

1. Applicant's Name: [REDACTED]**a. Application Date:** 22 July 2022**b. Date Received:** 10 August 2022**c. Counsel:** [REDACTED]**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 good service, including a combat tour. The applicant contends the Army should change the narrative reason for the discharge. The applicant contends the event leading to discharge from the Army was an isolated incident. The applicant states once the applicant returned from deployment the applicant received new leadership that assumed the applicant was Muslim and immediately targeted the applicant. The applicant felt the Command then subjected the applicant to ongoing degrading treatment. The applicant reported the harassment, racial discrimination, and targeting to the Inspector General (IG). The applicant reports the IG warned the applicant that filing a report would lead to further targeting and told the applicant to endure the adverse treatment. Prior to the returning from deployment, the applicant states the applicant's service was honorable. While deployed the applicant earning multiple awards and accomplishments. The applicant believes honorable service should not be redefine by an isolated incident.

c. Board Type and Decision: In a records review conducted on 17 March 2026, and by a 3-0 vote, the Board determined that the characterization of service was too harsh based on the applicant's combat service and the circumstances surrounding the discharge (PTSD diagnoses), and as a result it is inequitable. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General (Under Honorable Conditions). The Board determined the narrative reason, SPD code, and RE code were proper and equitable and voted not to change them. 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: 16 April 2012**c. Separation Facts:**

(1) Date and Charges Preferred / DD Form 458 (Charge Sheet): On 3 April 2012, the applicant was charged with:

(a) Charge I: Violating Article 91, UCMJ:

- Specification 1: on or about 2 April 2012, was disrespectful in language toward Staff Sergeant (E-6) L__, a noncommissioned officer (NCO).

- Specification 2: on or about 2 April 2012, was disrespectful in language and deportment toward Sergeant (E-5) H__, an NCO.
- Specification 3: on or about 2 April 2012, 'was disrespectful in language toward Staff Sergeant (E-6) B__, an NCO.
- Specification 4: on or about 2 April 2012, 'was disrespectful in language toward Sergeant First Class (E-7) L__, an NCO.
- Specification 5: on or about 2 April 2012, assault Sergeant First Class (E-7) L__, an NCO.
- Specification 6: on or about 2 April 2012, assault Sergeant (E-5) H__, an NCO.
- Specification 6: on or about 2 April 2012, assault Sergeant (E-5) H__, an NCO.
- Specification 7: on or about 2 April 2012, assault Staff Sergeant (E-6) B__, an NCO.
- Specification 8: on or about 2 April 2012, assault, Sergeant First Class (E-7) L__, an NCO.

(b) Charge II: Violating Article 128, UCMJ,

- Specification 1: on or about 2 April 2012, assault Specialist (E-4) M__, a enlisted service member.

(2) Legal Consultation Date: 4 April 2012

(3) Basis for Separation: Pursuant to the applicant's 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: 11 April 2012 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

- a. Date / Period of Enlistment Under Review:** 22 February 2011 / 3 years and 18 weeks
- b. Age at Enlistment / Education / GT Score:** 18 / HS Graduate / 96
- c. Highest Grade Achieved / MOS / Total Service:** E-3 / 19D10, Calvary Scout / 1 year, 1 month, and 24 days
- d. Prior Service / Characterizations:** None
- e. Overseas Service / Combat Service:** None
- f. Awards and Decorations:** NDSM, GWTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) FG Record of Proceedings under Article 15, Uniform Code of Military Justice, [date], indicates the applicant was found to have wrongfully consuming alcohol underage on or about 1 March 2012. The imposed punishment included 14 days of extra duty and restriction.

(2) Charge Sheet, 3 April 2012, indicates charges were preferred: 2 charges and a total of 9 specifications, consisting of assault and disrespectful in language towards NCOs as described in the previous paragraph 3c(1)(a) and (b).

(3) Commander's Memorandum for Record Pretrial Confinement indicates there was reasonable belief the applicant would attempt to flee and/or engage in further serious misconduct. Subsequently, the factors were considered as reasons why pretrial confinement is necessary for the applicant.

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:** Medical Health Record/Chronological Record of Medical Care between 25 May 2011 to 13 April 2012 indicates the applicant's diagnosis and recommendations.

