

1. Applicant's Name:

- a. **Application Date:** 14 October 2023
- b. **Date Received:** 14 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 general (under honorable conditions). The applicant requests an upgrade to honorable, a change of the narrative reason for separation, and an appearance before the Board.

(2) The applicant seeks relief contending, towards the end of their military career, they were going through a multitude of issues, and they really didn't know how to deal with them and they were not aware of their diagnosis at the time. They were influenced by their chain of command and the best thing for them to do was to leave the Army and get their mental capacity under control. They have since been diagnosed with severe depression and anxiety. They feel like their mental conditions played a big part in the things there were going through during the end of their military service. They were severely depressed due to their spouse's infidelity, and they were a new parent still learning how to navigate parenthood with no help. It just became overwhelming for them, and they had a mental breakdown.

(3) They believe they were a great Soldier. They did receive nonjudicial punishment because of misusing their Government Travel Charge Card (GTCC), but they didn't know exactly what the government travel card was or what it could be used for. They were arrested later by civilian police and charged with child neglect and misconduct; however, after fighting the case for over 2 years they were cleared of all charges. Their arrest record was erased or expunged.

(4) Ever since they could remember they wanted to be in the military and knew this is their life. They are disappointed in themselves that they didn't get as far as they could have, but at the time, they really didn't know how to manage their mental issues. They have been receiving years of treatment and are now better able to manage and control their emotions.

b. Board Type and Decision: In a Telephonic Personal Appearance Hearing conducted on 2 December 2024, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

Please see section 10 for further details on the decision.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Pattern of Misconduct / Army Regulation 635-200, Paragraph 14-12B / JKA / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 28 December 2018

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 26 November 2018

(2) Basis for Separation:

- between on or about 17 July 2017 and 2 October 2017, wrongfully used their GTCC for purposes that are inconsistent with the official business of Department of Defense
- on 21 February 2018, arrested and booked in Muscogee County Jail for reckless misconduct and cruelty to a child to a third degree
- on 7 September 2018, arrested for false documents

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

(4) Legal Consultation Date: 4 December 2018

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 12 December 2018

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 26 January 2017 / 4 years

b. Age at Enlistment / Education / GT Score: 22 / HS Diploma / 103

c. Highest Grade Achieved / MOS / Total Service: E-5 / 25U1O, Signal Support System Specialist / 5 years, 2 months, 1 day

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Hawaii / None

f. Awards and Decorations: AAM, AGCM, NDSM, GWTSM, NCOPDR, ASR, OSR

g. Performance Ratings: 1 September 2017 – 27 February 2018 / Not Qualified

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DD Form 293 (Record of Emergency Data) dated 18 May 2016, reflects the applicant's child with a date of birth in December 2015.

(2) A DA Form 4856 (Developmental Counseling Form) dated 11 January 2018, reflects the applicant received event-oriented counseling for misuse of GTCC. The Key Points of Discussion stated the applicant is informed of the intent to recommend Uniform Code of Military Justice (UCMJ) action for misuse of their GTCC. They accrued over \$3,100.00 worth of debt on their GTCC account when they were not authorized to use it. On top of the frivolous spending during personal time, they have been delinquent on their payments since July 2017. They were not forthright about the incident and lied about the charges by claiming identity/GTCC theft. The Plan of Action states, as specified to the applicant, in writing, Defense Finance and Accounting Service will be deducting the debt from their monthly pay in order to recoup the balance owed

on their GTC until the debt is fully paid. The applicant agreed with the information and signed the form.

(3) A DA Form 2627 (Record of Proceedings under Article 15, UCMJ), dated 27 February 2018, reflects the applicant received nonjudicial punishment for, between on or about 17 July 2017 and 2 October 2017, violated a lawful general regulation, to wit: DoD GTCC Regulation, by wrongfully using their GTCC for purposes that are inconsistent with the official business of DoD, in violation of Article 92, UCMJ. Their punishment consisted of a reduction in rank/grade from sergeant/E-5 to specialist/E-4, forfeiture of \$1,245.00 pay for 2 months, and extra duty for 45 days. The applicant elected not to appeal.

