

1. Applicant's Name: [REDACTED]**a. Application Date:** 12 October 2022**b. Date Received:** 17 October 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 uncharacterized. The applicant requests an upgrade to Honorable and a narrative reason change.

b. Applicant Contention(s)/Issue(s): The applicant, through counsel requests relief contending, in effect, that their discharge was unjust and improper due to unaddressed and worsening mental health conditions caused by stress and the sexual harassment experienced while in the Army;

(1) Counsel's brief states, on 14 September 2017, the applicant voluntarily reported that they failed to inform the recruiter about prior drug use and hospitalization for mental health conditions. The decision to report stemmed from guilt after the recruiter advised to lie on enlistment application and not include any previous mental health diagnosis. Additionally, [the recruiter?] advised the applicant to stop taking prescribed Zoloft in order for it to be, "out of [the applicant's system]" prior to enlisting. The applicant failed to disclose prior drug use and a history of mental health hospitalization at enlistment but later came forward after experiencing a mental health decline. They attribute this decline to a misdiagnosis by military medical personnel and being a victim of sexual harassment during basic training. The applicant contends being misdiagnosed contributed to a mental breakdown and self-sabotaging statements in an effort to be discharged. The applicant notes being advised someone would follow up after separation, however, no support was provided which resulted in financial hardship and a lack of access to medical care. Since discharge, the applicant has been diagnosed with Bipolar II Disorder and reports ongoing issues with insomnia and states had they had received proper treatment while in service, they would have remained in the military. Based on this, they request a characterization of service upgrade for untreated mental health conditions and the sexual harassment received while serving in the Army.

(2) Exhibit 5 (Applicant's Statement) states they were discharged due to not adapting quickly enough and for entry-level performance and conduct.

(a) The applicant provides a detailed overview of their adolescent history of living in an abusive, toxic, and challenging home life to include the details surrounding pre-service mental hospitalization due to informing their mother about being part of the LGBT[Q] community, creating a hostile environment in the home, where both mother and stepfather called the police and falsely stated the applicant initiated a fight and they wanted to press charges. The applicant was then given a choice to be arrested or go to the mental hospital and get a psychiatric evaluation where the applicant believes due to not dealing with the loss of grandparent, was diagnosed with depression and placed on medication to help improve mental capacity.

(b) Based on their home environment and life challenges, the applicant, with permission from mother enlisted into the Delayed Entry Program (DEP); The applicant advises

did disclose his previous mental health to the recruiter prior to enlisting, and was informed to “forget” to add it to the application process and stop taking medication so it would be out of their system in time to complete the fitness evaluation, so the applicant did not disclose medical and prescribed medication [referred in counsel’s brief as “drug” history].

(1) Upon enlistment the applicant felt as though they finally found a home with peers, however, never disclosed sexual orientation due to the stigma and constant verbal abuse connected to the LGBTQ community due to fear of being punished and/or bullied for their lifestyle choice. However, while in Basic Training was sexually assaulted by another private from the same unit; woke up to find another private performing fellatio without the applicant’s consent.

(2) The applicant made a choice not to report what occurred because there were several weeks left prior to graduation but throughout training hearing the constant verbal degrading of the LGBTQ community paired with irregular hours and lack of sleep, the applicant’s mental health started to deteriorate resulting in reporting concerns to commanding officer. Initially, the applicant’s concerns were disregarded, as the applicant persisted, was then referred to a military doctor/psychiatrist, it was at this time the applicant was misdiagnosed.

(3) The applicant states the improper diagnosis led to a mental breakdown for everything experienced in basic and advanced training. During review [unknown if the review was medical related] the applicant elected to make incorrect statements to intentionally get discharged, however the review board [?] offered to retain and help, and the applicant concurred to be retained. The Army failed to keep their promise of getting the applicant the help needed, which resulted in being discharged and sent home. The applicant further states during the review [?] it was advised somebody would reach out during the post-service adjustment period to set clear expectations and a timeline of events for post-discharge, however, neither the military nor anybody else reach out to help or set those expectations, which led to severe financial issues and the inability to seek medical help they desperately needed.

