

1. Applicant's Name: [REDACTED]**a. Application Date:** 8 March 2023**b. Date Received:** 8 March 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 and a narrative reason change.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, their general discharge and narrative reason of "misconduct (serious offense)" should be changed to honorable, asserting no serious offense occurred and disciplinary issues were the result of untreated mental health conditions. The applicant served for 3.5 years as a 92G Culinary Specialist, earned two early promotions, graduated Airborne School, and received four service awards while battling Major Depression with Suicidal Ideation, Anxiety, and Oppositional Defiance Disorder. They acknowledged minor infractions, including disrespectful language, communicating a threat, briefly absent without leave (AWOL), and disobeying a lawful order but attributed these to their diagnosed conditions. The applicant stated behavioral health recommended separation after a second suicide attempt, yet their command proceeded with a Chapter 14 separation type, rather than a Medical Evaluation Board (MEB)/Physical Evaluation Board (PEB). They request the board to consider their accomplishments, medical history, and supporting statements from colleagues in determining whether to upgrade their discharge.

c. Board Type and Decision: In a records review conducted on 22 October 2025, and by a 3-0 vote, the Board determined the discharge is inequitable based on the applicant's MDD mitigated the applicant's misconduct to include disrespect, disobedience, and AWOL. 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, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. 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: Misconduct (Serious Offense) / AR 635-200, Chapter 14-12C / JKQ / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 26 October 2022

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 21 July 2022

(2) Basis for Separation: On or about 1 December 2021, the applicant was disrespectful in language and communicated a threat towards a noncommissioned officer (NCO). On 31 March 2022, they disobeyed a lawful order from a superior commissioned officer. On or about 1 April 2022, the applicant absented themselves from their unit until on or about 6 April

2022.

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

(4) Legal Consultation Date: 21 July 2022 / The applicant waived counsel and made no election on whether they wanted to provide a personal statement or not.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 14 October 2022

4. SERVICE DETAILS:

a. Date / Period of Reenlistment Under Review: 11 May 2021 / 5 years (first)

b. Age at Enlistment / Education / GT Score: 20 / High School Diploma / 95

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92G1P / 3 years, 7 months, 23 days

d. Prior Service / Characterizations: Regular Army (RA), 4 March 2019 – 10 May 2021 / Honorable

e. Overseas Service / Combat Service: Korea / None

f. Awards and Decorations: ARCOM, AAM, ASUA, NDSM, GWTSM, KDSM, ASR, OSR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: The Enlisted Record Brief provides the applicant was flagged (Suspend Favorable Personnel Actions (FLAG)) on 29 June 2022, for field-initiated involuntary separation (BA) and on 28 September 2022, for adverse action (AA).

(1) Between 1 December 2021 and 14 April 2022, the applicant received three event-oriented developmental counseling's for disorderly conduct towards an NCO, disrespect towards the DFAC manager (staff sergeant), and for failing to obey an order given by their company commander. Additionally, between 1-6 April 2022, the applicant was in an AWOL status.

(2) Although not in the record, on 21 July 2022, the applicant received nonjudicial punishment (NJP) on 29 April 2022 and as a result, was reduced to private (E-1).

(3) In an undated personal statement, the applicant acknowledged responsibility for the past misconduct and recognized the military structure was not the right fit for their outspoken personality. They expressed respect for all military branches and noted they enlisted to gain financial independence and education benefits, both of which were achieved. The applicant requested if their Medical Evaluation Board (MEB) was to proceed, not to be labeled as a "Troubled Soldier" but "as a 22-year old [person] with many dreams and ambitio[ns] for the bright future ahead of [them]." An "Other than Honorable" discharge would severely hinder their future plans. They are pursuing a Political Science degree with the goal of earning a Juris Doctorate, as they are passionate about helping the community the applicant resides in. They have been selected to be a Court Appointed Special Advocate, assisting judges in cases of

child neglect and abuse. The applicant expressed a commitment to serving others and asked for fair consideration to move forward.

