

1. Applicant's Name: [REDACTED]
- a. Application Date: 9 November 2023
- b. Date Received: 13 November 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 an upgrade to Honorable, a narrative reason change, and changes to their separation and reentry codes.

(1) Counsel states. The applicant seeks relief contending, they learned more about themselves upon joining the Army for the four years they served than their whole life. They worked in the Supply Support Activity (SSA) for Echo Company (5-52 Battalion, 11th Brigade) as an Automated Logistics Specialist (92A). Moreover, the applicant served in Qatar for a 9-month deployment. They have grown and matured a lot since their discharge and has taken full accountability for their actions. While there are some inaccuracies with the incident that occurred, the applicant does realize that they could have handled things differently. Overall, they do not want the content of the discharge packet to define or reflect the person they are today, because although they are not proud of the mistakes, those mistakes have made them a strong and maturer individual. Since they enjoyed working in the SSA and they pursued a degree in the logistics field and has earned their Bachelor's Degree in Supply Chain Management and currently pursuing their Master's Degree in Criminal Justice. They have also worked as a Stock Clerk and currently as a Material Coordinator for a contracting company where they have earned employee of the month within 60 days of employment in both positions. They have worked hard to make a first impression and perform within or above standard and in a professional manner.

(2) Their discharge from the Army was the turning point in their life, as the humbling experience has allowed them to reevaluate their life and to gain a better appreciation for the opportunities that were afforded to them. They have accepted that this hard road that they had to take is of their own doing; however, the application would like the opportunity to have better opportunities for growth, which is why they are requesting the discharge upgrade. They now understand the importance of being disciplined, responsible, and accepting positive help and guidance from others. This action has truly made them appreciate life and look at things more maturely. If give a second chance with an upgrade would be lifechanging for the applicant as they will have the ability to serve their country again Honorably. The upgrade would also provide them the ability to become a Police Officer, where they can protect and serve both their community and their country. The legal brief provides additional details for consideration.

b. Board Type and Decision: In a records review conducted on 09 July 2025, and by a 4-1 vote, the Board determined that the characterization of service was inequitable and decided to upgrade to General (Under Honorable Conditions). The Board voted not to change the narrative reason, SPD, and RE-Code, and found them to be proper and equitable..

Please see Section 9 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: In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / Under Other than Honorable Conditions

b. Date of Discharge: 12 June 2019

c. Separation Facts:

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

(2) Basis for Separation: NIF

(3) Recommended Characterization: Pursuant to the applicant's request for voluntary discharge provision of AR 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

(4) Legal Consultation Date: NIF

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 6 June 2019 / Under Other than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 31 July 2018 / 3 years (first reenlistment)

b. Age at Enlistment / Education / GT Score: 20 / Bachelor's Degree / 92

c. Highest Grade Achieved / MOS / Total Service: E-4 (SPC) / 92A10 Automated Logistical Specialist / 4 years, 2 months, 6 days

d. Prior Service / Characterizations: Regular Army (RA) / 7 April 2015 – 30 July 2010 / Honorable

e. Overseas Service / Combat Service: Qatar / None / 20 December 2017 – 14 September 2018 (8 months, 25 days)

f. Awards and Decorations:

- Army Good Conduct Medal
- National Defense Service Medal
- Army Service Ribbon
- Overseas Service Ribbon

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) On 31 July 2018, the applicant completed their first reenlistment for 3 years as a specialist, SPC (E-4), with 3 years, 3 months, and 24 days of prior active service (**Exhibit 6**). The Enlisted Record Brief provides in a previous period of service, they deployed to Qatar for nearly nine months (20 December 2017 – 14 September 2018). On 14 December 2018, they

were flagged, Suspend Favorable Personnel Actions (FLAG), for adverse action (AA). On 26 February 2019, the applicant was charged with two specifications of Article 91, UCMJ (willfully disobeyed a noncommissioned officer (NCO)) on or about 13 December 2018 for having willfully disobeyed SGT when the applicant was told to remain in their vehicle and for the disrespectful language toward SGT by saying, "[The applicant] don't give a f*** if [they were] a sergeant, f*** y'all," or words to that effect. **Exhibit 8**).