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293, Legal Brief to include exhibits 1-10

6. POST SERVICE ACCOMPLISHMENTS: None mentioned with application

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

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs)

to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

c. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

d. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

e. Army Regulation 15-180 (Army Discharge Review Board), sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

f. Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and 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 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(b) 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.

(c) 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.

(d) 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.

(2) 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. 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. The applicant states once the applicant returned from deployment the applicant received new leadership that assumed the applicant was Muslim and immediately targeted the applicant. The applicant felt the Command then subjected the applicant to ongoing degrading treatment. The applicant reported the harassment, racial discrimination, and targeting to the Inspector General (IG). The applicant reports the IG warned the applicant that filing a report would lead to further targeting and told the applicant to endure the adverse treatment. Prior to the returning from deployment, the applicant states the applicant's service was honorable. While deployed the applicant earning multiple awards and accomplishments. The applicant believes honorable service should not be redefine by an isolated incident.

c. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 10, by reason of In Lieu of Trial by Court-Martial, with a characterization of service of under other than honorable conditions.

d. The applicant contends good service, including a combat tour. The Board evaluated the applicant's service accomplishments and overall quality of service in accordance with DODI 1332.28.

e. 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.

f. The applicant contends the event leading to elimination, resignation, or discharge from the Army was an isolated incident. Army Regulation 635-200, paragraph 3-5 / Army Regulation 600-8-24, paragraph 1-23, state certain circumstances allow a single act of conduct or duty performance to serve as the basis for service characterization.

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: PTSD .

(2) Did the condition exist or experience occur during military service? **Yes.** The applicant is SC for PTSD treatment only.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board applied liberal consideration and opined that the applicant asserts that their mental health condition directly related to the misconduct. While in-service, the applicant received SUDCC and MH care for approximately 4 months. They were diagnosed with Alcohol Dependence, Anxiety Disorder (unspecified), and Depressive Disorder (unspecified). Upon discharge, the applicant is 0% SC with 0% PTSD. ARBA medical advisor concedes the PTSD diagnosis by the VA and the Depressive and Anxiety Disorders while in service, though documentation is sparse. Given the nexus between PTSD, problems with authority, and irritability, the four instances of disrespecting NCOs are medically mitigated. However, the applicant's misconduct characterized by assault is not medically mitigated. Given only partial mitigation and the most egregious forms of misconduct (assaults) not mitigated, upgrade based on medical mitigation is not supported.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the available evidence did not support a conclusion that the applicant's PTSD outweighed the applicant's medically unmitigated assault offense.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends good service, including a combat tour. The Board considered this contention during deliberations and voted to upgrade the characterization of service due to this contention.

(2) The applicant contends the event leading to elimination, resignation, or discharge from the Army was an isolated incident. The Board considered this contention during deliberations and noted it did appear to be a single instance that was unmitigated by PTSD.

d. The Board determined the original discharge is inequitable. The applicant's four instances of disrespect were mitigated by their PTSD diagnosis; however, this mitigation did not extend to the more serious offense of assault. After liberally considering the applicant's service record, the Board determined that the original punishment was disproportionate for what was fundamentally a single day of misconduct, especially when weighed against the applicant's positive contributions, including a combat tour. While the Board concluded that this holistic review made an upgrade just, it also found the applicant's overall conduct did not meet the high standards required for an Honorable discharge.

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 Post Traumatic Stress Disorder and combat service outweighed the applicant's misconduct of disrespecting NCOs and assault. Thus, the prior characterization is no longer appropriate.

(3) The Board voted not to change the applicant's reason for discharge or accompanying SPD code as the reason the applicant was discharged 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.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

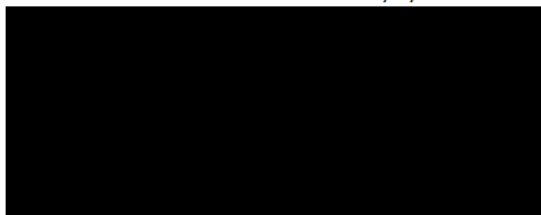
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10. BOARD ACTION DIRECTED:

- 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:

3/19/2026



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