

**1. Applicant's Name:** [REDACTED]

- a. **Application Date:** 20 March 2023
- b. **Date Received:** 23 March 2023
- c. **Counsel:** None

**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:****a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade of their characterization of service from the U.S. Army Reserve (USAR) to honorable, a change of the separation code, and an appearance before the board.

(2) The applicant seeks relief stating they were diagnosed with Post-Traumatic Stress Disorder (PTSD) in 2014 and during the next 2 years their condition was exacerbated. They had young troops in their squad that looked to them for guidance. They were awarded 100-percent service-connected, total and permanent disability less than a year later and they did not want to succumb to weakness.

**b. Board Type and Decision:** In a telephonic personal appearance conducted on 8 April 2024, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's unsatisfactory participation. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable.

**3. DISCHARGE DETAILS:**

**a. Reason / Authority / Codes / Characterization:** Unsatisfactory Participation / Army Regulation 135-178 / General (Under Honorable Conditions)

**b. Date of Discharge:** 7 November 2016

**c. Separation Facts:** The applicant's Army Military Human Resource Record (AMHRR), case separation file for approved separation is void of all documents except for their separation orders. On 7 August 2023 the Army Review Boards Agency requested the applicant provide their discharge packet (case separation files), as of this date there has been no response

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** NIF (Applicant's AMHRR is void of their Reenlistment Document, on or about 2012 and void of their promotion order to the rank/grade of staff sergeant/E-6 on or about 1 October 2013)

**b. Age at Enlistment / Education / GT Score:** NIF / HS Graduate / NIF

**c. Highest Grade Achieved / MOS / Total Service:** E-6 / 92A20, Automated Logistical / NIF

**d. Prior Service / Characterizations:** RA, 10 January 1980 – 12 February 1983 / HD

- e. **Overseas Service / Combat Service:** SWA / Iraq (23 July 2009 – 31 May 2010)
- f. **Awards and Decorations:** AGCM, NDSM, GWTSM, ICM-CS, ASR, OSR, AFRM-M
- g. **Performance Ratings:** 11 July 2009 – 25 May 2013 / Fully Capable  
1 November 2013 – 23 April 2014 / Fully Capable
- h. **Disciplinary Action(s) / Evidentiary Record:**

(1) The Certificate and Acknowledgment USAR Service Requirements and Methods of Fulfillment, dated 28 June 2006, the applicant acknowledged their understanding that as a member of the USAR, they must participate satisfactory during the entire period of their enlistment, reenlistment, immediate reenlistment, transfer, assignment, or reassignment in accordance with the rules and regulations now in effect, or which may hereafter be placed in effect, by the proper authority. As a member of a Selected Reserve Troop Program Unit (TPU) their satisfactory participation is determined by the following –

(a) They will serve as a member of a TPU for the entire period specified in the terms of their service agreement unless otherwise reassigned or separated by proper authority.

(b) They will be required to attend all scheduled unit training assemblies (at least 48 per year) unless they are excused by proper authority. If they accrue nine or more unexcused absences during a continuous 365-day period, they will be declared an unsatisfactory participant.

(2) Headquarters, 99th Regional Support Command Orders 14-083-00104, dated 24 March 2014, reflects the applicant's transfer from the 490th Quartermaster Company in Rochester, NY to the 873rd Quartermaster Company in West Palm Beach, FL, effective 23 April 2014. Their rank is shown as staff sergeant. [Note: their AMHRR is void of all documents from this transfer date until their separation date from the USAR on 7 November 2016.]

(3) Department of Veterans Affairs letter dated 9 September 2016, reflects the applicant's participation in the Psychosocial Residential Rehabilitation Treatment Program (PRRTP) for more intensive treatment for their psychiatric symptoms. The PRRTP is intended to provide maximum benefits with approximately a 90-day stay. The applicant was admitted to the PRRTP on 31 August 2016 and their anticipated completion date is on or around 1 December 2016.

(4) Headquarters, 81st Regional Support Command Orders 16-305-00015, dated 31 October 2016, reflects the applicant was discharged from the U.S. Army Reserve effective 7 November 2016. Their type of discharge is shown as General (Under Honorable Conditions) for Unsatisfactory Participation.

