

1. Applicant's Name: [REDACTED]

a. **Application Date:** 27 October 2023

b. **Date Received:** 31 October 2023

c. **Counsel:** None

2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:

a. **Applicant's Requests and Issues:** The current characterization of service for the period under review is under other than honorable conditions. The applicant requests a change to the RE code. The applicant did not properly annotate the enclosed application requesting a possible discharge upgrade. The Army Discharge Review Board considered the applicant for a possible upgrade as instructed in pertinent part by Department of Defense Instruction 1332.28, which stipulates a request for review from an applicant without an honorable discharge shall be treated as a request for a change to an honorable discharge unless the applicant requests a specific change to another character of discharge.

b. The applicant seeks relief contending, in effect, the RE code is unjust. The applicant received a RE-3 code on the NGB Form 22 and an RE-4 code on the DD Form 214 (Certificate of Release or Discharge from Active Duty). Per Orders 203-077, 203-080, 213-0001, the applicant should have received RE-3 on the DD Form 214 as well. The applicant is only asking to get the RE code changed to get back into the military. The applicant is also arguing that the applicant was injured in basic training, and it was never recognized during the discharge decision. After being denied additional time off to properly heal and having to restart another 16 weeks of training, the applicant got scared thinking the applicant would lose rights to the applicant's daughter which caused the applicant to go absent without leave (AWOL).

c. **Board Type and Decision:** In a records review conducted on 09 July 2025, and by a 5-0 vote, 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 did not have a condition or experience that may excuse or mitigate the misconduct of AWOL. The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same reasons, as the reason the applicant was discharged was both proper and equitable. The Board voted to grant an upgrade to the reentry eligibility (RE) code from RE-4 to RE-3 in order to align with the applicant's NGB-22.

*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:** 28 April 2015

c. **Separation Facts:** The applicant's AMHRR contains the case separation file. However, the applicant provided documents which are described below in subparagraphs 3c (4) and (5).

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20230014331

(1) Date and Charges Preferred (DD Form 458, Charge Sheet): On 9 April 2015, the applicant was charged with: Violating Article 86, UCMJ, for being AWOL from on or about 13 June 2014 until on or about 6 April 2015.

(2) Legal Consultation Date: 9 April 2015

(3) Basis for Separation: Pursuant to the applicant's request for discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial.

(4) Recommended Characterization: Under Other Than Honorable Conditions

(5) Separation Decision Date / Characterization: 17 April 2015 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 28 January 2014 / 8 years

b. Age at Enlistment / Education / GT Score: 19 / High School Graduate / 95

c. Highest Grade Achieved / MOS / Total Service: E-1 / None / 4 months and 25 days

d. Prior Service / Characterizations: ARNG, 28 January 2014 - 14 July 2014 / Uncharacterized

e. Overseas Service / Combat Service: None

f. Awards and Decorations: None

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Orders 4042003, 4 February 2014, shows the applicant was ordered to IADT at Fort Benning, GA with a report date of 11 February 2014.

(2) The applicant provided:

(a) Physical Profile, 21 April 2014, shows the applicant had medical conditions limiting their duties: right tibial diaphysis and bilateral medial femoral condyles; and tibial plateau stress reaction changes.

(b) Medical Record, 21 and 27 May 2014, shows the applicant was seen for a follow up after convalescent leave for a bilateral tibia stress fracture which still was in pain.

(3) Personnel Action Form, 13 June 2014, shows the applicant's duty status changed from present for duty (PDY) to AWOL, effective 13 June 2014.

(4) The applicant provided:

(a) Personnel Action Form, 13 July 2014, shows the applicant's duty status changed from AWOL to DFR, effective 13 July 2014.

(b) National Guard Bureau (NGB) Form 22 (Report of Separation and Record of Service), shows the applicant was discharged on 14 July 2014, under the authority of NGR 600-200, paragraph 6-35i(10), DFR, with an uncharacterized character of service and RE code 3. The NGB Form 22 was not authenticated with the applicant's electronic signature.

(c) Orders 203-077, 22 July 2014, shows the applicant was honorably discharged from the Army National Guard and as a reserve of the Army after being DFR.

