

1. Applicant's Name: [REDACTED]**a. Application Date:** 8 July 2022**b. Date Received:** 12 July 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 bad conduct. The applicant requests an upgrade to general (under honorable conditions) or under other than honorable conditions.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect, having demonstrated regret for violating the military code of justice and shown rehabilitation from the mental health and addiction issues that caused the discharge. The applicant wants to show the years of hard work the applicant has put into their life through the 12-step recovery psychotherapy and in the society. The applicant has made some mistakes in their life but is a different person dedicated to their new way of life. Hopefully, the testimonials, evidence, and information provided by the applicant will demonstrate the ways the applicant continued to grow. The applicant has not wavered in their new way of life in the 14 years since the incident. The applicant provided a clear picture of the applicant's return to civilian life after incarceration, which included continuous employment while furthering the applicant's education, dedication to the recovery program, and community service. Before the military, the applicant used alcohol and drugs as a way to cope with a mental health condition, which escalated after the applicant joined the service. It took years of recovery for the applicant to realize the problems began years ago. The applicant learned about themselves and how to manage the applicant's mental health. The applicant is remorseful regarding the events, which happened on Fort Bragg, and accepts responsibility for the actions. The applicant did not have the mental clarity to make good decisions but hopes the applicant working with the psychotherapist, obtaining a bachelor's degree, and continuing to support others through coaching is enough to support an upgrade of the discharge. Since the applicant's discharge, the applicant has been in therapy for the underlying problems of post-traumatic stress disorder (PTSD) and depression, which caused the applicant's addiction. Four years ago, the applicant met a wonderful therapist who helped the applicant through the healing process. The applicant earned an undergraduate degree in business administration in May 2016, with a 3.8 grade point average (GPA). The applicant was employed at a restaurant in October 2016 and was promoted to dining room manager. The applicant obtained a personal training certificate from the American Council and a health coaching certification from the Institute of Integrative Nutrition to help others improve quality of life. The applicant has helped many individuals overcome personal struggles. The applicant's mental health issues and addiction contributed to the offenses. The applicant has addressed and corrected those issues and is a recovered individual who has paid the debt through incarceration, hard work, and struggle. An upgrade would provide further healing in the applicant's life. The military was a source of shame but became a source of the applicant's recovery and a way to help others. The applicant further details the contentions in the self-authored statements submitted with the application.

c. Board Type and Decision: In a records review conducted on 18 December 2025, and by a 2-1 vote. The Board voted to change the applicant's characterization of service because by offering clemency. While the discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process; the board considered the applicants post

service accomplishments. Therefore, the applicant's Bad Conduct discharge is being upgraded to UOTH (Under Other Than Honorable) and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, chapter 3. The Board determined the Narrative Reason and the RE Code was proper and equitable and voted not to change it. Please see Board Discussion and Determination section for more detail regarding the Board's decision. Board member names are available upon request.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Court-Martial (Other) / AR 635-200, Chapter 3 / JJD / RE-4 / Bad Conduct

b. Date of Discharge: 24 July 2009

c. Separation Facts: The applicant's Army Military Human Resource Record (AMHRR) is void of the case separation file. However, the applicant provided documents described below in 3c (1) through (4).

(1) Pursuant to Special Court-Martial Empowered to Adjudge a Bad-Conduct Discharge: As announced by Special Court-Martial Order Number 26, 5 December 2008, on 5 September 2008, the applicant was found guilty of the following:

(a) Charge I, in violation of Article 86, UCMJ, for on or about 10 March 2008, the applicant, without authority, absent themselves from their unit until on or about 11 June 2008. Plea: Guilty.

(b) Charge II, in violation of Article 112a, UCMJ, for between on or about 1 and 7 February 2008, wrongfully use cocaine. Plea: Guilty.

(c) Charge III, in violation of Article 121, UCMJ, for

- On or about 10 March 2008, steal a computer, of a value more than \$500, the property of K. B. Plea: Guilty.
- On or about 10 March 2008, wrongfully appropriate a motor vehicle, of a value of more than \$500, the property of PFC R. B. T. Plea: Guilty.

(2) Adjudged Sentence: To be confined for one year, and to be discharged from the service with a Bad Conduct discharge.

(3) Date / Sentence Approved: 5 December 2008 / Only so much of the sentence, as provides for confinement for eight months and a bad conduct discharge was approved and, except for the part of the sentence extending to a bad conduct discharge, would be executed.

