJ, Army regulations, the civil 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: RE-1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

g. 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 14-12B, 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.

(1) An authenticated DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged under the provisions of AR 635-200, Chapter 14-12B for pattern of misconduct with a general (under honorable conditions) characterization of service. In July 2018 the applicant received NJP for two failures to report and for willfully disobeying a lawful order from a sergeant, resulting in a suspended reduction to PV2, suspended forfeitures, and seven days of extra duty. In December 2019, they received a summarized Article 15 for three additional failures to report, for which they were imposed 14 days of extra duty. They were flagged for involuntary separation. The applicant elected to counsel and declined to provide a personal statement. They served 3 years, 3 months, and 25 days of a 4-year enlistment contractual obligation.

(2) Between May and June 2020, the applicant was psychologically cleared for administrative proceedings with no diagnosis/recommendation identified. A medical examination qualified the applicant for service without any medical diagnoses noted and recommended two follow up appointments for behavioral health and their hearing.

b. The applicant contends their discharge was unjust due to sustained leadership failures and a consistently toxic work environment marked by ostracism, unrealistic expectations, and lack of mentorship. The applicant asserts the involuntary separation resulted from inequitable treatment and ineffective leadership rather than misconduct.

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: Anxiety Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant is 100% service connected, including 70% for Mood Disorder.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of a BH condition that mitigates her misconduct. The applicant was diagnosed in service with Anxiety Disorder. In addition, she is 70% service connected for Mood Disorder via the VA. Given the association between anxiety and avoidance, her FTR's are mitigated by her BH conditions. In addition, the medical record shows the applicant had a prior history of IPV and reported feeling triggered by her supervisor who she described as controlling and overbearing. Given the nexus between anxiety/IPV and difficulty with authority, her disrespect in deportment and failure to obey a lawful order are both also mitigated.

(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 condition or experience outweighed the listed basis for separation for the aforementioned reason.

b. Prior Decisions Cited: NA.

c. Response to Contention(s): The applicant contends their discharge was unjust due to sustained leadership failures and a consistently toxic work environment marked by ostracism, unrealistic expectations, and lack of mentorship. The applicant asserts the involuntary separation resulted from inequitable treatment and ineffective leadership rather than misconduct. In support, three-character references attest to the applicant being a hardworking, values-driven Soldier who demonstrated loyalty, integrity, personal courage, and selfless service, despite toxic leadership, lack of training, and unfair treatment, and they strongly supported an honorable discharge to reflect the applicant's true character. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on evidence of a BH condition that mitigates her misconduct—FTRs, disrespect, failure to obey lawful orders for the applicant's basis for separation.

d. The Board determined with the medical advisor the applicant was diagnosed in service with Anxiety Disorder and she is 70% service connected for Mood Disorder via the VA. Given the association between anxiety and avoidance, her FTR's are mitigated by her BH conditions. Medical records show the applicant had a prior history of IPV and reported feeling triggered by her supervisor who she described as controlling and overbearing. Given the nexus between anxiety/IPV and difficulty with authority, her disrespect in deportment and failure to obey a lawful order are both also mitigated. The Board decided to upgrade too Honorable.

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.

(3) The Board voted to change the applicant's reason for discharge to 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 / Separation Order: Yes**
- b. Change Characterization to: Honorable**
- c. Change Reason / SPD Code to: JKN**
- d. Change RE Code to: No Change**
- e. Change Authority to: AR 635-200**

Authenticating Official:

3/24/2026

