

1. Applicant's Name: [REDACTED]**a. Application Date:** 13 June 2023**b. Date Received:** 20 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 to honorable. The applicant's counsel also requests copies of pre-decisional documents.

The applicant's counsel seeks relief contending, in effect, the applicant's chain of command recommended an honorable discharge but was unilaterally given an under other than honorable discharge. The applicant overcame many hurdles while attempting to fulfill the USAR commitment, when the applicant's mental health began to decline, the applicant requested to be transferred to the IRR and did not discover the packet was not submitted until almost six months later. Counsel states the applicant is currently receiving service-connected disability compensation for anxiety disorder with panic attacks.

b. Board Type and Decision: In a Telephonic Personal Appearance Hearing conducted on 18 November 2024, and by a 5-0 vote, the Board voted to grant relief in the form of an upgrade to the characterization of service to General, Under Honorable Conditions. As there were no Reasons/SPD Codes/RE-codes listed on the applicant's discharge paperwork, due to being in the Army Reserves, no upgrade actions are required for these items.

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

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: NIF / AR 135-178 / NIF / NIF / NIF / Under Other Than Honorable Conditions

b. Date of Discharge: 17 February 2012**c. Separation Facts:****(1) Date of Notification of Intent to Separate:** NIF**(2) Basis for Separation:** The applicant was informed of the following reasons: NIF**(3) Recommended Characterization:** NIF**(4) Legal Consultation Date:** NIF**(5) Administrative Separation Board:** NA**(6) Separation Decision Date / Characterization:** NIF

4. SERVICE DETAILS:

- a. **Date / Period of Enlistment:** 5 November 2008 / 8 years (USAR)
- b. **Age at Enlistment / Education / GT Score:** 19 / GED / NIF
- c. **Highest Grade Achieved / MOS / Total Service:** E-4 / NIF / 3 years, 3 months, 14 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** NIF
- f. **Awards and Decorations:** NIF
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:** NIF
- i. **Lost Time / Mode of Return:** NIF
- j. **Behavioral Health Condition(s):**

(1) **Applicant provided:** The applicant provides medical records reflecting a diagnosis of panic/acute anxiety.

(2) **AMHRR Listed:** NIF

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293, Counsel's Brief with exhibits (37 total pages)

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the application.

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 135-178 prescribes the policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of Army National Guard of the United States (ARNGUS) and U.S. Army Reserve (USAR) enlisted Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) Paragraph 2-9a prescribes an honorable characterization is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(2) Paragraph 2-9b, prescribes, if a Soldier's service has been honest and faithful, it is appropriate to characterize that service as general (under honorable conditions). Characterization of service as general (under honorable conditions) is warranted when significant negative aspects of the Soldier's conduct or performance of duty outweigh positive aspects of the Soldier's military record.

(3) Paragraph 2-9c, prescribes the service may be characterized as under other than honorable conditions only when discharge is for misconduct, fraudulent entry, unsatisfactory participation, or security reasons, and under other circumstances.

(4) Chapter 13 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

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

The applicant requests, through counsel, an upgrade to honorable. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

The applicant's AMHRR is void of the specific facts and circumstances concerning the events which led to the discharge from the Army Reserve. The applicant's AMHRR does contain a properly constituted discharge order: Orders 12-041-00020, 10 February 2012. The orders indicate the applicant was discharged under the provisions of AR 135-178, with an under other than honorable conditions characterization of service.

The applicant's counsel contends the applicant's chain of command recommended an honorable discharge but was unilaterally given an under other than honorable discharge. The separation authority is not bound by the recommendations of the initiating or intermediate commander and has complete discretion to direct any discharge and characterization of service authorized by the applicable provisions of the regulation as stated in Army Regulation 635-200, chapter 2-2c.

The applicant's counsel contends the applicant overcame many hurdles while attempting to fulfill the USAR commitment, when the applicant's mental health began to decline, the applicant requested to be transferred to the IRR and did not discover the packet was not submitted until almost six months later. Counsel states the applicant is currently receiving service-connected disability compensation for anxiety disorder with panic attacks and provides medical records reflecting an in-service diagnosis of panic/anxiety.

In reference to counsel's request for pre-decisional documents, it is not the practice of the Army Review Boards Agency to provide pre-decisional documents prior to adjudication. Once the case has been adjudicated, the applicant and counsel will be provided a copy of the final decision.

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):
- b. The applicant presented the following additional contention(s):
- c. Counsel / Witness(es) / Observer(s):

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: The applicant reported pre-enlistment anxiety worsening by the stressors of AIT with a diagnosis of Adjustment Disorder NOS. Post-service, although she asserts service connection, VA electronic medical records are void of a service connection or any notes although she was diagnosed in 2022 with Generalized Anxiety Disorder (GAD) with panic attacks.

(2) Did the condition exist, or experience occur during military service? **Yes.** The applicant reported pre-enlistment anxiety worsening by the stressors of AIT with a diagnosis of Adjustment Disorder NOS.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that the applicant's in-service diagnosis reflects difficulty adjusting but not a serious psychiatric condition impacting decision making to mitigate misconduct. Although there are diagnoses in 2022, a decade after service, the documents do not indicate she would be service connected for the conditions and the electronic medical record is void of a service connection; developing a condition a decade post-service does not directly equate to its existence at the time of the misconduct. However, given this is a personal appearance, her testimony or any late submissions regarding her behavioral health status/service connection could change the determination.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opinion, the Board determined that the available evidence did not support a conclusion that the applicant's conditions outweighed the medically unmitigated offenses.

b. Prior Decisions Cited: N/A

c. Response to Contentions:

(1) The applicant's counsel contends the applicant's chain of command recommended an honorable discharge but was unilaterally given an under other than honorable discharge. The Board acknowledged and considered this contention.

(2) The applicant's counsel contends the applicant overcame many hurdles while attempting to fulfill the USAR commitment, when the applicant's mental health began to decline, the applicant requested to be transferred to the IRR and did not discover the packet was not submitted until almost six months later.

The Board acknowledged and considered this contention.

d. The Board determined to grant relief in the form of an upgrade to the characterization of service to General, Under Honorable Conditions. As there were no Reasons/SPD Codes/RE-codes listed on the applicant's discharge paperwork, due to being in the Army Reserves, no upgrade actions are required for these items. The applicant has exhausted their 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.

e. Rationale for Decision:

(1) The Board determined an upgrade to General, Under Honorable Conditions was warranted based on the applicant's length of service, post service accomplishments, and the applicant believed she was transferred to the IRR. It was not until September 2010 that the applicant found out the unit did not submit her packet and she was not transferred to the IRR as she had been told. Additionally, the Board believed a UOTHC discharge was too harsh for the basis for separation.

(2) As there were no Reasons/SPD Codes listed on the applicant's discharge paperwork, due to being in the Army Reserves, no upgrade actions are required for this item.

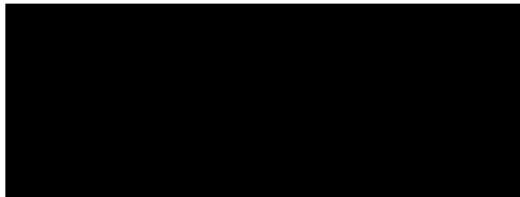
(3) As there were no RE-codes listed on the applicant's discharge paperwork, due to being in the Army Reserves, no upgrade actions are required for this item.

11. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: General Under Honorable Conditions
- c. Change Reason / SPD code to: No change
- d. Change RE Code to: No change
- e. Change Authority to: No change

Authenticating Official:

9/29/2025



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

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