(5) A DA Form 5016 (Chronological Statement of Retirement Points) date 20 March 2024, reflects –

- from 28 June 2014 – 27 June 2015, the applicant was credit with 28 Inactive Duty Points (14 days of unit drills)
- from 28 June 2015 – 27 June 2016, the applicant was credited with 16 Inactive Duty Points (8 days of unit drills)
- from 28 June 2016 – 7 November 2016, the applicant was credited with 1 Inactive Duty Point (equivalent to half a day of a unit drill)

- Total of 17 years, 8 months, and 1 day of Qualifying for Retirement

i. **Lost Time / Mode of Return:** NIF

j. **Behavioral Health Condition(s):**

(1) **Applicant provided:** Department of Veterans Affairs (VA) letters, 29 June 2017 and 12 October 2017, reflecting the applicant's service-connected PTSD with stimulant and alcohol use disorder disability, with an increase disability rating to 100-percent.

(2) **AMHRR Listed:** None

**5. APPLICANT-PROVIDED EVIDENCE:**

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- VA Letter, certifies the applicant's periods of active duty service
- Additional Documents
  - Headquarters, 99th Regional Support Command Orders 13-289-00115
  - Doctor's Excuse Letter
  - Security Prescription Form
  - Email Exchange
  - Rebuttal Memorandum to Administrative Reprimand
  - two VA letters
  - Telephonic Hearing Notification Response Form

**6. POST SERVICE ACCOMPLISHMENTS:** none submitted with application.

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

a. Title 10, U.S. Code, Section 1553, (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 U.S. Code, Section 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. Multiple Department of Defense (DoD) Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. 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; Title 10 U.S. Code; Section 1553, DoD Directive 1332.41, and DoD Instruction 1332.28.

d. Army Regulation 135-91 (Service Obligations, Methods of Fulfillment, Participation Requirements, and Enforcement Procedures) defines ARNG of the United States and USAR service obligations. It prescribed policies and procedures governing the various types of service obligations and participation requirements. Chapter 4 (Absences) governed absences from Ready Reserve training. Unsatisfactory participation stated a Soldier is an unsatisfactory participant when nine or more unexcused absences from scheduled inactive duty training occur during a 1-year period. Paragraph 4-15 (Documentation of Unexcused Absences) stated a prescribed letter of instructions – unexcused absence will be delivered to the Soldier, delivery will be either in person or by U.S. mail. When certified mail is used, a copy of the notice and either a post office receipt confirming delivery or the returned unopened envelope showing the notice was not delivered. Mail sent to the mailing address on file as provided by the Soldier, which is refused, unclaimed, or otherwise not delivered may not be used as defense against unexcused absences when notices were correctly addressed to the address on file provided by the Soldier.

e. Army Regulation 135-178 (Enlisted Administrative Separations) dated 18 April 2014, set policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of ARNG of the United States and USAR enlisted Soldiers for a variety of reasons.

(1) An honorable characterization 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. When a Soldier is discharged before expiration of the service obligation for a reason for which an honorable characterization is discretionary, the following considerations apply, to include –

(a) An honorable characterization may be awarded when disqualifying entries in the Soldier's military record are outweighed by subsequent honorable and faithful service over a greater period of time during the current term of service.

(b) It is a pattern of behavior and not an isolated instance which should be considered the governing factor in determining the character of service.

(c) Unless otherwise ineligible, a Soldier may receive an honorable characterization of service if he or she has, during his or her current enlistment, or any extension thereof, received a personal decoration.

(2) A General discharge is if a Soldier's service has been honest and faithful, it is appropriate to characterize that service as under honorable conditions. Characterization of service as general (under honorable conditions) is warranted when significant negative aspect of the Soldier's conduct or performance of duty outweighs positive aspects of the Soldier's military record.

(3) A Under Other Than Honorable Conditions Discharge, service may, but is not required to be characterized as under other than honorable conditions only when discharge is for misconduct, fraudulent entry, homosexual conduct, unsatisfactory participation, or security reasons. The Adjutant General will direct reduction in grade to private/E-1 when the Soldier is discharged under other than honorable conditions.