(4) The applicant states believing not being properly diagnosed and medicated is what led to downfall. Had the applicant been properly treated, knows would still be in the military. An upgrade would be beneficial and allow reentrance to the military after Nursing school, allowing to seek mental health treatment, educational assistance to pursue a master’s degree, and secure home mortgage as the applicant’s family continues to grow.

c. Board Type and Decision: In a records review conducted on 27 August 2025, and by a 3-2 vote, the Board determined the discharge is inequitable based on the applicant’s experience of MST outweighed the applicant’s Entry Level Performance and Conduct. 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: Entry Level Performance and Conduct / AR 635-200, Chapter 11 / JGA / RE-3 / Uncharacterized

b. Date of Discharge: 2 November 2017

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 24 October 2017

(2) Basis for Separation: The applicant had shown a lack of adaptability and could not meet the minimum standards prescribed for successful completion of training.

(3) Recommended Characterization: Uncharacterized

(4) Legal Consultation Date: Waived; 25 October 2017

(5) Administrative Separation Board: N/A

(6) Separation Decision Date / Characterization: 26 October 2017 / Uncharacterized

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 6 June 2017 / 6 years.

b. Date / Period of Reenlistment(s): N/A

c. Age at Enlistment / Education / GT Score: 18 / HS Graduate / 114

d. Highest Grade Achieved / MOS / Total Service: E- 1 / None / 4 months, 17 days.

e. Prior Service / Characterizations: None.

f. Overseas Service / Combat Service: None.

g. Awards and Decorations: NDSM

h. Performance Ratings: N/A

i. Disciplinary Action(s) / Evidentiary Record:

(1) A Rights Warning Procedure/Waiver Certificate indicates that the applicant was accused of "falsified enlistment". On a Sworn statement document dated 14 September 2017 the applicant stated that they failed to inform their recruiter of a prior drug use and a hospitalization for a mental condition. The statement is void of identifying the falsification and/or lack of disclosure based on recruiter guidance.

(2) A Request for Mental Status Evaluation document dated 15 September 2017 indicates that the applicant requested to be separated from the Army and revealed fraudulent enlistment information.

(3) A Developmental Counseling Form signed 3 October 2017 indicates that the applicant received a review of their Risk Reduction Plan that they received on 2 October 2017. It states the Risk Reduction Plan must be kept on the applicant's person at all times, provided to your chain of command and may be amended, at the applicant's request. The counseling form appears to obtain information pertaining to misconduct and characterization of service [template] that is not applicable to the primary intention/purpose. The Key Point of Discussion shows the Risk Reduction plan is the primary purpose to identify coping strategies and protocol to be used by the applicant and the chain of command, during a crisis. Specifically, the plan is a collaborative effort between the applicant and the Behavior Health Provider which includes (1) recognizing [personal] warning signs of an impending crisis, (2) using coping strategies to

distract from harmful thoughts, and (3) reduce availability of means to complete harmful acts. In support of the plan, the chain of command will:

- Inspect room for hazardous objects: [applicant] self-disclosed hanging/suffocation as a means
- Ensure [applicant] has plan on person at all times
- Safety checks by permanent party leadership [cadre, etc.] every 30 minutes when not in class, formation, PT, DFAC, etc.
- Ensure [applicant] is not allowed to access facilities where he can [obtain] harmful products.
- Ensure Soldier safety evaluation required by Behavioral Health provider before granting leave or pass.

j. Lost Time / Mode of Return: None.

k. 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: Eastover Psychological and Psychiatric Group letter dated 29 April 2022.

(2) AMHRR provided:

- Report of Medical Examination
- Report of Medical History
- two Requests for Mental Status Evaluation document
- Report of Mental Status Evaluation
- Tanner Medical Center Emergency Room Nurse Report Encounter dated 12 October 2015
- Risk Reduction Plan memorandum.

5. APPLICANT-PROVIDED EVIDENCE: A DD Form 293 (Discharge Review) application, Counsel Brief, Enlistment/Reenlistment Document, Sworn Statement dated 14 September 2017, DD Form 214, A self-authored statement, two pages of additional remarks, Eastover Psychological and Psychiatric Group letter, letter of recommendation, NMLS Consumer Access employment records, and their student academic record in support of their petition.

6. POST SERVICE ACCOMPLISHMENTS: The applicant manages a full-time career working with Better Mortgage Corporation and they are enrolled full-time at Franklin University with hopes of becoming a nurse and obtaining a PHD.

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 consider 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:

(1) RE-1 Applies to: Person completing their 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.

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 separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status.

(2) Chapter 11 provides for the separation of personnel due to unsatisfactory performance, conduct, or both, while in an entry level status (ELS). The policy applies to Soldiers who are in entry-level status, undergoing IET, and, before the date of the initiation of separation action, have completed no more than 180 days of creditable continuous AD or IADT or no more than 90 days of Phase II under a split or alternate training option. Service will be described as uncharacterized under the provisions of this chapter. Entry-level status for RA Soldiers is the first 180 days of continuous AD following a break of more than 92 days of active military service.

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 "JGA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 11, Entry-Level Performance and Conduct.

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 through counsel requests an upgrade to Honorable and a narrative reason change and contends, in effect, had the applicant been properly diagnosed, would still be serving. The available evidence provides that administrative separation initiated upon the

applicant indicating withheld medical information in order to be able to enlist; the applicant was notified on 24 October 2017 of the intent to initiate separation proceedings from the Army. At the time of the notification, the applicant had 140 days of continuous active-duty service.

b. Army Regulation 635-200 provides, commanders were to initiate separation action under chapter 11 when entry-level Soldiers demonstrated unsatisfactory duty performance, as evidenced by their inability to adapt socially or emotionally to military life. The Soldier had to have voluntarily enlisted into the Regular Army, completed no more than 180 days of active duty and had no prior service. Entry-level is defined as the first 180 days of a Soldier's continuous active military service. Soldiers separated during entry-level status normally received an uncharacterized character of service; however, the Secretary of the Army could issue an honorable discharge when clearly warranted by the Soldier's personal conduct or performance of duty.

c. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

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: asserting pre-enlistment diagnosis, asserting MST in-service, post-service MDD and Bipolar II Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** Asserts pre-enlistment diagnosis existing in-service as well, assertion of MST.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partially.** The Board's Medical Advisor applied liberal consideration and opined that given the applicant is asserting an MST compelled disclosure to obtain discharge as a means of escaping trauma, the basis is mitigated. While liberal consideration was applied, the Board determined the discharge was proper and equitable as behavioral health assessment was appropriate given the presenting symptoms and issues with no report of MST for consideration.

(4) Does the condition or experience outweigh the discharge? **Yes.** The Board acknowledged the applicant is asserting a MST and found the experience completely outweighed the discharge.

b. Response to Contention(s):

(1) The applicant contends the Army misdiagnosed medical conditions and as a result of being misdiagnosed contributed to a mental breakdown and self-sabotaging statements in an effort to be discharged. The available evidence provides the applicant intentionally did not disclose medical history upon enlistment, it is reasonable to believe the misdiagnoses was a result of that, notwithstanding this, a service member may also be discharged under entry level

separation for pre-existing medical conditions.
The Board considered this contention in its deliberations.

(2) In regard to the contention where the Army did not follow-up with ensuring successful transition to civilian life post-separation.

The Department of the Army does not have a post-service outreach program that directs one-on-one services for transition into civilian life after discharged.

c. The Board determined the discharge is inequitable. The applicant is asserting a MST and the Board found the experience outweighed the discharge.

d. 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 applicant's petition, available records and any supporting documents included with the petition.

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's MST experience mitigate the applicant's Entry Level Performance and Conduct. Thus, the prior characterization is no longer appropriate.

(3) The Board voted to change the reason for discharge to Secretarial Authority under the same rationale, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JFF.

(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: Secretarial Authority / JFF
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200, Chapter 15

Authenticating Official:

10/11/2025



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