

1. Applicant's Name: [REDACTED]**a. Application Date:** 29 July 2023**b. Date Received:** 29 July 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, a narrative reason change, and to upgrade both the separation and reentry codes.

b. The applicant seeks relief contending, in 2016, they obtained counseling treatment at Carey Counseling Center, Union City, TN, along with having been diagnosed with posttraumatic stress disorder (PTSD) and Depression. They received care for their mental health and was medicated with the proper medicine to help with their therapy. As of today, the applicant is of sound mind, and of body, and wishes to get their discharge upgraded in order for them to serve their country again. Despite what has happened in the past, they are requesting the chance to prove themselves and wish to be a part of something bigger than themselves.

(1) In a self-authored statement, the applicant provides they are in essence, requesting another opportunity to prove their worth to their country and to rewrite their wrongs. While in high school, they completed AFJROTC; their childhood dream, at the time, was to be an officer in the Air Force and become a pilot. Ultimately, they ended up in the Army Recruiting office at the age of 17. Directly after their high school graduation, they went to basic training (Fort Leonard Wood, MI) and directly after, went to AIT training as a 42A (Fort Jackson, SC). The applicant should have sensed by then, that active duty would have been the best option; however, they were too young and naive to understand that their purpose could have been bigger.

(2) After training, the applicant worked three jobs and continued completing their duties in attending monthly drills. Somewhere around that time, they met someone and one thing led to another, and they moved states which left them without a job, a brand-new car, and their first time away from home, which was not the best plan. In those months, the applicant found that they lost their sense of purpose and their envisioned goal, after having worked so hard just to be taken off track. They were unable to find a job and with the repossession of their car, had no way of attending drill, which was two hours away.

(3) Additionally, the applicant battled with undiagnosed issues with Anxiety and PTSD. With limited resources, the applicant informed the Battalion, explaining their inability to continue duty for these reasons and received no support. In December 2017, the applicant received a letter (no DD Form 214) informing them of their demotion in rank and discharged. Although no resources were provided, the applicant received the help they needed. They were married, fixed their credit, and had steady income, all just a little too late. In September 2019, the applicant submitted their packet to the Board for a discharge upgrade, which included supporting documents such as their credit report, a character letter from a retired LTC, and medical records, only for it to be lost somewhere along the files, as they have received no response or communication regarding their application.

(4) Now, the applicant is 26 years old, single with no children. They have good credit, steady income, and have gained control of their life. Their desire is to push forward to create a better life for themselves the way they did at age 17. They are requesting their discharge to be upgraded in order for them to have another opportunity to reenlist, serve their country, and push forward with purpose. The applicant was young, ignorant, and had issues they had to figure out alone, and not only did they suffer in the end, but the applicant also wished to have tried harder for themselves and their family.

c. Board Type and Decision: In a personal appearance conducted on 20 May 2024, and by a 5-0 vote, the Board determined the discharge is inequitable. The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. Since discharge the applicant received an AA degree and is currently working as a travel nurse. Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was inequitable and too severe for the applicant's unsatisfactory participation and warranted an upgrade to Honorable. 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 135-178.

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

(Board member names available upon request)

3. DISCHARGE DETAILS:

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

b. Date of Discharge: 13 December 2017

c. Separation Facts:

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

(2) **Basis for Separation:** 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: 29 October 2014 / 6 years

b. Age at Enlistment / Education / GT Score: 17 / High School Diploma / 89

c. Highest Grade Achieved / MOS / Total Service: NIF / 42A10, Human Resources Specialist / 4 months, 20 days

d. Prior Service / Characterizations: RA (AIDT), 7 July – 26 November 2015 / HD

e. Overseas Service / Combat Service: NIF

f. Awards and Decorations: NDSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) As provided by the applicant, on 29 October 2014, they enlisted in the United States Army Reserve for 6 years as a PV2. On 30 June 2015, they were in receipt of orders to initial active duty for training (IADT) at Fort Leonard Wood, MO, effective 7 July 2015; and to Advanced Individual Training (AIT) at Fort Jackson, SC, effective 21 September 2015; awarded their MOS of 42A, Human Resources Specialist on 20 October 2015.

(2) A DD Form 214 (Certificate of Release of Discharge from Active Duty) provides the period of service between 7 July – 26 November 2015, for with the following listed:

- Authority: AR 635-200, Chapter 4
- Narrative Reason: Release from Active Duty Training
- SPD Code: MBK
- Reentry Code: RE-1
- Service Characterization: Honorable
- Total NET Active Service this Period: 4 months and 20 days
- Remarks: Member has completed first full term of service.
- Lost Time: None
- Signature: Electronically signed.

(3) On 10 March 2016, the applicant was reassigned to 467th Engineer Battalion, Millington, TN and completed two monthly drills on 12-13 March and 21-22 May.

(4) On 6 December 2017, they received separation orders, with an Under Other than Honorable Conditions characterization of service, which resulted in a reduction to the lowest enlisted paygrade.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided:

(a) A printout of the applicant's inactive medication list, dated 13 September 2019, from Carey Counseling Center, TN, provides they were prescribed the following medications for treatment while in therapy, although the list provides no indication of their diagnoses.

- 31 October – 12 December 2016: Sertraline 25mg
- 12 December 2016 – 16 January 2017: Venlafaxine 75mg
- 16 January – 4 May 2017: Fluoxetine 10mg
- 4 May – 29 June 2017: Trazodone 50mg and Celexa 40mg

(b) A printout of the applicant's appointments list, dated 13 September 2019, indicates they have been seen for individual psychotherapy and evaluation/management 34 times (missed six sessions) between 24 October 2016 – 18 August 2017.

(c) On 17 August 2023, a Licensed Therapist, Women's Resource Center, Hickory, NC, provides the applicant received counseling support through their center during 2022, prior to the applicant's relocation. The applicant has maintained contact with them through email, phone calls, and video conferencing from time to time. The applicant demonstrated a desire to receive as many resources as possible, and the tenacity to address current and past stressors that were potential barriers to their goals. They have successfully managed the challenges of relocation, forming new relationships, a career change, and appears to have a healthy grasp of work/life balance and the need for self-care. The applicant routinely engages in the use of resiliency tools to manage normal stressors for optimal health/wellness and has the self-awareness to seek appropriate support when needed. Based on their work together and the applicant's continued desire for growth, the therapist believes the applicant is physically and mentally fit to perform all assigned military duties, should the applicant return to service. Therefore, the therapist recommends the applicant's consideration to return to service without reservation.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE:

a. Application for the Review of Discharge; Certificate of Release or Discharge from Active Duty; Service Record; Counseling Appointments List; Medication Lists; College Transcripts; Two Character Letters

b. On 7 August 2023, LTC (retired USA) contends, as a younger person, the applicant failed to complete their service and was discharged with a less than Honorable discharge. LTC does not believe at that time, the applicant knew the ramifications or was mentally or financially capable of completing their service obligation in the Reserves, due to their home family situation. They grew up partially in foster care because of the family issues and has worked to overcome the residual effects. Moving out of the area away from the applicant's birth family, enabled them to gain maturity and focus on their life. Although it was big move for the applicant, it enabled them to become the person they are today. Now the applicant is at the point where they would like to continue their military service on a full time basis. LTC requests an upgrade on behalf of the applicant for that purpose.

6. POST SERVICE ACCOMPLISHMENTS: The applicant is 26 years old, single with no children, has good credit, steady income, and has gained control of their life. In addition, they have earned their associates degree in General Studies.

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 sets forth 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 and USAR enlisted Soldiers for a variety of reasons. The separation policies throughout the different Chapters in this regulation promote the readiness of the Army by providing an orderly means to judge the suitability of persons to serve on the basis

of their conduct and their ability to meet required standards of duty performance and discipline. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, and convictions by civil authorities.

