

**1. Applicant's Name:**

- a. **Application Date:** 19 October 2023
- b. **Date Received:** 23 October 2023
- c. **Counsel:** None

**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:****a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is under other than honorable conditions. The applicant requests an upgrade of their character of service and an appearance before the Board.

(2) The applicant states their "major offenses" were performed before their deployment. During their deployment they feel their "confession" was coerced under duress and exhaustion and was used later to fuel their discharge from the Army. Their argument is they were more than good enough to deploy but was cast aside when they were no longer required. They performed their duties to the best of their abilities, and they ask for a flag on their coffin and the ability to join veteran organizations (Veterans of Foreign Wars, American Legion etc.).

(3) The applicant states the circumstances surrounding the acts of misconduct, from their perspective, involving their civilian arrest for carrying a concealed weapon, possession of child pornography on their personal computer, sleeping on guard duty, and threats against fellow Soldiers in their unit. They continue to state their life after being separated from the Army, their employment, their minor criminal history, personal life, and volunteer work. They do probably have Post-Traumatic Stress Disorder (PTSD), their therapist suggested they go to the Department of Veterans Affairs (VA) for examination. They have physical limitations where they have been told could potentially be a disability. However, they aren't interested in that, they would like a flag on their coffin when they die and to be a member of organizations who they feel are making a difference for veterans.

**b. Board Type and Decision:** In a records review conducted on 17 June 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:** Misconduct, (Serious Offense) / Army Regulation 635-200, Paragraph 14-12c / JKQ / RE-3 / Under Other Than Honorable Conditions

**b. Date of Discharge:** 20 October 2008

**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 11 August 2008

(2) **Basis for Separation:**

- possessed and viewed child pornography on their personal computer on diverse occasions between 1 March 2006 and 1 August 2006

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**

**AR20230013480**

- arrested and released from criminal use of a knife on 7 May 2006
- found sleeping upon their post while on guard duty in Iraq on 1 September 2007
- made threats against fellow Soldiers
- failed to obey orders from noncommissioned officers (NCOs) and officers on numerous occasions since joining the unit

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

**(4) Legal Consultation Date:** 12 August 2008

**(5) Administrative Separation Board:**

**(a)** On 12 August 2008, the applicant conditionally waived consideration of the case before an administrative separation board, contingent upon receiving a characterization of service no less favorable than general (under honorable conditions) discharge.

**(b)** On 4 September 2008, the applicant was notified to appear before an administrative separation board and advised of rights.

**(c)** On 19 September 2008, the administrative separation board convened, and the applicant appeared with counsel. The board recommended the applicant's discharge with characterization of service of under other than honorable conditions.

**(d)** On 15 October 2008, the separation authority approved the findings and recommendations of the administrative separation board.

**(6) Separation Decision Date / Characterization:** 15 October 2008 / Under Other Than Honorable Conditions

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 22 June 2005 / 5 years, 19 weeks

**b. Age at Enlistment / Education / GT Score:** 19 / HS Graduate / 118

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 11B1O, Infantryman / 3 years, 3 months, 29 days

**d. Prior Service / Characterizations:** None

**e. Overseas Service / Combat Service:** SWA / Iraq (5 February 2007 – 14 April 2008)

**f. Awards and Decorations:** ARCOM, NDSM, GWTSM, ICM-CS, ASR, OSR

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:**

**(1)** Six DA Forms 4856 (Developmental Counseling Form) dated from 13 February 2006 through 7 July 2006, reflects received counseling for multiple acts of misconduct to include; having a haircut outside military regulations, possession of alcohol and visibly intoxicated prior to a company movement, failing an Army Physical Fitness Test, lying to a senior NCO and an

NCO, being arrested, and charged with carrying a concealed weapon, and failure to go to appointed place of duty.

(2) A memorandum, subject Criminal Investigation Division (CID) Report of Investigation – Initial, dated 31 August 2006, reflects the applicant as the named subject with the violation possession of child pornography, with the dates of occurrences of 1 March 2006 through 1 August 2006. The Investigative Summary states the applicant's company commander report that two Soldiers in their unit reported observing child pornography on the applicant's computer. The applicant was interviewed and admitted to downloading and viewing child pornography, stating the child pornographic images were inadvertently downloaded while conducting mass downloads of pornography.

(3) Three DA Forms 4856 (Developmental Counseling Form) dated from 2 October 2006 through 17 October 2006, reflects received counseling for multiple acts of misconduct to include; having unpaid bill, recklessly driving through a parking lot, dereliction of duty by "sleeping on guard," lack of motivation, disrespect to an NCO, and not living the Army Values.

(4) A memorandum, U.S. Army Criminal Investigation Command, subject: CID Report of Investigation – Final, dated 17 May 2007, reflects the applicant as the named subject with the violation possession of child pornography, with the dates of occurrences of 1 March 2006 through 1 August 2006. The investigation determined the applicant committed the offense of Possession of Child Pornography when they used their computer to download and view Child Pornography, in violation of Article 134 (Possession of Child Pornography), Uniform Code of Military Justice (UCMJ).