(4) Chapter 13 (Unsatisfactory Participation in the Ready Reserve) stated a Soldier is subject to discharge for unsatisfactory participation when it is determined that the Soldier is unqualified for further military service because the Soldier is an unsatisfactory participant and attempts to have the Soldier respond or comply with orders or correspondence. Characterization of service normally will be under other than honorable conditions, but characterization as general (under honorable conditions) may be warranted. For 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 inappropriate.

(5) Paragraph 13-1 (Basis) stated, a Soldier is subject to discharge for unsatisfactory participation when it is determined that the Soldier is unqualified for further military service because: the Soldier is an unsatisfactory participant as prescribed in Army Regulation 135-91, chapter 4; and attempts to have the Soldier respond or comply with orders or correspondence have resulted in the Soldier's refusal to comply with order or correspondence; or a notice sent by certified mail was refused, unclaimed, or otherwise undeliverable; or verification that the Soldier has failed to notify the command of a change of address and reasonable attempts to contact the Soldier have failed.

(6) Paragraph 13-3 (Characterization of Service) stated characterization of service normally will be Under Other Than Honorable Conditions, but characterization as General (Under Honorable Conditions) may be warranted. For 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 inappropriate. In such cases, separation for unsatisfactory participation with an Honorable characterization will be approved by the separation authority.

f. Army Regulation 135-180 (Retirement for Non-Regular Service) dated 28 May 2015, implemented statutory authorities governing the granting of retired pay for non-regular service to Soldiers in the Army National Guard, Army National Guard of the United States, or the U.S. Army Reserve. Paragraph 4-3 (Computation of Service) stated one point for each authorized participation in drills or period of instruction which conform to the requirements prescribed by the Secretary of the Army.

f. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) prescribes policies and standards to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. It prescribes the policies, procedures, authority for separation of Soldiers, and the general provisions governing the separation of Soldiers before Expiration Term of Service or fulfillment of active duty obligation to meet the needs of the Army and its Soldiers. Chapter 15 (Secretarial Plenary Authority) 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.

## **8. SUMMARY OF FACT(S):**

a. The Army Discharge Review Board considers applications for upgrade as instructed by DOD Instruction 1332.28.

b. A review of the available evidence provides the applicant was declared an Unsatisfactory Participant and was involuntary separation from the USAR.

c. Army Regulation 135-178, chapter 13 establishes policy and prescribes procedures for separation members for unsatisfactory participation. 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.

d. A review of the applicant's Army Military Human Resource Records reflects no documentation of PSTD or other mental health diagnoses, nor did the applicant provide any documentation.

e. 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. DOCUMENTS / TESTIMONY PRESENTED DURING PERSONAL APPEARANCE:** In addition to the evidence in the record, the Board carefully considered the additional document(s) and testimony presented by the applicant at the personal appearance hearing.

**a. The applicant submitted the following additional document(s):** N/A

**b. The applicant presented the following additional contention(s):** Applicant provided oral arguments in support of the contentions provided in written submissions and in support of documentary evidence.

**c. Counsel / Witness(es) / Observer(s):** N/A

**10. 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 diagnosis: Post Traumatic Stress Disorder.

**(2)** Did the condition exist, or experience occur during military service? **Yes.** The applicant's condition was diagnosed by the VA in 2014.

**(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 nexus between trauma, substance use, and avoidance, the basis is mitigated.

**(4)** Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's unsatisfactory participation.

**b.** Response to Contention(s):

**(1)** The applicant contends being diagnosed with PTSD in 2014 and during the next 2 years their condition was exacerbated. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's unsatisfactory participation. Therefore, a discharge upgrade is warranted.

**(2)** The applicant contends being awarded 100-percent service-connected, total and permanent disability less than a year later and the applicant did not want to succumb to weakness. The Board considered this contention during proceedings but ultimately did not address it due to an upgrade being granted based on medical mitigation as discussed above in 10b(1).

**c.** The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's unsatisfactory participation. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable.

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**

**AR20230005832**

d. Rationale for Decision: 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 unsatisfactory participation. Thus, the prior characterization is no longer appropriate.

**11. BOARD ACTION DIRECTED:**

- a. Issue a New Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Authority to: AR 135-178

**Authenticating Official:**

4/25/2024



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

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