

1. Applicant's Name: [REDACTED]

a. **Application Date:** 15 February 2023

b. **Date Received:** 21 February 2023

c. **Counsel:** None

2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:

a. **Applicant Requests:** The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable, a narrative reason change, separation code change and a reentry eligibility (RE) code change.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, suffering from untreated disabilities. The applicant served honorably to the best of their ability. The applicant seeks restoration of the GI Bill to continue their education and obtain gainful employment.

c. **Board Type and Decision:** In a records review conducted on 19 December 2025, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's length of service, the circumstances surrounding the discharge (OBHI, MST and PTSD). Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to honorable and changed the separation authority to AR 635-200, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board determined the reentry code is proper and equitable due to medical diagnosis 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:** Pattern of Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 10 March 2010

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 18 February 2010

(2) **Basis for Separation:** The applicant was informed of the following reasons: For pattern of misconduct. The applicant had multiple counts of failure to report; disrespect towards Noncommissioned Officers; and had been previously absent without leave for a period of one day.

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

(4) **Legal Consultation Date:** 24 February 2010

(5) **Administrative Separation Board:** NA

(6) **Separation Decision Date / Characterization:** 26 February 2010 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Reenlistment Under Review: 29 August 2007 / 3 years, 2 weeks

b. Age at Enlistment / Education / GT Score: 22 / High School Graduate / 92

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92W10, Water Treatment Specialist / 5 years, 7 months, 22 days / The DD Form 214, Block 12e, total prior inactive service is incorrect and should read: 3 years, 1 month, 1 day.

d. Prior Service / Characterizations: USAR, 2 May 2002 – 13 June 2005 / GD
(Break in Service)

e. Overseas Service / Combat Service: None

f. Awards and Decorations: NDSM, GWOTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 4 December 2009, indicates on or about 13 October 2009, without authority, the applicant absent oneself from the unit and did remain so absent until on or about 14 October 2009. The imposed punishment included a reduction to E-1, forfeiture of \$699 pay per month for two months, along with 45 days of extra duty and restriction.

(2) CID Report of Investigation – Final/SSI-0026-2013-CID016-40099-6E1A4 / 5M3A / 6X5 / 5Y2B7 / 5C2B / 5D9 / 9G2 / 9G2F / 6Z, 2 February 2014, an investigation was initiated upon notification by SFC [redacted] Sexual Harassment/Assault Response Program representative, the applicant was sexually assaulted by the spouse in their off-post residence. Investigation established probable cause existed to believe the spouse committed the offense of Sexual Assault when the spouse engaged in sexual acts with the applicant when the applicant was too intoxicated to provide consent. The spouse also committed the offense of Assault Consummated by a Battery when the spouse hit the applicant on two occasions with a closed fist, causing bruising. The spouse committed the offense of Obstruction of Justice when the spouse purposely concealed items germane to a law enforcement investigation. Further, the spouse wrote and printed a statement in the applicant's name to cease an investigation and prevent further cooperation by the applicant. The spouse committed the offense of Failure to Obey a Lawful Order when the spouse spoke with and met with the applicant on multiple occasions, while under orders to have no contact with the applicant. The spouse committed the offense of False Official Statement when the spouse denied sexually assaulting the applicant and convincing the applicant to cease cooperation in the investigation.

(3) Several Developmental Counseling Forms for various acts of misconduct.

i. Lost Time / Mode of Return: 1 day (AWOL, 13 October 2009 – 13 October 2009) / NIF

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: VA Summary of Benefits Letter, 16 February 2023, indicates the applicant was granted a combined service-connected rating of 80 percent; however, the letter does not state the nature of the disabilities.

(2) AMHRR Listed:

(a) Report of Medical History, 26 January 2010, the examining medical physician noted in the comments section: Insomnia, counseling due to emotional issues, anger/stress issues. Depressed about incidents in the workplace.

(b) Mental Status Evaluation (MSE), 27 January 2010, indicates the applicant was cleared for any administrative actions the command deemed appropriate. The applicant was mentally responsible, demonstrated clear thinking, and possessed the capacity to understand and participate in the proceedings. The applicant was diagnosed with: Axis I: Adjustment Disorder with depressed mood and Axis IV: Occupational problems.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; VA Summary of Benefits Letter; two college degree certificates; VA Volunteer Letter; Student Ambassador Recommendation Form; two letters of recommendation for the National Honor Society of the Entertainment Arts; four certificates.

6. POST SERVICE ACCOMPLISHMENTS: The applicant has earned two degrees and has volunteered 36 hours to the Veterans of the El Paso VA Health Care System.

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 waiverable. Eligibility: Ineligible unless a waiver is granted.

▪ RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

g. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), 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.

(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.

(2) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

(a) Paragraph 14-3, prescribes a discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

(b) Paragraph 14-12b, addresses a pattern of misconduct consisting of either discreditable involvement with civilian or military authorities or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the Uniform Code of Military Justice, Army Regulations, the civilian law and time-honored customs and traditions of the Army.

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

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: 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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12b, pattern of misconduct.

8. SUMMARY OF FACT(S): Standard of Review. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

a. The applicant requests an upgrade to honorable, a narrative reason change, separation code change and a reentry eligibility (RE) code change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The available evidence reflects the applicant was notified of the intent to discharge them from the U.S. Army for a pattern of misconduct. The applicant had multiple counts of failure to report; disrespect towards Noncommissioned Officers; and had been previously absent without leave for a period of one day. The applicant requested consulting counsel and representation by military counsel and was involuntarily discharged from the U.S. Army. The DD Form 214 provides the applicant was discharged with a character of service of general (under honorable conditions) for a pattern of misconduct.

c. The applicant contends the Army should change the narrative reason for the discharge. Under Chapter 14, paragraph 14-12b of AR 635-200, the Army separated the applicant with an "general (under honorable conditions)" discharge. Army Regulations designate "Pattern of Misconduct," as the narrative reason for discharge under this provision and assign the separation code "JKA." 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.

d. The applicant contends the Army should change the SPD code. The SPD codes are three-character alphabetic combinations identifying reasons for and types of separation from active duty. The primary purpose of SPD codes is to provide a statistical accounting of reasons for separation. They are intended exclusively for the internal use of DoD and the Military Services to assist in collecting and analyzing separation data. The Office of the Secretary of Defense controls SPD codes and implements them in Army policy AR 635-5-1 to track types of separations. The SPD code specified by Army Regulations for a discharge under Chapter 14, paragraph 14-12b is "JKA."

e. The applicant contends suffering from untreated disabilities. The applicant provided VA Summary of Benefits Letter, 16 February 2023, which indicates the applicant was granted a combined service-connected rating of 80 percent; however, the letter does not state the nature of the disabilities. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 27 January 2010, indicating the applicant was cleared for any administrative actions the command deemed appropriate. The applicant was mentally responsible, demonstrated clear thinking, and possessed the capacity to understand and participate in the proceedings. The applicant was diagnosed with: Axis I: Adjustment Disorder with depressed mood and Axis IV: Occupational Problems. A Report of Medical History, 26 January 2010, the examining medical physician noted in the comments section: Insomnia, counseling due to emotional issues,

anger/stress issues. Depressed about incidents in the workplace. The separation authority considered the MSE and Report of Medical History.

f. The applicant contends an upgrade would provide access to educational benefits through the GI Bill. Eligibility for veterans' benefits, including Post-9/11 or Montgomery GI Bill educational assistance, does not fall under the purview of the Army Discharge Review Board. The applicant should contact a local Department of Veterans Affairs office for further assistance.

g. The applicant contends an upgraded discharge would improve employment prospects. The Board does not grant relief to secure or enhance job opportunities.

h. The applicant requests a change to the reentry eligibility (RE) code. Soldiers processed for separation receive reentry codes based on their service records or discharge reasons. Army Regulation 601-210 assigns the applicant an RE code of "3," which is appropriate under the circumstances. No justification exists for changing the reason or the RE code. An RE Code of "3" requires a waiver before reenlistment. Recruiters can provide the best guidance on the Army's current needs and determine whether processing a waiver is appropriate.

i. The applicant has earned two degrees and has volunteered 36 hours to the Veterans of the El Paso VA Health Care System. 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

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 with Depressed Mood, Acute Reaction to Stress, Alcohol Abuse, MDD, PTSD, MST, IPV

(2) Did the condition exist or experience occur during military service? **Yes** Adjustment Disorder with Depressed Mood, Acute Reaction to Stress, Alcohol Abuse, MST, IPV

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes** The Board's Medical Advisor applied liberal consideration and opined that given the the trauma occurred prior to the misconduct, nexus between trauma and avoidance/difficulty with others, and likelihood the trauma reaction was amplified by the MST perpetrator being in leadership, the basis is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that PTSD due to MST outweighed the basis of separation (failure to report and disrespect towards an NCO).

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends suffering from untreated disabilities. The Board liberally considered this contention and determined that it was valid due to the applicant's Post Traumatic Stress Disorder outweighing the applicant's failure to report and disrespect towards an NCO offenses. Therefore, a discharge upgrade is warranted.

(2) The applicant contends an upgrade would provide access to educational benefits through the GI Bill. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

(3) The applicant contends an upgraded discharge would improve employment prospects. The Board considered this contention but does not grant relief to gain employment or enhance employment opportunities.

(4) The applicant has earned two degrees and has volunteered 36 hours to the Veterans of the El Paso VA Health Care System. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's failure to report and disrespect towards an NCO offenses.

d. The Board determined: The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board concurred with the conclusion of the medical advising official that the applicant's medical diagnosis (Adjustment Disorder with Depressed Mood, Acute Reaction to Stress) mitigates the basis of separation (Failure to Report and Disrespect towards NCO) and warrants a change to the character and narrative reason for separation. The Board voted to retain the reenry code based on the medical diagnosis.

e. Rationale for Decision:

(1) Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or not. In reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder outweighed the applicant's failure to report and disrespect towards an NCO offenses. Thus, the prior characterization is no longer appropriate.

(3) The Board voted to change the reason for discharge to Secretarial Authority, under the same pretexts, 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 applicant has a medical diagnosis that warrants the current RE code.

10. BOARD ACTION DIRECTED:

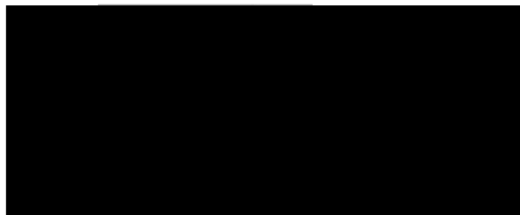
ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20230004536

- 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:

1/6/2026



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
UOTHHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs