

1. Applicant's Name: [REDACTED]**a. Application Date:** 20 June 2023**b. Date Received:** 22 June 2023**c. Counsel:** [REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant's Requests and Issues: The current characterization of service for the period under review is Under Other Than Honorable Conditions. The applicant requests, through counsel, an upgrade Honorable or General (Under Honorable Conditions) along with a narrative reason and separation program designator (SPD) code change.

b. Board Type and Decision: In a personal appearance conducted on 24 January 2024, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Unacceptable Conduct / AR 608-8-24 / BNC / NA / Under Other Than Honorable Conditions

b. Date of Discharge: 22 February 2023

c. Separation Facts: The applicant AMHRR is void of a separation packet, however, the following information was taken from the Ad Hoc Review Board (officer elimination) case.

(1) Date of Notification to show cause: On 28 April 2022, the applicant was notified of being considered for elimination and the need to show cause for retention. On 7 June 2022, the applicant voluntarily tendered a resignation lieu of further elimination proceedings.

(2) Basis for Separation: The applicant was required to Show Cause for Retention on Active Duty under the provisions of Army Regulation, paragraph 4-2, due to Acts of misconduct, moral or professional dereliction for harassing Ms. Y in private and in public form; failure to obey a lawful order to get screened for COVID-19 and conduct unbecoming of an officer. (Provided by applicant)

(3) Board of Inquiry (BOI): The applicant tendered a resignation in lieu of further elimination proceedings.

(4) GOSCA Recommendation Date / Characterization: On 22 July 2022, the GOSCA recommended approval of the applicant's request for resignation in lieu of elimination and recommended the applicant's service be characterized as Under Other Than Honorable Conditions.

(5) DASA Review Board Decision Date / Characterization: 31 January 2023 / Under Other Than Honorable Conditions (Provided by applicant)

4. SERVICE DETAILS:

- a. **Date / Period of Appointment:** 22 May 2010/ NIF
- b. **Age at Appointment / Education:** 25 / MBA
- c. **Highest Grade Achieved / MOS / Total Service:** O-4 / 49A 2B 5S / System Analyst / 12 years, 9 months, 1 day
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** SWA / Afghanistan (complete dates NIF)
- f. **Awards and Decorations:** BSM, JSCM, ARCOM-3, AAM-2, NDSM, GWOTSM, ACM-CS, ASR, NATO MDL, EIB, Ranger Tab, Parachutist Badge, Air Assault Badge
- g. **Performance Ratings:**
 - 22 May 2020 – 31 May 2022 / Proficient
 - 22 May 2019 – 21 May 2020 / Proficient
 - 22 May 2018 – 21 May 2019 / Most Qualified
 - 3 October 2017 – 22 May 2018 / Highly Qualified
 - 3 October 2016 – 2 October 2017 / Most Qualified
 - 29 January 2016 – 2 October 2016 / Highly Qualified
 - 28 April 2013 – 28 January 2016 / Most Qualified
 - 28 April 2012 – 27 April 2013 / Center of Mass
 - 22 May 2010 – 27 April 2012 / Best Qualified

h. Disciplinary Action(s) / Evidentiary Record:

(1) Memorandum, subject: Religious Accommodation Request for Immunization Exemption [Applicant], 7 September 2021, reflects the applicant requested a religious accommodation exempting the applicant from receiving the COVID-19 vaccine.

(2) Memorandum, subject: Findings and Recommendations, allegations of sexual harassment, stalking, and other inappropriate behavior of [Applicant] against Ms. Y, 16 September 2021, reflects an investigating officer found allegations of sexual harassment against the applicant was substantiated; the allegations of sending inappropriate communications to Ms. Y, her employer, her friends and family were substantiated; and the inappropriate behavior of the applicant caused a hostile working environment for the applicant. The investigating officer recommended the applicant be enrolled in Anger Management and seek Behavioral Health assistance in dealing with adversity and resentment.