(a) Article 95: The same day, they resisted being apprehended by SPC, an Armed Forces Policemen, a person authorized to apprehend the accused.

(b) Article 117: They wrongfully used provoking words, to wit: "Y'all are f*****s, y'all ain't s**t," "why white cops doing this s**t," "s**t, by the end of this none of y'all will be MPs (military police) anymore," "b*****s, f**s," and "f**k you, fake a** cops," or words to that effect towards the two MPs (SGT and SPC).

(c) Three specifications of Article 128: The applicant assaulted an MP (SPC) who was then known to be in the execution of military police duties, by striking the MP in the face with their elbow and fist, and by pinching the MP's leg with their hand; and they assaulted an MP (SGT) by driving a vehicle towards the MP. Charges were preferred.

(2) Notwithstanding the missing documents, on 6 June 2019, the separation authority approved the request to be voluntarily discharged in lieu of court-martial under the provisions of AR 635-200, Chapter 10, with an Under Other than Honorable Conditions characterization of service (**Exhibit 9**). On 11 June 2019, their separation orders are issued (**Exhibit 11**). A properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty) indicates that the applicant was discharge accordingly, with 4 years, 2 months, and 13 days of total service (**Exhibit 5**). They were unable to provide an electronic signature and has completed their first full term of service.

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

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

(1) **Applicant provided:** None

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE: Service Records, Partial Separation Package, Self-Authored Statement, Resumé (**Exhibits 1-13**)

6. POST SERVICE ACCOMPLISHMENTS: They have worked as a stock clerk and as a material coordinator for a contracting company, where they earned employee of the month, within 60 days of employment in both positions. Further in June 2023, they graduated from American Military institute with a 3.7 GPA, having majored in Supply Chain Management, with a concentration of Contracting and Acquisitions. Currently, they are a government contractor working as a "Transportation Coordinator Lead." In coordination with their employment, they have also received their certificate in BA Supply Chain Management Outbound.

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 (Active Duty Enlisted Administrative Separations), 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.

(a) 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.

(b) 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.

(2) 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.

(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 "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 waivable and nonwaivable 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 waivable. Eligibility: Ineligible unless a waiver is granted.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaivable 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.

g. Manual for Courts-Martial (2016 Edition), United States, states military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good orders and discipline in the Armed Forces. Article 91 (willfully disobeying a noncommissioned officer) states in the subparagraph, the maximum punishment consists of a bad conduct discharge, forfeiture of all pay and allowances, and confinement for one year.

(1) Article 95 (resisting apprehension) states in the subparagraph, the maximum punishment consists of a bad conduct discharge, forfeiture of all pay and allowances, and confinement for one year.

(2) Article 117 (provoking speech, gestures) states in the subparagraph, the maximum punishment consists of forfeiture of two-third pay and allowances and confinement for six months.

(3) Article 128 (assault upon military police in execution of office) states in the subparagraph, the maximum punishment consists of forfeiture all pay and allowances, and confinement for three years.

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 changes to their separation and reentry codes. A review of the records provides administrative irregularity in the proper retention of official military records, specifically, the applicant's Chapter 10 voluntary discharge request and whether or not they elected/completed separation examination(s).

b. The available evidence provides the applicant completed their first reenlistment as a SPC, with 3 years, 3 months, and 24 days of prior active service. In a previous period of service, they deployed to Qatar for nearly nine months and was flagged for misconduct. Three months from redeployment, charges were preferred for two specifications of Article 91, UCMJ (willfully disobeyed a noncommissioned officer (NCO)) for not obeying the MP when the applicant was advised to remain in their vehicle and for the use of profane and provoking language; and three specifications of Article 128 (assault) for having struck the officer with their elbow and fist; for pinching the officer's leg; and for driving a vehicle towards the MP. Notwithstanding the missing voluntary discharge request, the separation authority approved the discharge under the provisions of AR 635-200, Chapter 10, In Lieu of Trial by Court-Martial, with an Under Other than Honorable Conditions characterization of service, which resulted in the applicant's demotion to the lowest enlisted paygrade. The charges and their specifications were withdrawn and dismissed. They served 10 months and 2 days of their 3-year contractual obligation.

c. 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 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 its 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? **No.** The Board's Medical Advisor reviewed DoD, and VA medical records and found no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused, or mitigated a discharge.

(2) Did the condition exist or experience occur during military service? **N/A**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**

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

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant seeks relief contending, they learned more about themselves upon joining the Army for the four years they served than their whole life. They worked in the Supply Support Activity (SSA) for Echo Company (5-52 Battalion, 11th Brigade) as an Automated Logistics Specialist (92A). Moreover, the applicant served in Qatar for a 9-month deployment. They have grown and matured a lot since their discharge and has taken full accountability for their actions. While there are some inaccuracies with the incident that occurred, the applicant does realize that they could have handled things differently. Overall, they do not want the content of the discharge packet to define or reflect the person they are today, because although they are not proud of the mistakes, those mistakes have made them a strong and maturer individual. Since they enjoyed working in the SSA and they pursued a degree in the logistics field and has earned their bachelor's degree in supply chain management and currently pursuing their Master's Degree in Criminal Justice. They have also worked as a Stock Clerk and currently as a Material Coordinator for a contracting company where they have earned employee of the month within 60 days of employment in both positions. They have worked hard to make a first impression and perform within or above standard and in a professional manner.

The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character. In this case, the Board considered this contention and determined that a partial upgrade is warranted.

(2) Their discharge from the Army was the turning point in their life, as the humbling experience has allowed them to reevaluate their life and to gain a better appreciation for the opportunities that were afforded to them. They have accepted that this hard road that they had to take is of their own doing; however, the application would like the opportunity to have better opportunities for growth, which is why they are requesting the discharge upgrade. They now understand the importance of being disciplined, responsible, and accepting positive help and guidance from others. This action has truly made them appreciate life and look at things more maturely. If give a second chance with an upgrade would be lifechanging for the applicant as they will have the ability to serve their country again Honorably. The upgrade would also provide them the ability to become a Police Officer, where they can protect and serve both their community and their country. The legal brief provides additional details for consideration.

The Board considered this contention but does not grant relief to gain employment or enhance employment opportunities.

d. The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The Board determined the characterization of service was too harsh for the applicant's misconduct and believed the applicant's length and quality of service, combat service, previous period of Honorable service, and post service accomplishments mitigate the misconduct of willfully disobeyed a NCO and disrespectful language toward an NCO. The Board members did not upgrade the discharge to Honorable based on the assault of an MP and driving a vehicle towards the MP. This misconduct does not warrant an upgrade to Honorable discharge. Based on a preponderance of evidence, the Board determined that the characterization of service was inequitable and decided to upgrade to General (Under Honorable Conditions). The Board voted not to change the narrative reason, SPD, and RE-Code, and found them to be proper and equitable.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20230013927****e. Rationale for Decision:**

(1) The Board voted that the characterization of service was inequitable and granted an upgrade it to General (Under Honorable Conditions). The Board determined the applicant's length and quality of service, combat service, previous period of Honorable service, and post service accomplishments mitigate the misconduct of willfully disobeyed a NCO and disrespectful language toward an NCO. Thus, the prior characterization is no longer appropriate

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

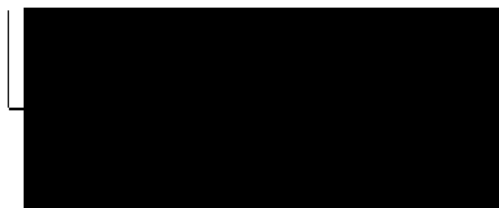
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: 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:

7/17/2025

**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