(4) Appellate Reviews: The Record of Trial was forwarded to The Judge Advocate General of The Army for review by the Court of Military Review. The United States Army Court of Criminal Appeals (ACCA) affirmed the approved findings of guilty and the sentence.

(5) Date Sentence of BCD Ordered Executed: 7 May 2009

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 3 April 2007 / 3 years, 20 weeks

b. Age at Enlistment / Education / GT Score: 25 / HS Graduate / 101

c. Highest Grade Achieved / MOS / Total Service: E-3 / 92G10, Food Service Specialist / 1 year, 9 months, 19 days / The AMHRR reflects the applicant was on excess leave for 133 days from 14 March 2009 to 24 July 2009.

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, GWOTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Applicant provided:

(a) Report of Medical History, 9 July 2008, reflects the examining medical physician noted in the comments section: No psychiatric or mental health issues.

(b) Confinement Order, 5 September 2008, reflects the applicant was confined on this date as a result of special court-martial, with a sentence of 12 months confinement.

(c) Inmates Release Order, 6 March 2009, reflects the applicant was scheduled to be released on 8 March 2009.

(1) AMHRR Listed:

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

- From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 2 February 2008
- From AWOL to Dropped From Rolls (DFR), effective 10 March 2008

(b) Report of Return of Absentee, 11 June 2008, reflects the applicant's absence began on 2 February 2008 and the applicant surrendered to military authorities on 11 June 2008.

i. Lost Time / Mode of Return: 6 months, 3 days (Confined by Military Authorities, 5 September 2008 – 7 March 2009) / Released from Confinement / The applicant's AMHRR reflects the applicant was AWOL for 4 months, 9 days, 2 February 2008 to 10 June 2008; however, a special court-martial only found the applicant guilty of AWOL for 3 months, 1 day, 10 March 2008 to 10 June 2008. The periods are not annotated in item 29 of the DD Form 214.

j. Behavioral Health Condition(s): The following documents have been provided to the ARBA Medical Advisor, if applicable. See **"Board Discussion and Determination"** for Medical Advisor Details.

(1) Applicant provided:

(a) Chronological Record of Medical Care, 9 July 2008, reflects unspecified psychoactive substance dependence continuous is listed as one of the applicant's medical

problems. The applicant reported going through therapy because of trouble adjusting with the applicant's current situation; using marijuana, cocaine, ecstasy, and prescription drugs in the past; and having a miscarriage in 2001.

(b) Two certificates, 31 October 2008 and 4 March 2009, reflecting the applicant attended a nine hours of substance abuse education and completed substance abuse treatment.

(c) A letter from Doctor I. S., clinical psychologist, 29 June 2022, reflects the psychologist had been treating the applicant for PTSD for over four years. The applicant has made major progress in therapy and has been substance-free for thirteen years.

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE: Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; two self-authored statements; psychologist letter; military service documents, including court-martial documents and medical records; five character references; academic documents; two substance abuse certificates; credit report; identification card; personal trainer certificate; and health coach certificate.

6. POST SERVICE ACCOMPLISHMENTS: The applicant has been rehabilitated, maintained employment, provided community service through sponsorship, church service, and mentorship programs, earned an undergraduate degree, and has been drug free for 13 years.

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 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. 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.

(d) A Bad Conduct discharge will only be given to a Soldier pursuant to an approved sentence of general or special court-martial. Enlisted service members and officers with less than six years of service are eligible for a Bad Conduct Discharge. Behaviors such as drug abuse, assault, theft, insubordination, and other actions that violate military law may be punished with a BCD.

(2) Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis. If Secretarial Authority is granted normally correct the record to show the following:

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

h. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JJD" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 3, Court-Martial (other).

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 applicant's Army Military Human Resource Record (AMHRR) indicates the applicant was adjudged guilty by a court-martial and the sentence was approved by the convening authority. Court-martial convictions stand as adjudged or modified by appeal through the judicial process. On 5 September 2008, the applicant was tried by special court-martial and convicted of going AWOL, wrongfully using cocaine, stealing a computer, and misappropriating a motor vehicle. The applicant was sentenced to confinement for one year and a bad conduct discharge. The convening approved only so much of the sentence as provides for confinement for eight months and the bad conduct discharge, which was finally affirmed by ACCA. On 7 May 2009, the convening authority ordered the discharge executed and the applicant was discharged on 24 July 2009.

c. The Board is empowered to change the discharge only if clemency is determined to be appropriate. Clemency is an act of mercy, or instance of leniency, to moderate the severity of the punishment imposed.

d. The applicant contends:

(1) The applicant suffered from PTSD, depression, and addiction issues, which affected behavior and led to the discharge. The applicant provided in-service medical documents reflecting unspecified psychoactive substance dependence continuous is listed as one of the applicant's problems, and the applicant completed substance abuse treatment in 2009. The record shows the applicant was treated for PTSD after the applicant was discharged from the Army. The applicant's AMHRR includes no documentation of a mental health diagnosis.