(4) A DA Form 2166-9-1 (NCO Evaluation Report) covering the period 1 September 2017 through 27 February 2018, reflects in –

- Part IVb (Character) – the applicant's rater checked "Did Not Meet Standard" and commented "demonstrated behavior inconsistent with Army Values; violated integrity by ignoring programs and policies of the GTCC"
- Part IVe (Intellect) – the applicant's rater checked "Did Not Meet Standard" and commented "displayed poor judgment by accruing personal debt on their GTCC without authorization"
- Part IVf (Leads) – the applicant's rater checked "Did Not Meet Standard" and commented "failed to lead by example; used GTCC inconsistent with their signed statement of understanding"
- Rater Overall Performance – the applicant's rater commented, ranked 2 out of 2 Noncommissioned Officers that I currently rate and did not meet overall standards within the rated period due to misuse of their GTCC
- Part V (Senior Rater Overall Potential) – the applicant's senior rater marked "Not Qualified" and commented [Applicant] ranks 5 out of 5 sergeants I currently senior rate, [Applicant] has leadership potential, but unfortunately displayed a character flaw and needs more time for professional development

(5) A DA Form 4856 (Developmental Counseling Form) dated 22 August 2018, reflects the applicant received event oriented counseling for the suspension of favorable personnel actions (Flag) due to a Law Enforcement Investigation. The Key Points of Discussion reflects, on 21 February 2018, the applicant was arrested and booked in Muscogee County Jail for reckless misconduct, and cruelty to a child third degree. The applicant was being arrested for leaving their child in their car unattended. The applicant agreed with the information and signed the form.

(6) A memorandum, Fort Benning, GA, subject: Law Enforcement Report – Final, dated 11 September 2018, reflects the applicant as the named subject in violation of a Civil Arrest: Warrant (Extradite) (Fraud); No Insurance; and Suspended Registration, with a date of occurrence of 7 September 2018. The Report Summary reflects, a gate security guard notified the Military Police that while conducting Access Control duties, the applicant had an active warrant out of the State of Georgia for Fraud. Upon arrival, Military Police revealed the applicant's vehicle registration was suspended with no valid insurance. The applicant was arrested and transported to the Military Police Station.

(7) A Military Police Desk Blotter, dated 10 October 2018, reflects, the blotter is a daily chronological record of police activity developed from reports, complaints, incidents, or information received and actions resulting therefrom. Entries contained in the blotter may not be completely accurate and are not adjudications attesting to the guilt or innocence of any person. A Blotter was opened on 10 October 2018, case number 00383-2018-CID013, reflects the

applicant as the named subject with the offenses of Larceny of Government Funds (Article 121) and Pay and Allowances (Fraud – Make/Present/Using/Forgery/False Document) (Article 132). The Case Narrative states, their office received a Request for Investigation from Headquarters, U.S. Army Criminal Investigation Command indicating the applicant may have committed Basic Allowance for Housing (BAH) fraud. Military records disclosed the applicant received BAH at the with dependent rate from 2 February 2016 to 30 September 2018. The applicant had a dependent child during this time, which authorized the compensation if the BAH was used to support their child. Mrs. A____ S____ (Mother-in-law of applicant), Elgin, SC, stated they cared for the applicant's child and received no support from the applicant from 2 February 2016 to 30 September 2018. The interview of the applicant is pending. [Note: only two of six pages are in evidence for review.]

(8) A DA Form 4856 (Developmental Counseling Form) dated 11 October 2018, reflects the applicant received event oriented counseling informing them of the initiation of separation under Army Regulation 635-200, paragraph 14-12. The Key Points of Discussion reflects, on 21 August 2018, the applicant was arrested and booked in Muscogee County Jail for reckless misconduct and cruelty to a child third degree. On 7 September 2018 they were also arrested for false documents. The applicant agreed with the information and signed the form.