(3) General Officer Memorandum of Reprimand (GOMOR), 24 February 2022, reflects the applicant was reprimanded for harassing and stalking Ms. Y. The applicant engaged in a series of persistent and deeply disturbing actions, harassing Ms. Y, both in private and in public forums, emailing, and texting her disturbing images and vulgar accusations about her personal life, and sending incredibly inappropriate letters to her family and professional contacts.

(4) GOMOR, 24 February 2022, reflects the applicant was reprimanded for violating a lawful order by refusing to comply with COVID-19 screening. On 14 March 2022, the applicant responded to the GOMOR and stated, in part, the applicant did not comply due to a pending religious exemption matters and the belief the COVID-19 screening test

possessed toxic ingredients which would harm the applicant. It was directed the GOMOR be filed in the applicant's Army Military Human Resource Record (AMHRR).

(5) Memorandum, subject: Resignation in Lieu of Elimination Proceedings, 7 June 2022, reflects the applicant voluntarily tendered his resignation due to being considered for elimination. (Provided by applicant)

i. **Lost Time / Mode of Return:** None

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

(1) **Applicant provided:** None

(2) **AMHRR Listed:** None

5. **APPLICANT-PROVIDED EVIDENCE:** Legal Brief with 26 enclosures

6. **POST SERVICE ACCOMPLISHMENTS:** None submitted in support of submitted petition.

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. 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.

c. 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.

d. 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.

e. 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.

f. Office, Secretary of Defense memorandum (Rescission of August 24, 2021 and November 30, 2021 Coronavirus Disease 2019 Vaccination Requirements for Member of the Armed Forces) 10 January 2023, implemented 23 December 2022, James M. Inhofe National Defense Authorization Act (NDAA) for Fiscal Year 2023 which rescinded the mandate for members of the Armed Forces to be vaccinated against Corona Virus 2019 (COVID-19), as issued on 24 August 2021 in the now-rescinded Secretary of Defense Guidance for Mandatory COVID-19 Vaccination for Department of Defense Service Members issued on 30 November 2021. For Service members administratively discharged on the sole bases of failure to obey a lawful order to receive vaccine for COVID-19, the Department precluded by law from awarding any characterization less than a general (under honorable conditions) discharge. Former service members may petition the Military Departments DRBs and BCM/NRs to individually request correction to their personnel records, including records regarding the characterization of their discharge.

g. Office, Secretary of the Army memorandum (Army Policy Implementing the Secretary of Defense Coronavirus 2019 (COVID-19) Vaccination Mandate Recission), 24 February 2023 implemented policy to rescind the COVID-19 vaccination mandate, applicable to Soldiers servicing in the Regular Army (RA), Army National Guard (ARNG)/Army National

Guard of the United States (ARNGUS), and the U.S. Army Reserve (USAR), cadets of the U.S. Military Academy (USMA), cadet candidates at the U.S. Military Academy Preparatory School (USAMPS), and cadets in the Senior Reserve Officer Training Corps (SROTC). It provides that Soldiers currently serving shall not be separated solely on their refusal to receive the COVID-19 vaccine if they sought an exemption on religious, administrative, or medical grounds. Furthermore, the guidance provides details for updating records of current Soldiers, however, former Soldiers may petition the Army Discharge Review Board or the Army Board for Correction of Military Records to request corrections to their personnel records regarding the characterization of their discharge.

h. Office, Assistant Secretary of the Army, Manpower and Reserve Affairs (SAMR) memorandum (Correction of Military Records for Former Members of the Army Following Rescission of August 24, 2021 and November 30, 2021, Coronavirus Disease 2019 Vaccination Requirements for Former Soldiers), 6 September 2023, provided supplemental guidance to the Army Discharge Review Board (ADRB) and the Army Board for Correction of Military Records (ABCMR) when considering requests for discharge upgrade requests involving former service members who did not meet the COVID-19 vaccination mandate. If the Board determines relief is warranted, this does not imply the vaccination mandate or involuntary separation itself constituted an “injustice” or “inequity” as the vaccination mandate was a valid lawful policy at the time. Consistent with previous published Under Secretary of Defense, Personnel and Readiness Guidance and Board processes regarding changes to policy and/or standards, the COVID-19 vaccination requirement rescission is a relevant factor in evaluating an application for upgrade of the characterization of service. Reinstatement is not under the purview of the Military Review Board. Former Soldier would need to submit their requests for reinstatement to the Army Board for Correction of Military Records. Additionally, the Board should:

(1) Generally grant a request to upgrade the characterization of service from a former Soldier when they were involuntarily separated, and the Reentry Code would prevent them from rejoining the military without a waiver should they desire to do so; and meet three conditions: (1) The original action was based solely on refusal to receive the COVID-19 vaccination, (2) The former Soldier formally sought an accommodation on religious or medical grounds prior to contemporaneous with official initiation of the action; and (3) there are no aggravating factors in the member’s record, such as misconduct.

(2) If the above conditions are met, normally grant enlisted requests to show the following correction:

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JKA
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

(3) Officer records should be changed to have similar effect.

(4) It further states to apply existing policy that requires the former Soldier to establish evidence of an error, impropriety, inequity, or injustice in support of their petition in cases with multiple reasons for separation.

i. Army Regulation 600-8-24, Officer Transfers and Discharges, sets forth the basic authority for the separation of commissioned and warrant officers. Chapter 4 outlines the policy and procedure for the elimination of officers from the active Army for substandard performance

of duty, misconduct, moral or professional dereliction, and in the interest of national security. A discharge of honorable, general, or under other than honorable conditions characterization of service may be granted.

j. 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 "BNC" as the appropriate code to assign to officers who are discharged under the provisions of Army Regulation 600-8-24, Chapter 4-2b, unacceptable conduct.

8. SUMMARY OF FACT(S):

a. Standard of Review. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

b. The applicant's counsel requests, through counsel, an upgrade to Honorable or General (Under Honorable Conditions) along with a narrative reason and separation program designator (SPD) code change. The applicant was discharged under the provision of Army Regulation 600-8-24, due to Unacceptable Conduct.

c. The applicant's counsel contends the characterization of service is improper, inequitable, and unnecessarily harsh under the circumstances.

d. The applicant's counsel contends the applicant served honorably and with distinction for over 12 years; did not commit serious misconduct; and never received nonjudicial punishment or court-martialed.

e. The applicant's counsel contends part of the separation pertained to the applicant's decision to decline a COVID-19 PCR test due to religious beliefs while the applicant was pending a religious accommodation request.

f. The applicant's AMHRR reflects the applicant requested a religious exemption to the COVID-19 vaccination mandate on 7 September 2021.

g. The rescission of the COVID-19 vaccination mandate does not negate the propriety of the discharges or separations that occurred prior to this policy change or imply the vaccination mandate or involuntary separation constituted an inequity; it was a valid lawful policy at the time. However, the COVID-19 vaccination requirement rescission is a relevant factor in evaluating an application for discharge upgrade relief based on religious or medical grounds prior to or simultaneously with the official initiation of the separation action; and there are no aggravating factors of indiscipline and/or misconduct.

h. 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.

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):** None

b. The applicant presented the following additional contention(s): None

c. Counsel / Witness(es) / Observer(s): Counsel

10. BOARD DISCUSSION AND DETERMINATION:

a. KURTA FACTORS: 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 DO with mixed anxiety and depressed mood; mild TBI.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the diagnosis of Adjustment DO with mixed anxiety and depressed mood and mild TBI was made during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that there are no mitigating BH conditions. While the applicant has been diagnosed with Adjustment DO with mixed anxiety and depressed mood and mild TBI, these conditions do not mitigate his offense of moral/professional dereliction for harassing a female in private and in public nor do they mitigate his offense of conduct unbecoming to an officer due to his failure to get screened for COVID as these conditions do not affect one's ability to distinguish right from wrong and act in accordance with the right.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the available evidence did not support a conclusion that the applicant's Adjustment DO with mixed anxiety and depressed mood and mild TBI outweighed the applicant's acts of misconduct, moral or professional dereliction for harassing Ms. Y in private and in public form; failure to obey a lawful order to get screened for COVID-19; and conduct unbecoming of an officer.

b. Response to Contention(s):

(1) The applicant took the breakup extremely hard emotionally, coupled with the social isolation of the COVID-19 pandemic, it took a significant and unexpected toll on the applicant. The applicant sent a series of unwelcome and unkind texts and emails to Ms. M.Y., along with some of her friends and family members. Ms. M.Y. later filed a complaint against the applicant resulting in an administrative reprimand. The applicant did not receive nonjudicial punishment or go to court-martial, and the case did not involve the Criminal Investigation Division (CID). The Board considered this contention and found there is no mitigation for the applicant's conduct and the reason for the applicant's separation and the character of service the applicant received upon separation were proper and equitable. The Board found the applicant engaged in a series of persistent and disturbing actions, harassing MS. M.Y., both in public and private forums; emailing and texting her disturbing images and vulgar accusations about her personal life; and sending incredibly inappropriate letters to her family and professional contacts. The Board found that, based on the severity of the misconduct, that a discharge upgrade was not warranted.

(2) The applicant requested a religious exemption from receiving the COVID-19 vaccine. While his religious accommodation request was still pending, the applicant was ordered by his command to submit to a COVID-19 screening test. The applicant explained that his sincerely held religious beliefs prevented him from both taking the vaccine and submitting to a screening test which possessed toxic ingredients. Despite his religious objections, the applicant was issued a second administrative reprimand for "disobeying a lawful order." The Secretary of Defense later rescinded the COVID-19 vaccine mandate and directed the Military Departments to remove any adverse actions associated with denials of religious accommodation requests. The Board considered this contention and determined the GOMOR issued to the applicant was not based on vaccine refusal, but on refusal to get screened for COVID. The applicant disobeyed a lawful order to be screened for COVID-19 in accordance with FRAGO 12 and HQDA EXORD 225-21, which were valid, lawful orders in effect at the time. The applicant was given multiple opportunities to be screened but refused. The Board found the applicant has failed to demonstrate an impropriety or inequity related to issuance of the GOMOR warranting the requested relief.

(3) The applicant was improperly issued a GOMOR for misconduct (stalking) that an AR 15-6 investigating officer (IO) found unsubstantiated. The Board considered this contention and noted that the approval authority of an AR 15-6 investigation is not bound by the findings of the IO. Rather upon receipt of a completed investigation, the approval authority may approve, disapprove, modify, or add to the findings and recommendations, consistent with the evidence included in the report of proceedings. Nor is the GOMOR required to be a verbatim recitation of the AR 15-6 investigation's findings. The approval authority modified the findings, and the applicant was issued a GOMOR. Even if inclusion of the word "stalking" in the GOMOR was improper, that does not mandate relief be granted. The Board found the remainder of the evidence detailing the applicant's repeated sexual harassment of MS. M.Y. and his refusal to be screened for COVID-19 supported issuance of the Under Other Than Honorable Conditions discharge.

(4) The applicant was notified that he would be required to Show Cause for retention on Active Duty under AR 600-8-24, paragraph 4-2. The basis for separation was conduct which resulted in the two administrative reprimands. The applicant was advised by a military Trial Defense Services (TDS) attorney that he could submit a resignation in lieu of elimination. The applicant was not advised, however, that he could submit a conditional resignation upon receipt of a more favorable characterization of service. Based on this incomplete and erroneous legal advice, the applicant submitted an unconditional resignation and was discharged from the Army with an Under Other Than Honorable (OTH) Conditions characterization of service. The Board considered this contention regarding the ineffective assistance of counsel. AR 27-3, The Army Legal Assistance Program (26 March 2020), paragraph 3-5 identifies the types of cases in which legal assistance may be provided. Paragraph 3-5f(3) (U.S. Army Trial Defense Service operational referrals) states that, subject to other TDS mission requirements, TDS attorneys should ordinarily assist officers on resignations in lieu of administrative elimination proceedings. However, this is not included under those categories of cases that require the mandatory referral to TDS. See para. 3-5f(4). By counsel's own admission, the applicant was advised by both a Legal Assistance attorney and a TDS attorney regarding the elimination action and the resignation request. In a 19 June 2023 statement, the applicant states that he was told to take his case to the Fort Carson TDS and that, before going to TDS, he "decided to schedule a meeting" with CPT Miller at the Fort Carson Legal Assistance Office. The applicant was not forced to go to Legal Assistance, but rather voluntarily chose to do so despite being referred to TDS. The Board found the applicant had failed to demonstrate by a preponderance of evidence that he was inadequately advised of his options when considering whether to submit a request to resign in lieu of elimination.

(5) This characterization of service is improper, inequitable, and unnecessarily harsh under the circumstances. The applicant served honorably and with distinction on active duty for over 12 years. The applicant did not commit serious misconduct and never received Article 15 punishment or was taken to trial by court-martial. What's more, part of the separation action pertained to the applicant's decision to decline a COVID-19 PCR test due to his sincerely held religious beliefs while he was pending a religious accommodation request. An OTH discharge does not accurately reflect the applicant's 12+ years of military service and unfairly jeopardizes his ability to receive critical VA benefits for service-connected injuries. The Board considered this contention and found the discharge proper and equitable in accordance with the applicant's misconduct of repetitive sexual harassment, failure to obey a lawful order to get screened for COVID and conduct unbecoming of an officer.

c. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. The applicant has exhausted all available appeal options available with ADRB. However, the applicant may still apply to the Army Board for Correction of Military Records. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable. The Board's Medical Advisor applied liberal consideration and opined that there are no mitigating BH conditions. While the applicant has been diagnosed with Adjustment DO with mixed anxiety and depressed mood, this condition does not mitigate his offense of moral/professional dereliction for harassing a female in private and in public nor does it mitigate his offense of conduct unbecoming to an officer due to his failure to get screened for COVID as this condition does not affect one's ability to distinguish right from wrong and act in accordance with the right. Panel members carefully considered the applicant's request, supporting documents, evidence in the record, medical review, and testimony. The Board found the applicant's BH diagnosis did not mitigate the misconduct. The applicant's GOMOR (Conduct unbecoming of an officer) is not due to a COVID refusal but is for his refusal to get screened for COVID, therefore, the misconduct is not mitigated. Although the applicant has a good service record (length, quality and combat), the Board concurred this does not mitigate the misconduct of sexual harassment. Based on a preponderance of evidence, the Board determined that the reason for the applicant's separation and the character of service the applicant received upon separation were proper and equitable.

d. Rationale for Decision:

(1) The Board voted not to change the applicant’s characterization of service because, despite applying liberal consideration to all the evidence before the Board, the applicant’s Adjustment DO with mixed anxiety and depressed mood and mild TBI did not outweigh the applicant’s medically unmitigated acts of misconduct, moral or professional dereliction for harassing Ms. Y in private and in public form; failure to obey a lawful order to get screened for COVID-19 and conduct unbecoming of an officer. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process. Therefore, the applicant’s Under Other Than Honorable Conditions discharge was proper and equitable as the applicant’s conduct fell below that level of satisfactory service warranting a General discharge or meritorious service warranted for an upgrade to Honorable discharge.

(2) The Board voted not to change the applicant’s reason for discharge or accompanying SPD code under the same pretexts, as the reason the applicant was discharged was both proper and equitable.

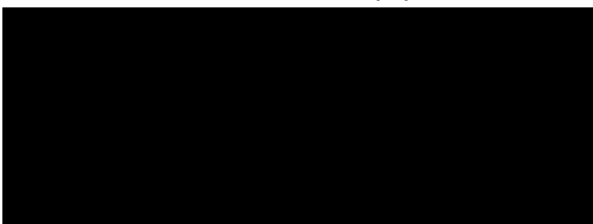
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

11. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: No
- b. Change Characterization to: No Change
- c. Change Reason / SPD Code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

Authenticating Official:

3/12/2024



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

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