(2) The applicant has been rehabilitated, maintained employment, provided community service through sponsorship, church service, and mentorship programs, earned an undergraduate degree, and has been drug-free for 13 years. The Army Discharge Review Board has the authority to consider post-service factors when reviewing discharge recharacterization requests. However, no law or regulation permits upgrading an unfavorable discharge solely due to time passed or good conduct in civilian life. The Board evaluates each case individually to determine whether post-service achievements indicate previous in-service misconduct was an anomaly rather than a reflection of the applicant's overall character.

(3) The third-party statements provided with the application speak highly of the applicant. They all recognize the applicant's good conduct and various accomplishments after leaving the Army.

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: Adjustment Disorder w/Disturbance of Conduct, self-asserted PTSD.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant was diagnosed with an Adjustment Disorder during her TIS and asserts experiencing PTSD during her TIS.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that a review of the records reflects the applicant has a BH condition that potentially mitigates her misconduct as outlined in the BoS. The applicant was diagnosed with Adjustment Disorder w/Disturbance of Conduct during her TIS. However, the applicant's misconduct predated the Adjustment Disorder diagnosis and the diagnosis appears secondary to her having to face the consequences of her misconduct, as oppose to the misconduct arising due to her condition. As such, the BH condition does not offer mitigation. Also, while the applicant asserts PTSD, there was no medical documentation supporting a diagnosis of PTSD. In absence of medical evidence supporting the assertion of PTSD there is insufficient evidence to establish her misconduct was related or mitigated by PTSD and insufficient support for an upgrade based on medical mitigation.

(4) Does the condition or experience outweigh the discharge? **No.** Despite the Board's application of liberal consideration, the Board considered the opinion of the Board's Medical Advisor, a voting member, that the available evidence did not support a conclusion that the applicant's conditions outweighed the basis for applicant's separation – list offenses – for the aforementioned reason.

b. Prior Decisions Cited: N/A

c. Response to Contention(s):

(1) The applicant contends suffering from PTSD, depression, and addiction issues, which affected behavior and led to the discharge. The Board considered this contention and is agreement with the Boards Medical Advisors. In absence of medical evidence supporting the assertion of PTSD there is insufficient evidence to establish her misconduct was related or mitigated by PTSD and insufficient support for an upgrade based on medical mitigation.

(2) The applicant contends being rehabilitated, maintaining employment, providing community service through sponsorship, church service, and mentorship programs, earning an undergraduate degree, and being drug-free for 13 years. The third-party statements provided with the application speak highly of the applicant. The Board acknowledges and values the applicant's willingness to serve and took this contention into account during its proceedings. After reviewing the totality of the applicant's service record, the Board voted to grant clemency by upgrading the applicant's characterization of service from Bad Conduct to Under Other Than Honorable (UOTH).

d. The Board determined and voted to change the applicant's characterization of service by offering clemency. While the discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process; the board considered the applicant's post service accomplishments. Therefore, the applicant's Bad Conduct discharge is being upgraded to UOTH (Under Other Than Honorable) and directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, chapter 3. The Board determined the Narrative Reason and the RE Code was proper and equitable and voted not to change it.

e. Rationale for Decision:

(3) 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.

(4) The Board voted to change the applicant's characterization of service upgraded to UOTH (Under Other Than Honorable).

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

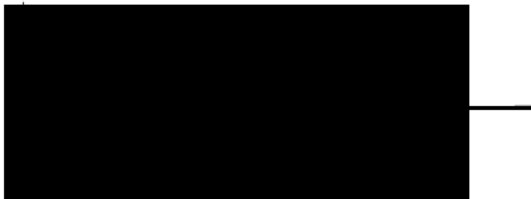
(6) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Under Other Than Honorable
- c. Change Reason / SPD code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200, chapter 3

Authenticating Official:

1/30/2026



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