(9) A DA Form 3822 (Report of Mental Status Evaluation), dated 30 October 2018, reflects the applicant has no duty limitations due to behavioral health reasons and currently meets behavioral health retention standards. Section IV (Diagnoses) reflects the applicant has a behavioral health diagnosis of Adjustment Disorder. The Behavioral Health Provider states a review of the applicant's records reflects the applicant has a past history of behavioral health involvement due to inpatient hospitalization in November 2017 for "suspected suicide attempt" which they denied. Applicant reported they took too much medication. Applicant was seen for post-discharge follow-up for a period and released due to clinical stability by behavior health therapist in January 2018. Applicant recently initiated re-engagement with behavioral health for supportive counseling. The applicant was referred for evaluation pending separation for misconduct. There were no observed behavioral abnormalities, no evidence of thought disorder or psychotic symptoms. They are mentally responsible, able to distinguish right from wrong, and has the mental capacity to understand and participate in administrative/board proceedings. The applicant is psychiatrically cleared for any administrative action deemed appropriate by Command.

(10) A memorandum, Headquarters and Headquarters Company, 1st Battalion, 28th Infantry Regiment, 3rd Infantry Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12b, Patterns of Misconduct, [Applicant], dated 26 November 2018, 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 general (under honorable conditions) for adverse action described in previous paragraph 3c(2). On the same day, the applicant acknowledged the basis for the separation and of the rights available to them.

(11) On 4 December 2018, the applicant completed their election of rights signing they had been advised by counsel of the basis for the contemplated action to separation them for a pattern of misconduct under Army Regulation 635-200, paragraph 14-12b, and its effects and of the rights available to them; and of the effect of any action taken by them in waving their rights. They understood that they may expect to encounter substantial prejudice in civilian life if a general (under honorable conditions) discharge is issued to them and further understand that if they receive a discharge/character of service that is less than honorable, they may be ineligible for many, or all benefits as a veteran under both Federal and State laws. They requested consulting counsel and elected to submit statements in their behalf. In their statement on their

behalf they asked to be retained in the service, to receive a suspended separation, or receive an honorable characterization of service.

(a) They have served for over 5 years and receive several awards. They have completed over 33 hours of college semester hours, multiple military correspondence courses and leadership training, and improved their general technical (GT) score.

(b) The separation is based upon several incidents. They received nonjudicial punishment for misuse of their GTCC of \$40.00 dollars. During this time there were going through financial hardship and the issue has been resolved. They take full responsibility for leaving their child in a vehicle unattended and realize the consequences of their actions. The incident involving false documents, their lawyer is working to get the charge dismissed as the government is unable to produce the false documents. They aware these incidents are serious; however, they do not define who they are or what type of person they are. They guarantee they will stop being impulsive and think about their actions beforehand. They ask to be retained to finish out their reenlistment contract and receive an honorable discharge based on their 5 years of service and not on these incidents. They do not want to have the stigma of a less than honorable discharge when seeking civilian employment, and they think their career to this point warrants that outcome.

(12) A memorandum, Headquarters and Headquarters Company, 1st Battalion, 28th Infantry Regiment, 3rd Infantry Division, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Chapter 14-12c, Commission of a Serious Offense, [Applicant], dated 5 December 2018, reflects the applicant's company commander's recommendation to separate them from the Army prior to the expiration of current term of service. The company commander states the applicant does not possess the potential for useful service under conditions of full mobilization.

(13) A memorandum, Office of the Staff Judge Advocate, subject: Legal Review of Separation under Army Regulation 635-200, Paragraph 14-12b, Patter of Misconduct – [Applicant], dated 7 December 2018, reflects the applicant's separation action was reviewed and found legally sufficient to support separation. The applicant's action do constitute discreditable involvement with civil and military authorities in addition to discreditable conduct prejudicial to good order and discipline within the meaning of Army Regulation 635-200, paragraph 14-12b. The characterization of service of General (Under Honorable Conditions) is authorized under this chapter. The applicant was provided notification, informed of their rights, and given an opportunity to consult with counsel. They presented matters in their own behalf. All other procedural requirements have been met.

(14) A memorandum, Headquarters, U.S. Army Garrison, Fort Benning, subject: Separation under Army Regulation 635-200, Paragraph 14-12b, Patterns of Misconduct, [Applicant], dated 12 December 2018, the separation authority reviewed the separation packet of the applicant and after careful consideration of all matters, directed the applicant be separated from the Army prior to the expiration of their current term of service. The separation authority directed the applicant's service be characterized as General (Under Honorable Conditions). After reviewing the rehabilitative transfer requirements, they determined the requirements do not apply to this action.