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: A Veterans Affairs (VA) Rating Decision and a Summary of Benefits Letter, dated 23 February and 8 March 2023, provides the applicant receives a 100% service-connected disability rating for Major Depressive Disorder with Adjustment Disorder, with Anxiety (also claimed as Suicidal Ideation and Oppositional Defiant Disorder).

(2) AMHRR provided: Between 12 April and 17 May 2022, the applicant completed a separation physical examination. Their medical assessment stated their overall health had worsen due to lower back pain, severe hearing loss, and migraines. A Report of Medical Examination, dated 17 May 2022, provides the applicant was not medically qualified for separation. Their summary of medical diagnoses listed: Sensorineural Hearing Loss, Low Back Pain, Headaches, Other Specified Depressive Episodes, 1° Heart block, Oppositional Defiance Disorder, with a history of Lymphocytic Colitis, and Hypertriglyceridemia.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; ACTS Online Application; Self-Authored Statement; Two Character Letters; VA Rating Decision; VA Summary of Benefits Letter; Awards and Recognitions; Partial Separation Case Files; ADRB Precedence case (AR20220004111)

6. POST SERVICE ACCOMPLISHMENTS: None were provided with this application.

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

a. 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.

b. 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.

c. 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.

d. 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.

e. 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 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.

(2) 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.

(3) 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.

f. 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 general discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(c) 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.

(d) A Bad Conduct discharge will only be given to a Soldier pursuant to an approved sentence of general or special court-martial. Enlisted service members and officers with less than six years of service are eligible for a Bad Conduct Discharge. Behaviors such as drug abuse, assault, theft, insubordination, and other actions that violate military law may be punished with a BCD.

(e) A Dishonorable discharge is the most severe type of discharge and will be given to a Soldier pursuant only to an approved sentence of general or special court-martial. The appellate review must be completed and affirmed sentence ordered duly executed. Behaviors such as fraud, desertion, treason, espionage, sexual Assault, and murder and other actions may be punished with a dishonorable discharge.

(f) An uncharacterized separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status. Unless the DCS, G-1, on a case-by-case basis, determines that characterization of service as honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of duty. This characterization is authorized when the Soldier is separated by

reason of selected changes in service obligation, convenience of the Government, and Secretarial plenary authority. A Soldier is in an entry-level status (ELS) if the Soldier has not completed more than 180 days of creditable continuous active duty prior to the initiation of separation action.

(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 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. Paragraph 14-12c, states a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

(3) 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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14-12C, misconduct (serious offense).

g. Manual for Courts-Martial (2019 Edition), United States, states military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good orders and discipline in the Armed Forces. **Article 86** (absent without leave, more than 3 days, not more than 30 days) states in the subparagraph, the maximum punishment consists of forfeiture of two-thirds pay and allowances for six months, and confinement for six months. **Article 92** (failure to obey order or regulation) states in the subparagraph, the maximum punishment consists of a bad conduct discharge, forfeiture of all pay and allowances, and confinement for six months. **Article 115** (communicating a threat) states in the subparagraph, the maximum punishment consists of a dishonorable discharge, forfeiture of all pay and allowances, and confinement for three years.

h. Title 38, U.S. Code, Sections 1110 and 1131, permits the VA to award compensation for a medical condition which was incurred in or aggravated by active military service. The VA, however, is not required by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual's medical condition, although not considered, medically unfitting for military service at the time of processing for separation, discharge, or retirement, may be sufficient to qualify the individual for VA benefits based on an evaluation by the agency.

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 and a narrative reason change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

(1) An authenticated DD Form 214 provides the applicant was discharged under the provisions of AR 635-200, Chapter 14-12C for misconduct (serious offense) with a general (under honorable conditions) characterization of service. They received three event-oriented counseling's for disorderly conduct, disrespect towards an NCO, and failing to obey a lawful order from their company commander. Although not in the record, in April 2022, they received a NJP and was consequently reduced to PVT.

(2) The applicant waived their right to counsel and provided a statement on their behalf. They completed 5 months and 16 days of a 5-year reenlistment contractual obligation.

(3) A Report of Medical Examination, dated 17 May 2022, provides the applicant was not medically qualified for separation. Their summary of medical diagnoses listed: Sensorineural Hearing Loss, Low Back Pain, Headaches, Other Specified Depressive Episodes, 1° Heart block, Oppositional Defiance Disorder, with a history of Lymphocytic Colitis, and Hypertriglyceridemia. A Veterans Affairs (VA) Rating Decision and a Summary of Benefits Letter, dated 23 February and 8 March 2023, provides the applicant receives a 100% service-connected disability rating for Major Depressive Disorder with Adjustment Disorder, with Anxiety (also claimed as Suicidal Ideation and Oppositional Defiant Disorder).

b. Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is unlikely to succeed. 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.

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/experiences: Adjustment disorder, Unspecified, Attention Deficit/Hyperactivity Disorder (Childhood), Oppositional Defiant Disorder (ODD), Major Depressive Disorder (MDD), Insomnia, and Other Specified Depressive Disorders.

(2) Did the condition exist, or experience occur during military service? **Yes.** There is evidence of symptoms in-service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that there is sufficient evidence of a mental health condition to warrant mitigation. There is inconsistency between evaluating providers in regard to the whether or not the applicant met retention standards despite hospitalizations and profiles initiated by BH providers, and the applicant was found to have met MRDP for MDD by a MEB. While the applicant did display oppositional and impulsive behaviors that resulted in situations generating counselings by command, it is as likely as not that underlying depression-related condition exacerbated responses in those situations. In certain populations, particularly for men, irritability and anger are recognized as core symptoms of depression and may be a more prominent outward sign than sadness. It is this Advisor's opinion that the applicant's misconduct was not of such an egregious nature that the Chapter 14 discharge superseded the continuation of the IDES process.

(4) Does the condition or experience outweigh the discharge? **Yes.** The Board concurred with the opinion of the Board's Medical Advisor, a voting member. As a result, the ADRB applied liberal consideration and found that the applicant's ODD/MDD outweighed the disrespect, disobedience, and AWOL basis for separation for the aforementioned reason(s).

b. Prior Decisions Cited: NA – Applies to Personal Appearances only.

c. Response to Contention(s): The applicant requests relief contending, their general discharge and narrative reason of "misconduct (serious offense)" should be changed to honorable, asserting no serious offense occurred and disciplinary issues were the result of untreated mental health conditions. The applicant served for 3.5 years as a 92G Culinary Specialist, earned two early promotions, graduated Airborne School, and received four service awards while battling Major Depression with Suicidal Ideation, Anxiety, and Oppositional Defiance Disorder. They acknowledged minor infractions, including disrespectful language, communicating a threat, briefly absent without leave (AWOL), and disobeying a lawful order but attributed these to their diagnosed conditions. The applicant stated behavioral health recommended separation after a second suicide attempt, yet their command proceeded with a Chapter 14 separation type, rather than a Medical Evaluation Board (MEB)/Physical Evaluation Board (PEB). They request the board to consider their accomplishments, medical history, and supporting statements from colleagues in determining whether to upgrade their discharge. Additionally, two character letters in support of their contentions, speaks to the applicant's resilience, dedication, and honorable character despite toxic leadership they experienced. The Board considered the totality of the applicant's service record and the listed contention above and determined that relief was warranted based on the applicant's ODD/MDD mitigating the misconduct.

d. The Board determined the discharge is inequitable based on the applicant's ODD/MDD mitigated the disrespect, disobedience, and AWOL. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN.

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

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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 MDD mitigated the disrespect, disobedience, and AWOL. Thus, the prior characterization is no longer appropriate.

(3) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same rationale, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

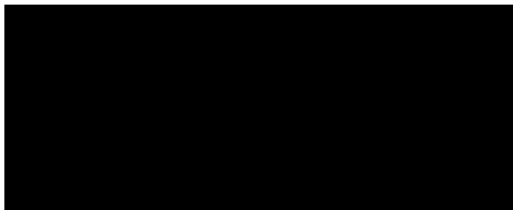
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD Code to:** Misconduct (Minor Infractions)/JKN
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** AR 635-200, paragraph 14-12a

Authenticating Official:

11/15/2025

**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