(d) Orders 203-080, 22 July 2014, amends Orders 203-077, 22 July 2014, to show the applicant was discharged with an uncharacterized character of service.

(e) Orders 213-0001, 1 August 2014, shows the applicant was discharged from the Army National Guard with an uncharacterized character of service and RE code 3, effective 14 July 2014.

(5) DA Form 616 (Report of Return of Absentee), shows the applicant surrendered to military authorities on 6 April 2015.

(6) The applicant provided memorandum, subject: AWOL/Interview Report Chapter 10/Chapter 14, 7 April 2015, that states the applicant got injured and was sent home for 30 days and upon return the applicant was going to be recycled. The applicant wanted to start training from where they left off and because that was denied, the applicant left Fort Benning, GA without approval.

(7) On 9 April 2015, the applicant received consultation with legal counsel, and voluntarily requested in writing, a discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial. In this request, the applicant admitted guilt to the offense, or a lesser included offense, and indicated an understanding an under other than honorable conditions discharge could be received, and the discharge would have a significant effect on eligibility for veterans' benefits. The applicant elected not to have a physical evaluation prior to separation.

(8) The applicant provided Personnel Action Form, 14 April 2015, showing the applicant's duty status changed from DFR to PDY, effective 6 April 2015.

(9) On 15 April 2015, the applicant's company commander recommended the applicant receive a special court-martial empowered to impose a bad conduct discharge.

(10) The applicant provided:

(a) Memorandum, subject: Request for Discharge in Lieu of Trial by Court-Martial, 15 April 2015, shows the company commander recommended a chapter 10 be approved with an under other than honorable discharge.

(b) DD Form 214, shows the applicant had not completed the first full term of service. The applicant was discharged on 28 April 2015 under the authority of AR 635-200, Chapter 10, by reason of In Lieu of Trial by Court-Martial, with a characterization of service of under other than honorable conditions and RE code 4. The DD Form 214 was not authenticated with the applicant's electronic signature. The applicant had lost time for the period of 13 June 2014 to 5 April 2015.

(11) The applicant's Enlisted Record Brief, 29 April 2015, shows the applicant was flagged for adverse action (AA), effective 13 June 2014; and was ineligible for reenlistment due to an adverse action flag (9B).

i. **Lost Time / Mode of Return:** 9 months and 24 days (AWOL, 13 June 2014 - 5 April 2015) / Surrendered to Military Authorities

j. **Behavioral Health Condition(s):**

(1) **Applicant provided:** None

(2) **AMHRR Listed:** None

The ARBA's medical advisor reviewed DoD and VA medical records.

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293; DD Form 214; self-authored statement; parent relationship court agreement; medical record; partial case separation packet; character statement; and two references.

6. POST SERVICE ACCOMPLISHMENTS: The applicant is employed with Terminix, during the applicant's employment, in a short time the applicant went from being a pest technician, to a field supervisor, and currently is a service manager.

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), 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), provides the basic authority for the separation of enlisted personnel.

(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) 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.

(4) Paragraph 3-9 states a separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status. Except when: (1) Characterization under other than honorable conditions is authorized under the reason for separation and is warranted by the circumstances of the case. The Soldier is on active duty with

less than 181 days of continuous active military service, has completed initial entry training, has been awarded an MOS, and has reported for duty at a follow-on unit of assignment (see paragraph 11-3c). Reserve Component Soldiers will receive a characterization of service as “honorable” upon successful completion of initial entry training.

(5) Chapter 10 provides, in pertinent part, that a member who has committed an offense or offenses for which the authorized punishment includes a punitive discharge may submit a request for a discharge for the good of the Service in lieu of trial by court-martial. The request may be submitted at any time after charges have been preferred and must include the individual’s admission of guilt.

(6) Paragraph 10-6 stipulates medical and mental examinations are not required but may be requested by the Soldier under AR 40–501, chapter 8.

(7) Paragraph 10-8a stipulates a discharge under other than honorable conditions normally is appropriate for a Soldier who is discharged 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. (See chap 3, sec II.)

(8) Paragraph 10-8b stipulates 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.

(9) Paragraph 10-8c, stipulates when characterization of service under other than honorable conditions is not warranted for a Soldier in entry-level status, service will be uncharacterized.

(10) 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.