(15) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 28 December 2018, with 5 years, 2 months, and 1 day of net active service this period. The DD Form 214 shows in –

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- item 18 (Remarks) – in part, MEMBER HAS COMPLETED FIRST FULL TERM OF SERVICE
- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 25 (Separation Authority) – Army Regulation 635-200, Paragraph 14-12B
- item 26 (Separation Code) – JKA
- item 27 (Reentry Code) – 4
- item 28 (Narrative Reason for Separation) – Pattern of Misconduct

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: On 22 December 2023 the Army Review Boards Agency requested the applicant provide their medical documents to support their mental health issues (severe depression and anxiety), as of this date there has been no response.

(2) AMHRR Listed: Report of Mental Status Evaluation as described above in paragraph 4h(8)

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- Standard Form 312 (Classified Information Nondisclosure Agreement)
- DD Form 4
- DA Form 1059 (Service School Academic Evaluation Report)
- DA Form 2627
- DD Form 214

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the 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 Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), dated 19 December 2016, 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 1 (General Provisions) sets policies, standards, and procedures to ensure readiness and competency of the force while providing for the orderly administrative separation of Soldiers, it provides in pertinent part:

(a) When a separation is ordered, the approved proceedings will be sent to the commander who has the Soldier's records for separation processing. The original copy of the proceedings will be filed in the permanent part of the Soldiers official personnel record.

(b) Army leaders at all levels must be continually aware of their obligation to provide purpose, direction, and motivation to Soldiers. It is essential that Soldiers who falter, but have the potential to serve honorably and well, be given every opportunity to succeed. Except as otherwise indicated, commanders must make maximum use of counseling and rehabilitation before determining that a Soldier has no potential for further useful service and ensure it occurs prior to initiating separation proceedings for reason to include Minor Disciplinary Infractions (14-12a) or a Pattern of Misconduct (14-12b).

(5) 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. 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.

(6) Paragraph 14-3 (Characterization of Service or Description of Separation) prescribed 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.

(7) 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.

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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12b, (Pattern of Misconduct).

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.

g. Manual for Courts-Martial, United States (2019 Edition) stated, 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 order and discipline in the Armed Forces. Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows the maximum punishments include punitive discharge for violating the following Article 92 (Failure to obey order or regulation) Article 119b (Child Endangerment), and Article 121 (Larceny).

8. SUMMARY OF FACT(S):

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

b. A review of the available evidence provides received nonjudicial punishment for misuse of their GTCC; was the subject of a Law Enforcement Report for Civil Arrest, No Insurance, and Suspended Registration; was arrested for reckless misconduct and cruelty to a child third degree; and was involuntarily separated. The applicant's DD Form 214 indicates their discharge under the provisions of Army Regulation 635-200, Chapter 14, paragraph 14-12b (Pattern of Misconduct) with a character of service of general (under honorable conditions). They completed 5 years, 2 months, and 1 day of net active service; completed their first full term of service; however, they did not complete their 4-year contractual reenlistment obligation.

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. The applicant's AMHRR reflect documentation of a diagnosis of Adjustment Disorder; however, their Report of Mental Status Evaluation psychiatrically cleared them for any administrative action deemed appropriate by their Command. The applicant provide evidence of a diagnosis of severe depression and anxiety during their military service.

e. 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/experiences: Chronic Adjustment DO (CAD-50%SC).

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found VA service connection for CAD establishes nexus with military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that that the applicant does not have a mitigating BH condition. While the applicant has been diagnosed with Adjustment DO with mixed anxiety and depressed mood by the Army and with Chronic Adjustment DO (50%SC) by the VA, these conditions do not mitigate her misconduct of credit card abuse, lying, child neglect/abuse and being arrested for false documents as neither condition affects one's ability to distinguish right from wrong and act in accordance with the right.