(1) The possible characterizations include an honorable, general (under honorable conditions), under other than honorable conditions, or uncharacterized if the Soldier is in entry-level status. However, the permissible range of characterization varies based on the reason for separation.

(2) The characterization is based upon the quality of the Soldier's service, including the reason for separation and determination in accordance with standards of acceptable personal conduct and performance of duty as found in the UCMJ, Army regulations, and the time-honored customs and traditions of the Army. The reasons for separation, including the specific circumstances that form the basis for the discharge are considered on the issue of characterization.

(3) 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 "MBK" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 4, Release from Active Duty Training.

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 narrative reason change, and to upgrade both the separation and reenry codes. A review of the AMHRR is void of the specific facts and circumstances concerning the events which led to their discharge from the Army Reserve. Although the copy of the separation orders are present and show a characterization of Under Other than Honorable Conditions, the orders show only the separation authority and are void of a narrative reason and whether the separation was voluntary and/or involuntary.

b. A review of the available records provides the applicant enlisted in the USAR at age 17, as an PV2, completed basic training, was awarded their MOS (Human Resources Specialist), and served on continuous active duty for a period of 140 days, and received an Honorable characterization of service. Notwithstanding the missing documents, their separation orders were issued and they were discharged under the provisions of AR 135-178, with a characterization of Under Other than Honorable Conditions, resulting in their reduction to the lowest enlisted grade.

(1) The applicant provided medical documents, which indicates at the time of their separation, they were receiving therapy and treatment for PTSD and Depression and prescribed five BH medications (Sertraline, Venlafaxine, Fluoxetine, Trazodone, Hydroxyzine, and Celexa) between October 2016 – June 2017.

(2) They completed 3 years, 2 months, 15 days of their 6 year contractual obligation.

c. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impeded 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 which were void of a diagnosis. However, the applicant asserts PTSD which may be sufficient evidence to establish the existence of a condition that could mitigate or excuse the discharge.

(2) Did the condition exist or experience occur during military service? **Yes.** Applicant asserts PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Unknown.** The Board's Medical Advisor applied liberal consideration and opined that while the assertion is acknowledged, there are no available diagnoses for application.

(4) Does the condition or experience outweigh the discharge? **N/A**

b. Prior Decisions Cited: AR20190014457

c. Response to Contention(s):

(1) The applicant seeks relief contending, in 2016, they obtained counseling treatment at Carey Counseling Center, Union City, TN, along with having been diagnosed with posttraumatic stress disorder (PTSD) and Depression. The Board considered this contention, and the Board's Medical Advisor applied liberal consideration and opined that while the assertion is acknowledged, there are no available diagnoses for application.

(2) The applicant contends, another opportunity to prove their worth to their country and to rewrite their wrongs. The Board considered this contention and the totality of the applicant's file and voted to grant relief.

(3) The applicant contends, the applicant found that they lost their sense of purpose and their envisioned goal, after having worked so hard just to be taken off track. They were unable to find a job and with the repossession of their car, had no way of attending drill, which was two hours away. The Board considered this contention and the totality of the applicant's file and voted to grant relief.

(4) The applicant seeks relief contending, the applicant was young, ignorant, and had issues they had to figure out alone, and not only did they suffer in the end, but the applicant also wished to have tried harder for themselves and their family. The Board considered this contention and the totality of the applicant's file and voted to grant relief.

d. The Board determined the discharge is inequitable. The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. Since discharge the applicant received an AA degree and is currently working as a travel nurse. Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was inequitable and too severe for the applicant's unsatisfactory participation and warranted an upgrade to Honorable. 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 135-178.

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. Since discharge the applicant received an AA degree and is currently working as a travel nurse. Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was inequitable and too severe for the applicant's unsatisfactory participation and warranted an upgrade. Thus, the prior characterization is no longer appropriate. The applicant was a member of the US Army Reserve and therefore no separation code or reentry code is awarded.

11. BOARD ACTION DIRECTED:

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

Authenticating Official:

11/4/2024



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
UOTHHC – Under Other Than
Honorable Conditions
VA – Department of
Veterans Affairs