

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 12 July 2022
- b. **Date Received:** 18 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 under other than honorable conditions. The applicant requests an upgrade to honorable.

b. **Applicant Contention(s) / Issue(s):** The applicant requests relief contending, in effect, the post-traumatic stress disorder (PTSD) was undiagnosed for years, but there were symptoms of the condition. The applicant was unaware of the condition until the applicant was diagnosed years after the discharge, which led to 30 percent disability. The applicant believes the applicant's career would have been different if the applicant had been diagnosed and treated sooner. Instead, the applicant made some pretty uncharacteristic decisions believing they were normal, but they were not. The doctor, who interviewed the applicant a year ago, explained this to the applicant, just before the applicant's disability for PTSD was approved. It is difficult for a person to say they have a problem when they do not completely understand it. The applicant continues to live with PTSD and tries to cope the best the applicant can.

c. **Board Type and Decision:** In a records review conducted on 11 September 2025, and by a 5-0 vote, the Board determined that clemency is warranted based on partial mitigation due to diagnosed Adjustment Disorder, PTSD, and Anxiety Disorder NOS. Accordingly, the Board voted to upgrade the applicant's characterization of service to General (Under Honorable Conditions), with a corresponding separation code of KFS. 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

a. **Date of Discharge:** 29 July 2009

b. Separation Facts:

(1) **Date Charges Preferred / DD Form 458 (Charge Sheet):** On 14 July 2009, the applicant was charged with The Charge, Violating Article 85, UCMJ, The Specification, for being in desertion from 8 September 2008 to 13 July 2009.

(2) **Legal Consultation Date:** 15 July 2009

(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:** Under Other Than Honorable Conditions

(5) Separation Approval Decision Date / Characterization: 24 July 2009 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Reenlistment Under Review: 4 September 2007 / 5 years

b. Age at Enlistment / Education / GT Score: 25 / HS Graduate / 114

c. Highest Grade Achieved / MOS / Total Service: E-5 / 11B2O, Infantryman / 7 years, 24 days

d. Prior Service / Characterizations: USAR, 1 July 1999 – NIF
RA, 21 August 2001 – 4 October 2004 / HD
RA, 5 October 2004 – 25 June 2007 / HD
RA, 26 June 2007 – 3 September 2007

e. Overseas Service / Combat Service: SWA / Iraq (1 March 2003 – 14 February 2004, 3 December 2005 – 10 November 2006)

f. Awards and Decorations: ARCOM-VD, AAM-3, AGCM-2, NDSM, GWOTEM, GWOTSM, ICM-CS, ASR, CIB

g. Performance Ratings: NIF

h. Disciplinary Action(s) / Evidentiary Record:

(1) Field Grade Record of Proceedings under Article 15, Uniform Code of Military Justice, 24 July 2008, indicates:

(a) The applicant was, without authority, absent from the unit between 8 and 17 July 2008.

(b) The applicant disobeyed a lawful order from First Sergeant T. P., a noncommissioned officer (NCO) on 3 April 2008.

(c) The applicant violated a lawful general regulation by wrongfully using a government vehicle for unauthorized purposes on 23 March 2008.

(d) The applicant, with intent to deceive, made a false official statement to a Defense Military Pay Office Representative on 14 December 2007 and to CID Special Agent H. R. on 11 March 2008.

(e) The applicant, with intent to deceive, signed a false official record, to wit: Travel Voucher, on 16 January 2008.

(f) The applicant did steal U.S. currency, of a value of about \$1,316.12, property of the U.S. Government between 16 and 26 January 2008.

(g) The imposed punishment included a reduction to E-4.

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

- From Present for Duty (PDY) to Absent Without Leave (AWOL), effective 8 September 2008
- From AWOL to Dropped From Rolls (DFR), effective 8 October 2008
- From DFR to Return to Military Control (RMC), effective 13 July 2009

(3) Report of Return of Absentee, 13 July 2009, reflects the applicant absence began on 8 September 2008, and the applicant surrendered to military authorities on 13 July 2009.

i. **Lost Time / Mode of Return:** 10 months, 14 days (AWOL, 8 September 2008 – 12 July 2009) / Surrendered to Military Authorities / AWOL for 9 days, 8 to 17 July 2008. The period is 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:** Department of Veterans Affairs (VA) letter, 22 December 2022, reflecting the VA rated the applicant 30 percent disabled for PTSD.

(2) **AMHRR provided:** None

5. **APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge; VA letter.

6. **POST SERVICE ACCOMPLISHMENTS:** None submitted with 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), dated 25 September 2019, sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

f. Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for 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) 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 3-7c states 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: RE-1
- 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 "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 honorable. 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. On 14 July 2009, the applicant was charged with desertion from 8 September 2008 to 13 July 2009. 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. The applicant contends undiagnosed PTSD affected behavior leading to the discharge. The applicant provided a letter from the VA indicating the VA rated the applicant 30 percent disabled for PTSD. The applicant's AMHRR includes no documentation of a PTSD diagnosis.

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, PTSD, Anxiety Disorder NOS.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with an Adjustment Disorder, PTSD, and Anxiety Disorder NOS, and the VA has service connected the PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of BH conditions that provide partial mitigation. The applicant was diagnosed in service with an Adjustment Disorder, PTSD, and Anxiety Disorder NOS, and the VA has service connected the PTSD. Given the nexus between PTSD, Anxiety, and avoidance, the AWOL and desertion are mitigated. PTSD also has a nexus with difficulty with authority and mitigates failing to obey a lawful order to get into the proper uniform. However, there is no natural sequela between an Adjustment Disorder, PTSD, or Anxiety Disorder NOS and wrongfully using a government issued credit card for unauthorized purposes, making false official statements, being deceitful on an official record, or stealing money from the US government since none of these conditions interfere with the ability to distinguish between right and wrong and act in accordance with the right.

(4) Does the condition or experience outweigh the discharge? **No.** While the Board determined the mitigating behavioral health conditions, including a 50% PTSD rating, did not outweigh the wrongfully using a government issued credit card for unauthorized purposes, making false official statements, being deceitful on an official record, or stealing money from the US government since none of these conditions interfere with the ability to distinguish between right and wrong and act in accordance with the right.

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant contends undiagnosed PTSD affected behavior leading to the discharge. The Board considered this contention, acknowledging the applicant's subsequent diagnosis of PTSD, but determined that while mitigating, the condition did not outweigh the basis for separation; however, clemency was applied resulting in an upgrade to a General (Under Honorable Conditions) discharge.

d. The Board determined the discharge is proper and equitable based upon the totality of the applicant's basis for separation. However, the Board voted to grant relief based upon Clemency in the form of an upgrade to General (Under Honorable Conditions) and directed the issue of a new DD Form 214 changing the characterization. The Board determined separation code and the RE Code were proper and equitable and voted not to change them. However, the applicant may still apply to the Army Board for Correction of Military Records. The applicant is

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responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

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 upgraded the applicant's characterization of service to General (Under Honorable Conditions) because, while the discharge was equitable and only partially related to PTSD, clemency was applied to the entire basis of separation.

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

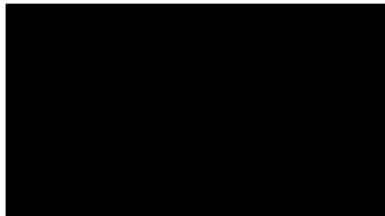
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

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

Authenticating Official:

9/29/2025



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