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

b. Prior Decisions Cited: None

c. Response to Contentions:

(1) The applicant contends during this time of their military career they were going through a multitude of issues, and they really didn't know how to deal with them, and they were not aware of their diagnosis at the time.

The Board acknowledged this contention and determined that while the applicant has been diagnosed with Adjustment DO with mixed anxiety and depressed mood by the Army and with Chronic Adjustment DO (50%SC) by the VA, these conditions do not mitigate her misconduct of credit card abuse, lying, child neglect/abuse and being arrested for false documents as neither condition affects one's ability to distinguish right from wrong and act in accordance with the right.

(2) The applicant contends since their discharge they have been diagnosed with severe depression and anxiety. They feel like their mental conditions played a big part in the things there were going through during the end of their military service.

The Board acknowledged this contention and determined that while the applicant has been diagnosed with Adjustment DO with mixed anxiety and depressed mood by the Army and with Chronic Adjustment DO (50%SC) by the VA, these conditions do not mitigate her misconduct of credit card abuse, lying, child neglect/abuse and being arrested for false documents as neither condition affects one's ability to distinguish right from wrong and act in accordance with the right.

(3) The applicant contends they believe they were a great Soldier.

The Board acknowledged this contention along with the totality of the applicant's records.

(4) The applicant contends they did receive nonjudicial punishment because of misusing their government travel card, but they didn't know exactly what the government travel card was or what it could be used for.

The Board acknowledged this contention and discussed it during deliberations.

(5) The applicant contends they were arrested later by civilian police and charged with child neglect and misconduct; however, after fighting the case for over 2 years they were cleared of all charges. Their arrest record was erased or expunged.

The Board acknowledged this contention and the applicant's explanation of this arrest.

(6) The applicant contends ever since they could remember they wanted to be in the military and knew that this is their life. They are disappointed in themselves that they didn't get as far as they could have, but at the time, they really didn't know how to manage their mental issues. They have been receiving years of treatment and are now better to manage and control their emotions.

The Board acknowledged this contention.

d. 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.

e. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service because, despite applying liberal consideration of all the evidence before the Board, the applicant's Chronic Adjustment DO did not excuse or mitigate the offenses. Panel members cited multiple discrepancies in the applicant's testimony. The applicant stated she did not misuse her GTCC; she reported she mistakenly bought a gym membership for \$40 and repaid the debt, her identity was stolen and all other charges in excess of 2K were made by someone in FL. However, all charges on the GTCC were made in the state of GA, where the applicant was assigned (Ft. Benning, GA). The applicant stated she left her child in the car for a few minutes to drop off paperwork. However, the file reveals the applicant left her child in the car for more than one hour, and the police officer had to pry the car window open to get the applicant's son out of the car. Finally, the applicant stated the BAH fraud and false document charges were not proven, however the applicant did not provide the board with evidence that she did not commit the acts of misconduct. The board noted the applicant's length, quality, and post-service accomplishments, however there is no medical mitigation for the basis for separation, records

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thoroughly document the misconduct, and the applicant failed to provide evidence to refute the charges contained in the official file. 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.

(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:** 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:

1/9/2025

X

Presiding Officer, COL, U.S. ARMY

Army Discharge Review Board

Legend:

AWOL – Absent Without Leave
AMHRR – Army Military Human
Resource Record
BCD – Bad Conduct Discharge
BH – Behavioral Health
CG – Company Grade Article 15
CID – Criminal Investigation
Division
ELS – Entry Level Status
FG – Field Grade Article 15

GD – General Discharge
HS – High School
HD – Honorable Discharge
IADT – Initial Active Duty Training
MP – Military Police
MST – Military Sexual Trauma
N/A – Not applicable
NCO – Noncommissioned Officer
NIF – Not in File
NOS – Not Otherwise Specified

OAD – Ordered to Active Duty
OBH (I) – Other Behavioral
Health (Issues)
OMPF – Official Military
Personnel File
PTSD – Post-Traumatic Stress
Disorder
RE – Re-entry
SCM – Summary Court Martial
SPCM – Special Court Martial

SPD – Separation Program
Designator
TBI – Traumatic Brain Injury
UNC – Uncharacterized
Discharge
UOTHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs