

1. Applicant's Name:

- a. **Application Date:** 12 March 2023
- b. **Date Received:** 5 June 2023
- c. **Counsel:** None

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 an upgrade to Honorable.

b. The applicant seeks relief contending, an apology for their wrongdoings while they wore the uniform. The last four generations of their family are full of military members with Honorable discharges. Their receiving an Under Other than Honorable Conditions was an embarrassment to everyone who served before them, as they are the only one who did not receive an Honorable discharge. The applicant hates the way things ended with their military career and they are not proud of the way they were discharged. They have not been at peace living with the fact that the seven years of their military service was tarnished and voided out due to the bad decisions they made, while serving.

(1) The applicant worked hard to meet the pushup requirements while in basic training and worked their way up to maintaining a 300 PT score, having been awarded the PT badge. They have completed in the German Proficiency Test and was awarded the gold medal in every proficiency. They had to learn the uniform and it took them a month to learn how to swim. They were terrified during the swimming event and was even afraid of drowning, but they adapted and overcame. In August 2013, they were set to deploy to Afghanistan and volunteered to leave early when one of their fellow Soldiers was deemed non-deployable. They left early without any hesitation because it was beneficial for the mission and was extremely eager, ready to prove themselves to their commander and their unit. The day before they were set to leave for deployment, they received a call from a close friend and met with the heartbreaking news of their best friend being murdered back home. They were instantly filled with emotions as tears rolled down their face. They were packing up to leave for deployment and the applicant had just learned that their best friend was shot and killed. The applicant had little time to process the death because their main focus was the mission ahead and that was, Operation Enduring Freedom.

(2) Fast forward three days later and they were suddenly in Kandahar, Afghanistan. Before they could get settled in, they felt a huge vibration and heard a siren going off that said "rocket attack, rocket attack." Even though they grew up around gun violence, this was not normal to them and had never been so scared in their life. With two weeks to learn the position of Radio Transmitting Operator before the outgoing unit redeployed, they learned quick enough to be able to train their unit's incoming Soldiers and it felt great as a PFC for the applicant to train other Soldiers. On 17 December 2013, an aircraft crew was blown up by an IED in the mountains and their unit lost six brave Soldiers, taking about three sleepless days and nights to recover the surviving Soldier, equipment, and the bodies of their fallen comrades. The incident put their entire unit into a sunken state, questioning if they would all make it home. They were redeployed in May 2014.

(3) In 2016, the applicant reenlisted and transferred with their spouse, to Fort Rucker, Al. There was so much going on against their military values, however, through all of the distractions and different leadership styles, the applicant still excelled in their career, even while their marriage was failing. The applicant had just found out their spouse was having sexual relations with one of their junior enlisted Soldiers and in the moment, drove to the Soldier's home to confront them and as soon as the Soldier answered the door, the applicant punched them and assaulted them for a few minutes before leaving their home. The applicant was in shock of what they had just done, so much so, they drove to a friend's home and turned off their phone. The applicant felt rage and was hurt at betrayal and had never expressed that kind of anger before.

(4) While at their friends', the Soldier they assaulted was calling the applicant's superiors. After being unable to reach them, the applicant was immediately marked as absent without leave (AWOL). They showed up to work the next day, after asking their noncommissioned officer (NCO) to pick them up. Things started going downhill, fast. Their ex-spouse was working at the NCO Academy at the time, and the applicant felt as if they were trying to protect the spouse's image. The applicant was so hurt, and did not know how to cope and started drinking heavily and doing drugs. Feeling like their world was crashing and losing everything, they felt as if they had nobody to talk to about what they were going through. The applicant was being separated and did not know what was next in their life, as they wanted to retire from the Army, which changed with the bad decisions made. Their life was changing for the worse and they were spiraling out of control, consequently, their leadership admitted them into a mental institution for eight weeks to get the applicant to calm down. Afterwards, they had counseling with a behavioral specialist twice a week.

(5) The applicant admits that even though they were hurting from their marriage failing, they had absolutely no right to assault their Soldier. They took the emotional route, which was the wrong choice and they are extremely embarrassed. The applicant received their first Honorable discharge when they reenlisted and was now exiting the Army, with an Other than Honorable discharge. Since leaving the service, the applicant was diagnosed with Posttraumatic Stress Disorder (PTSD). Over the years, they have worked tremendously on their anger and they are not the same person they were, while being chaptered, and hates how one mistake trumped all of the success they achieved in their military career.

c. Board Type and Decision: In a records review conducted on 1 April 2024, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

Please see Section 10 of this document for more detail regarding the Board's decision.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / Under Other than Honorable Conditions

b. Date of Discharge: 14 December 2018

c. Separation Facts:

(1) Date of Notification of Intent to Separate: NIF

(2) Basis for Separation: Pursuant to the applicant’s request for voluntary discharge provision of AR 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

(3) Recommended Characterization: NIF

(4) Legal Consultation Date: NIF

(5) Administrative Separation Board: NIF

(6) Separation Decision Date / Characterization: 12 December 2018 / Under Other than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 4 January 2016 / 3 years (1st Reenlistment)

b. Age at Enlistment / Education / GT Score: 24 / High School Diploma / 98

c. Highest Grade Achieved / MOS / Total Service: E-5 / 15P10 8R Aviation Operations Specialist / 6 year, 7 months, 1 day

d. Prior Service / Characterizations: RA (5 November 2011 – 13 May 2012) / Honorable; Concurrent Service

e. Overseas Service / Combat Service: SWA / Afghanistan (3 August 2013 – 15 April 2014)

f. Awards and Decorations: ARCOM-3, AAM, MUC, AGCM, NDSM, GWOTSM, ACM-CS, NCOPDR, ASR, OSR, NATO MDL, BAB, DMB-M, EMB-RRB

g. Performance Ratings: SGT (30 May 2017 – 1 May 2018) / Highly Qualified

h. Disciplinary Action(s) / Evidentiary Record:

(1) On 4 January 2016, the applicant completed their first reenlistment for 3 years as a SGT. The Enlisted Record Brief provides they were deployed to Afghanistan for nine months (3 August 2013 – 15 April 2014), and has been awarded three Army Commendation Medal, Afghanistan Campaign Medal w/campaign star, and the Army Good Conduct Medal. On 12 and 13 July 2018, they were flagged, Suspend Favorable Personnel Actions (FLAG), for law enforcement investigation (MA) and adverse action (AA); on 31 October 2018, for drug abuse adverse action (UA).

(2) Six Personnel Actions documents provide the following status changes:

Date	Status Changed From	Status Changed To
21 November	Ordinary Leave (LV)	Absent Without Leave (AWOL)
21 November	AWOL	Present for Duty (PDY)
21 November	PDY	Confined by Civil Authorities (CCA)
23 November	CCA	PDY
23 November	PDY	AWOL
26 November	AWOL	PDY

(3) On 21 November 2018, the applicant completed a command-directed mental status examination with Behavioral Health, providing the applicant shows no evidence of an impairing behavioral health disorder and is cleared for advice military training. Their cognition, perceptions, behavior, and impulsivity are normal; the risk of harm to themselves or others was not elevated; the applicant was seen for full clinical assessment. The majority of the screening was focused on safety assessment. The provider noted the applicant should continue to follow up with all Substance Use Disorder Clinical Care (SUDCC) appointments.

(4) On 26 November 2018, the commander provides a review of the applicant's actions of misconduct, which indicates the following:

(a) The applicant was on ordinary leave to Maryland from 12 – 22 November, to visit their grandfather before he passed from a severe illness; however, according to the applicant, they returned from leave to the local area on the night of 18 November 2018.

(b) The applicant was charged with domestic violence, second degree, on 19 November by EPD. Reportedly, the applicant entered the house of SPC [redacted] and physically assaulted them, in which the charges were being prosecuted by the county.

(c) The applicant failed to report on 20 November 2018 and was listed as AWOL on 21 November. They were contacted by the detective and failed to meet with them as scheduled. They were seen by BH for a command referred evaluation of their mental status and they did not report afterwards.

(d) After their counseling military police detained the applicant and transferred them to civilian police department due to a warrant out for their arrest. They was incarcerated from 21 – 23 November and picked up by SFC and 1SG from the county jail; they were instructed to be confined to barracks for the remainder of the weekend with 24-hour watch (E6 or above). The applicant openly announced that they were not going to be restrained to FT Rucker or the barracks and that there was no need for guard duty because the applicant would flee within the first few hours.

(e) The applicant fled the barracks around 2300 and was reported as AWOL to the military police who subsequently submitted another BOLO out for their arrest. They reported for duty Monday, 26 November and the BOLO was rescinded.

(f) During these events, the applicant has shown zero regard for authority and zero interest in cooperating with local police, military police, or their own unit. They have openly disrespected their leadership and CMD Team, through verbal and text message methods.

(5) On 12 December 2018, the applicant accepted nonjudicial punishment for having been in violation of the following UCMJ Articles. The punishment imposed a reduction to SPC; forfeiture of \$300.00 pay; and oral reprimand. They did not appeal.

(a) Article 86: On 21 November, they failed to report to formation.

(b) Article 92: They disobeyed a lawful order to be confined to their barracks from 23 – 26 November.

(c) Article 89: On 24 November 2018, the applicant behaved themselves with disrespect towards CPT, their superior commissioned officer, by texting to [them], "It's f****d up how you took that white girl word without even hearing what I had too say or the even the truth but you call yourself a commander. That white girl lied, I don't have her number or nothing. I didn't say nothing to her. She seen me while she was walking her dog and said something too me. I never even responded to her. But you a racist a*s dude yourself so you really don't about a black N***A side of the story is. Don't expect me to make it easy for you for the rest of my time in the Army. Commanders like you is why good soldiers like myself is getting out. Your s****y leadership. Now tell that to the Detective. I seen how you was looking at me last night. If ever you feel the need to hit me then go ahead a try. Enjoy your weekend [commander's first name]."

(6) The AMHRR is void of the entire separation proceedings; however, on 24 July 2018, their separation orders were issued. A DD Form 214, reflects the applicant was discharged accordingly on 14 December 2018, with 7 years, 1 month, and 10 days of service, noting the following:

- Authority: AR 635-200, Chapter 10
- Narrative: In Lieu of Trial by Court-Martial
- SPD Code: KFS
- Reentry Code: RE-4
- Service Characterization: Under Other than Honorable Conditions
- Total NET Active Service this Period: 6 years, 7 months, and 1 day
- Remarks: Service in Afghanistan 3 August 2013 – 15 April 2014; Member has completed first full term of service.
- Lost Time: None
- Signature: Electronically signed.

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

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

(1) **Applicant provided:** Although the applicant indicated "OBH" on their application, they did not provide supporting documentation.

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293 (Application for the Review of Discharge); DD Form 214 (Certificate of Release or Discharge from Active Duty); Veterans Affairs (VA) Letter; Self-Authored Statement

6. POST SERVICE ACCOMPLISHMENTS: The applicant was diagnosed with PTSD and over the years, has worked tremendously on their anger.

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. Multiple Department of Defense 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), 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.

d. Army Regulation 635-200 provides the basic authority for the separation of enlisted personnel.

(1) 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.

(2) 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.

(3) 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.

(4) Chapter 10, Discharge in Lieu of Trial by Court Martial is applicable to members who committed an offense or offenses for which the authorized punishment included a bad conduct or dishonorable discharge could submit a request for discharge for the good of the service. The request could be submitted at any time after the charges had been preferred. Although an honorable or general was authorized, an under other than honorable conditions discharge was considered appropriate, unless the record was so meritorious it would warrant an honorable. After receiving legal counseling, the soldier may elect to submit a request for discharge in lieu of trial by court-martial. The soldier will sign a written request, certifying that they have been counseled, understands their rights, and may receive a discharge under other than honorable conditions. The following will accompany the request for discharge:

- A copy of the court-martial Charge Sheet (DD Form 458)
- Report of medical examination and mental status evaluation, if conducted
- A complete copy of all reports of investigation
- Any statement, documents, or other matter considered by the commanding officer in making their recommendation, including any information presented for consideration by the soldier or consulting counsel.
- A statement of any reasonable ground for belief that the soldier is, or was at the time of misconduct, mentally defective, deranged, or abnormal. When appropriate, evaluation by a psychiatrist will be included.

(5) 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.

e. 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 "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

f. Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes:

(1) RE-1 Applies to: Person completing 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 waiverable. Eligibility: Ineligible unless a waiver is granted.

(3) 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.

8. SUMMARY OF FACT(S): 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 review of the record provides administrative irregularity in the proper retention of records, specifically, the AMHRR is void of the entire separation proceeding and the applicant's voluntary discharge request; based on this we are unable to provide specific facts and circumstances surrounding them voluntarily requesting to be discharged in Lieu of Trial by Court-Martial.

b. A review of the available evidence provides the applicant completed their first reenlistment in the RA as a SGT, with 3 years, 7 months, and 20 days of prior service. They were deployed to Afghanistan for nine months, and served 2 years, 6 months, and 8 days prior to having been flagged, for law enforcement investigation, adverse action, and drug abuse adverse action. The applicant accepted nonjudicial punishment for failing to report to formation; disobeying a lawful order and for behaving disrespectfully towards their superior commissioned officer; and as a result, they were demoted to SPC. Notwithstanding the lack of evidence, they were separated under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial, with a characterization of

service of Under Other than Honorable Conditions and reduction to the lowest enlisted grade.

(1) The record is void of a medical examination, although, not required for a voluntary discharge request, this can be requested by the Soldier. The applicant completed a mental status examination and did not have a BH diagnosis; however, the provider recommended the applicant continue with all of their SUDCC appointments.

(2) The applicant served 2 years, 11 months, and 11 days of their 3 year contractual obligation.

c. Army Regulation 635-200 states Chapter 10 is a voluntary discharge request in-lieu of trial by court-martial. A discharge under other than honorable conditions normally is appropriate for a soldier who is discharge in lieu of trial by court-martial. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record during the current enlistment. 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 improper.

d. 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):** None

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

c. **Counsel / Witness(es) / Observer(s):** None

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 diagnoses: In-service diagnoses of Adjustment Disorder and Antisocial Personality Disorder. Post-service connected for PTSD. The applicant was the offender of IPV.

(2) Did the condition exist or experience occur during military service? **Yes.** In-service diagnoses of Adjustment Disorder and Antisocial Personality Disorder. The

applicant was the offender of IPV.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor determined that the medical condition does not mitigate IPV. The Board's Medical Advisor applied liberal consideration and opined that the applicant was determined to not have PTSD in-service, rather misconduct was fueled by pre-existing characterological issues. While the VA has service connected the applicant for PTSD after separation, the events are unrelated to PTSD as documentation is void of indications a trauma reaction influenced the significant IPV events.

(4) Does the condition or experience outweigh the discharge? **No.** Based on liberally considering all the evidence before the Board, the ADRB determined that the condition did not outweigh the basis of separation-In Lieu of Trial by court-Martial (Drug Abuse, AWOL).

b. Prior Decisions Cited: AR20230000006

c. Response to Contention(s): The applicant seeks relief contending, an apology for their wrongdoings while they wore the uniform. The last four generations of their family are full of military members with Honorable discharges. Their receiving an Under Other than Honorable Conditions was an embarrassment to everyone who served before them, as they are the only one who did not receive an Honorable discharge. The applicant hates the way things ended with their military career and they are not proud of the way they were discharged. They have not been at peace living with the fact that the seven years of their military service was tarnished and voided out due to the bad decisions they made, while serving.

(1) The applicant worked hard to meet the pushup requirements while in basic training and worked their way up to maintaining a 300 PT score, having been awarded the PT badge. They have completed in the German Proficiency Test and was awarded the gold medal in every proficiency. They had to learn the uniform and it took them a month to learn how to swim. They were terrified during the swimming event and was even afraid of drowning, but they adapted and overcame. In August 2013, they were set to deploy to Afghanistan and volunteered to leave early when one of their fellow Soldiers was deemed non-deployable. They left early without any hesitation because it was beneficial for the mission and was extremely eager, ready to prove themselves to their commander and their unit. The day before they were set to leave for deployment, they received a call from a close friend and met with the heartbreaking news of their best friend being murdered back home. They were instantly filled with emotions as tears rolled down their face. They were packing up to leave for deployment and the applicant had just learned that their best friend was shot and killed. The applicant had little time to process the death because their main focus was the mission ahead and that was, Operation Enduring Freedom.

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Soldiers and it felt great as a PFC for the applicant to train other Soldiers. On 17 December 2013, an aircraft crew was blown up by an IED in the mountains and their unit lost six brave Soldiers, taking about three sleepless days and nights to recover the surviving Soldier, equipment, and the bodies of their fallen comrades. The incident put their entire unit into a sunken state, questioning if they would all make it home. They were redeployed in May 2014.

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(4) While at their friends', the Soldier they assaulted was calling the applicant's superiors. After being unable to reach them, the applicant was immediately marked as absent without leave (AWOL). They showed up to work the next day, after asking their noncommissioned officer (NCO) to pick them up. Things started going downhill, fast. Their ex-spouse was working at the NCO Academy at the time, and the applicant felt as if they were trying to protect the spouse's image. The applicant was so hurt and did not know how to cope and started drinking heavily and doing drugs. Feeling like their world was crashing and losing everything, they felt as if they had nobody to talk to about what they were going through. The applicant was being separated and did not know what was next in their life, as they wanted to retire from the Army, which changed with the bad decisions made. Their life was changing for the worse and they were spiraling out of control, consequently, their leadership admitted them into a mental institution for eight weeks to get the applicant to calm down. Afterwards, they had counseling with a behavioral specialist twice a week.

d. The applicant admits that even though they were hurting from their marriage failing, they had absolutely no right to assault their Soldier. They took the emotional route, which was the wrong choice and they are extremely embarrassed. The applicant received their first Honorable discharge when they reenlisted and was now exiting the Army, with an Other than Honorable discharge. Since leaving the service, the applicant was diagnosed with Posttraumatic Stress Disorder (PTSD). Over the years, they have worked tremendously on their anger, and they are not the same person they were, while being chaptered, and hates how one mistake trumped all of the success they achieved in their military career.

e. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the issues before the Board. 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.

f. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service based on the following reasons. The applicant has an In-service diagnosis of Adjustment Disorder and Antisocial Personality Disorder and is 50 percent service-connected for PTSD by the VA. The applicant was the offender of IPV. The Board's Medical Advisor applied liberal consideration and opined that the applicant was determined to not have PTSD in-service, rather misconduct was fueled by pre-existing characterological issues. While the VA has service connected the applicant for PTSD after separation, the events are unrelated to PTSD as documentation is void of indications a trauma reaction influenced the significant IPV events. The Board members carefully considered the applicant's contentions, supporting documents, evidence in the records, and medical review recommendation. Based on non-BH mitigation of the misconduct (multiple IPV's and threatening his spouse with a gun) the Board concurred the applicant's record of service did not mitigate the misconduct. The current discharge is appropriate.

(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:

5/14/2024

X

Presiding Officer, COL, U.S. ARMY
Army Discharge Review Board

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