(5) Two DA Forms 4856 (Developmental Counseling Form) dated 1 September 2007 and 1 December 2007, reflects the applicant received counseling for sleeping numerous times while on guard duty and threatening to kill Soldiers within their platoon.

(6) A memorandum, Headquarters, 4th Infantry Division (Mechanized), subject: Administrative Reprimand, dated 22 January 2008, reflects the applicant was reprimanded in writing for possessing images of child pornography and performing an internet search for child pornography. The commanding general states the child pornography images found on their computer appear to have been downloaded in conjunction with large amounts of adult pornography. Although the applicant was not court-martialed due to a lack of evidence that they knowingly possessed child pornography, they admitted to searching for child pornography on a separation occasion because they were curious. They claimed that they instantly deleted the images, and no additional images of suspected child pornography were found on their computer. Nonetheless, the mere act of searching for child pornography and not carefully monitoring what is downloaded onto their computer is service discrediting and prejudicial to good order and discipline. The applicant acknowledge receipt of the Administrative Reprimand and elected to submit statements in their own behalf. [Note: the applicant's statement in their behalf are not in evidence for review.]

(7) A memorandum, Headquarters, 4th Infantry Division (Mechanized), subject: Administrative Reprimand Filing Determination, dated 11 March 2008, the commanding general having reviewed the memorandum of reprimand, the chain of command recommendations and all matters submitted, directed the reprimand will be filed in the applicant's Army Military Human Resource Record (AMHRR).

(8) An Enlisted Record Brief reflects the applicant deployed to Iraq from 5 February 2007 through 14 April 2008.

**(9)** A memorandum, Alpha Company, 1st Battalion, 28th Infantry Regiment, subject: Separation under Army Regulation 635-200, Chapter 14-12c, dated 11 August 2008, the applicant's company commander notified the applicant of their intent to separate them under the provisions of Army Regulation 635-200, Chapter 14-12c, Commission of a Serious Offense with a recommended characterization of service of general (under honorable conditions) for acts of misconduct as described above in paragraph 3c(2). The company recommended the applicant receive a general (under honorable conditions) characterization of service. On the same day the applicant acknowledged the basis for the separation and of the rights available to them.

**(10)** On 12 August 2008, the applicant completed their election of rights, signing they had been advised by consulting counsel of the basis for contemplated action to separate them for commission of a serious offense, and its effect; of the rights available to them; and of the effect of any action taken by them in waiving their rights.

**(a)** They understand they are entitled to have their case considered by an administrative separation board because they are being considered for separation under other than honorable conditions. They voluntarily waive consideration of their case by an administrative separation board contingent upon receiving a characterization of service of no less favorable than general (under honorable conditions). They understand if the separation authority refuses to accept this conditional waiver of a hearing before an administrative separation board, their case will be referred to an administrative separation board. They request a personal appearance before an administrative separation board and request consulting counsel.

**(b)** They elected to not submit statements in their own behalf. They understand that they may expect to encounter substantial prejudice in civilian life if a general discharge under honorable conditions is issued to them. They further understand that as the result of issuance of a discharge under other than honorable conditions they may be ineligible for many or all benefits as a veteran under both Federal and State laws.

**(11)** A memorandum, Alpha Company, 1st Battalion, 28th Infantry Regiment, subject: Separation under Army Regulation 635-200, Chapter 14-12c, dated 19 August 2008, the applicant's company commander recommended the applicant be separated from the U.S. Army prior to the expiration of their current term of service. The company commander states the applicant has demonstrated through repeated conduct, after formal counseling, that other disposition would be inappropriate.

**(12)** A memorandum, Headquarters, 4th Infantry Brigade Combat Team, subject: Separation under Army Regulation 635-200, Chapter 14, Paragraph 14-12c(1), dated 25 August 2008, the applicant's brigade commander recommended the applicant be separated from the Army prior to the expiration of their current term of service for commission of a serious offense. The brigade commander states they have reviewed the conditional waiver and recommend the waiver be disapproved and the applicant's service be characterized as Under Other Than Honorable Conditions.

**(13)** A memorandum, Headquarters, 1st Infantry Division and Fort Riley, subject: Notification of Administrative Separation Board, dated 4 September 2008, reflects the applicant's notification of an administrative separation board will be conducted on 19 September 2008 to determine whether they should be discharged for Commission of a Serious Offense before the expiration of their term of service.

**(14)** On 19 September 2008, the administrative separation board convened, and the applicant appeared with counsel. In the board proceedings concerning the applicant, the board

carefully considered the evidence before it and finds that the applicant has committed serious misconduct that the circumstances of this case warrants separation. The board recommended the applicant's discharge with characterization of service of under other than honorable conditions.

(15) A memorandum, Office of the Staff Judge Advocate, subject: Legal Review of Administrative Separation Board Proceedings Pertaining to [Applicant], dated 6 October 2008, reflects the Administrative Law Attorney reviewed the record of administrative separation board proceedings pertaining to the applicant. There are no legal objections. The findings made by the board were supported by the provided evidence. The recommendation of discharge from service prior to their expiration term of service with an Other Than Honorable Condition discharge certificate for the commission of serious misconduct is supported by the findings. The Administrative Law Attorney recommendation is for the separation authority to adopt the Separation Board's findings and recommendation and direct the applicant be separated with an Other Than Honorable Conditions discharge.

(16) In a memorandum, Headquarters, 1st Infantry Division and Fort Riley, subject: Separation under the Provisions of Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, dated 15 October 2008, the separation authority directed the applicant will be separated from both Active and Reserve Components of the Army prior to the expiration of current term of service and the applicant's service will be characterized as Under Other Than Honorable Conditions. The commanding general also directed immediate reduction of the applicant to the lowest enlisted grade under the provisions of Army Regulation 600-8-19 (Enlisted Promotions and Reductions), paragraph 10-15 (Approved for Discharge from the Service Under Other Than Honorable Conditions).

(17) On 20 October 2008, the applicant was discharged accordingly, the DD Form 214 (Certificate of Release or Discharge from Active Duty) provides the applicant completed 3 years, 3 months, and 29 days of net active service this period. Item 18 (Remarks) reflects the applicant has not completed their first full term of service of 5 years, 19 weeks.

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

j. **Behavioral Health Condition(s):** None

**5. APPLICANT-PROVIDED EVIDENCE:**

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), with letter
- excerpts of their case files for approved separation from their AMHRR
- DD Form 214
- 3rd Party Character Statement

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

**7. STATUTORY, REGULATORY AND POLICY REFERENCE(s):**

a. Title 10, U.S. Code, Section 1553, (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, Title 10, U.S. Code, Section 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 (DoD) 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) 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; Title 10, U.S. Code, Section 1553; and DoD Directive 1332.41 and DoD Instruction 1332.28.

d. Army Regulation 600-8-19 (Enlisted Promotions and Reductions) dated 1 April 2008, prescribed the enlisted promotions and reductions function of the military personnel system. Paragraph 10-15 (Approved for Discharge from the Service Under Other Than Honorable Conditions) stated when the separation authority determines that a Soldier is to be discharged from the Service under other than honorable conditions, the Soldier will be reduced to the lowest enlisted grade. Further board action is not required for this reduction.

e. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), dated 6 July 2005, set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(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) A Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

(4) Chapter 14 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record. Paragraph 14-12b (Pattern of Misconduct), stated, a pattern of misconduct consisting of one of the following – discreditable involvement with civil or military authorities, or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the UCMJ, Army regulations, the civil law, and time-honored customs and traditions of the Army.

(5) Chapter 15 (Secretarial Plenary Authority), currently in effect, 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.

f. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c, misconduct (serious offense).

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 DoD Instructions 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):**

a. The Army Discharge Review Board considers applications for upgrade as instructed by DoD Instruction 1332.28.

b. The applicant's AMHRR provides the applicant received general officer memorandum of reprimand for possessing images of child pornography and was involuntarily separated from the U.S. Army. A properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was authenticated by the applicant's signature which provides the applicant was discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 14-12c, by reason of Misconduct (Serious Offense), with a characterization of service of under other than honorable conditions. Then under other than honorable conditions is normally considered appropriate. The applicant completed 3 years, 3 months, and 29 days of net active service and has not completed their first full term of service of 5 years, 19 weeks.

c. Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

d. Published DoD guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

#### **9. BOARD DISCUSSION AND DETERMINATION:**



- a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses: Adjustment Disorder and Narcissistic Personality Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** Adjustment Disorder and Narcissistic Personality Disorder

(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 Adjustment Disorder does not impact an individual's ability to know right from wrong and make conscious choices. Additionally, it was in reaction to the separation rather than present prior to and fueling misconduct. Regarding the Personality Disorder, although the diagnosis provides context, individuals are still able to make thought-out, purposeful choices knowing the consequences. Accordingly, there is no mitigation.

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

- b. Response to Contention(s):

(1) The applicant contends their "major offenses" were performed before their deployment. The board considered this contention and found it did not outweigh the applicant's misconduct.

(2) The applicant contends during their deployment they feel their "confession" was coerced under duress and exhaustion and was used later to fuel their discharge from the Army. Their argument is they were more than good enough to deploy but was cast aside when they were no longer required.

(3) The applicant contends they performed their duties to the best of their abilities, and they ask for a flag on their coffin when they die and the ability to join veteran organizations (Veterans of Foreign Wars, American Legion etc.).

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 considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The Board found insufficient evidence of in-service mitigating factors and concurred with the conclusion of the medical advising official that the applicant does not have a BH condition that mitigates the applicant's misconduct of possession of child pornography, criminal use of a knife, sleeping on guard duty, making threats against fellow Soldiers and failing to obey orders. The applicant's adjustment disorder does not impact an individual's ability to know right from wrong and make conscious choices. 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 Disorder and Narcissistic Personality Disorder did not outweigh the applicant's medically unmitigated possession of child pornography, criminal use of a knife, sleeping on guard duty, making threats against fellow Soldiers and failing to obey orders offenses. 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.

**10. 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:**

3/31/2025

**X**

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