(11) For ARNGUS and USAR Soldiers, entry-level status begins upon enlistment in the ARNG or USAR. For Soldiers ordered to IADT for one continuous period, it terminates 180 days after beginning training. For Soldiers ordered to IADT for the split or alternate training option, it terminates 90 days after beginning Phase II advanced individual training (AIT). (Soldiers completing Phase I basic training or basic combat training remain in entry-level status until 90 days after beginning Phase II.)

e. Army Regulation 635-5-1 (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 waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes:

(1) RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

(2) RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

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

a. The applicant requests a change to the RE code. The applicant will be considered for an upgrade. The applicant's AMHRR, the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's DD Form 214 shows the applicant served 4 months and 25 days. The applicant was AWOL for 9 months and 24 days. The applicant's DD Form 214 shows the applicant was discharged on 28 April 2015 under the provisions of AR 635-200, Chapter 10, by reason of In Lieu of Trial by Court-Martial, with a characterization of service of under other than honorable conditions.

c. The evidence in the applicant's AMHRR confirms the applicant was charged with the commission of an offense punishable under the UCMJ with a punitive discharge. The applicant, in consultation with legal counsel, voluntarily requested, in writing, a discharge under the provisions of AR 635-200, Chapter 10, in lieu of trial by court-martial. In this request, the applicant admitted guilt to the offense, or a lesser included offense, and indicated an understanding an under other than honorable conditions discharge could be received, and the discharge would have a significant effect on eligibility for veterans' benefits. The under other than honorable conditions discharge received by the applicant was normal and appropriate under the regulatory guidance.

d. The applicant contends, in effect, the RE code is unjust. The applicant states the DD Form 214 should reflect RE code 3, the same as the NGB Form 22, Orders 203-077 and 203-080, 22 July 2014, and 213-0001, 1 August 2014 instead of RE code 4. The applicant desires to rejoin the military service. Soldiers processed for separation are assigned reentry codes based on their service records or the reason for discharge. Based on Army Regulation 601-210, the applicant was appropriately assigned an RE code of "4." An RE code of "4" cannot be waived, and the applicant is no longer eligible for reenlistment.

e. The applicant contends, in effect, the applicant was injured in basic training and it was never recognized during the discharge decision. AR 635-200, paragraph 10-6 stipulates medical and mental examinations are not required but may be requested by the Soldier under AR 40-501, chapter 8. Evidence in the AMHRR shows the applicant elected not to have a physical evaluation prior to separation.

f. The third-party statements provided with the application speak highly of the applicant. The applicant is employed with Terminix, during the applicant's employment, in a short time the applicant went from being a pest technician, to a field supervisor, and currently is a service manager. They all recognize the applicant's dedication and determination to succeed in being one of the best service managers in the region.

g. Published Department of Defense 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? **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:

c. Response to Contention(s):

(1) The applicant contends, in effect, the RE code is unjust. The applicant states the DD Form 214 should reflect RE code 3, the same as the NGB Form 22, Orders 203-077 and 203-080, 22 July 2014, and 213-0001, 1 August 2014 instead of RE code 4. The applicant desires to rejoin the military service.

The Board considered this contention and determined it was valid and voted to upgrade the applicant's RE code to RE-3.

d. 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 did not have a condition or experience that may excuse or mitigate the misconduct of AWOL. The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same reasons, as the reason the applicant was discharged was both proper and equitable. The Board voted to change the RE code 4 to RE-3 and change the applicant's DD 214 to reflect RE Code 3.

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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 did not have a condition or experience that may excuse or mitigate the misconduct of AWOL.

(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.

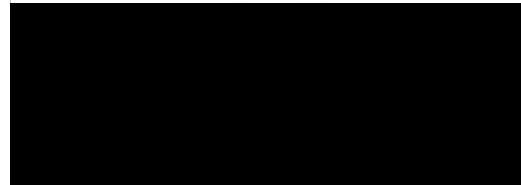
(3) The RE code will change to RE-3.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order:** Yes
- b. Change Characterization to:** No Change
- c. Change Reason / SPD code to:** No Change
- d. Change RE Code to:** RE-3
- e. Change Authority to:** No Change

Authenticating Official:

7/18/2025



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