

1. **Applicant's Name:** [REDACTED]
- a. **Application Date:** 16 November 2023
- b. **Date Received:** 20 November 2023
- c. **Counsel:** [REDACTED]

## 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 uncharacterized. The applicant requests a change of their character of service, separation code, reentry code, and the narrative reason for separation.

(2) The applicant, through representation, seeks relief stating they did not knowingly misrepresent or deliberately conceal the fact that they are or have been on medication for treatment of their "Aspergers Syndrome." Prior to their enlistment they spoke with several recruiters and let them know that they were taking medication for Aspergers Syndrome and the recruiters told the applicant that there was no need to mention it. The Army only learned of the applicant's Aspergers Syndrome when they volunteered the information to the staff psychologist during their third week of service.

(3) The Army had an option at that time to separate the applicant for this disability under provision of Title 10, U.S. Code, Chapter 61 (Retirement or Separation for Physical Disability), Disability separations that result in an Honorable or Entry Level Separation [Note: reference does not discuss Entry Level Separation]. Uniform Code of Military Justice (UCMJ) states the accused must knowingly misrepresent or deliberately conceal a certain material fact or facts regarding enlistment qualifications to be classified as fraudulent. The applicant did not believe that Aspergers Syndrome at this point in their life was a material impediment for them to apply their skills and abilities in the Army. The applicant was coerced to agree to a misconduct charge due to depression. The applicant was not afforded an opportunity to represent themselves or have anyone else represent them during the investigation.

(4) The discharge uncharacterized, Fraudulent Entry is a discharge that carries considerable stigma and deprives the Soldier of substantially all veteran's benefits. It also carries a stigma of depriving the citizen of future employment opportunities. Their current discharge does deprive them of employment opportunities and a chance to a meaningful life. The applicant pleads that the Army Review Boards Agency will correct their discharge to an Entry Level Separation.

**b. Board Type and Decision:** In a records review conducted on 7 August 2024, and by a 5-0 vote, the Board determined the applicant's characterization of service is proper and equitable because the applicant was separated while in an entry level status. However, the Board voted to grant relief in the form of a change to the narrative reason for separation to Failed Medical/ Physical Procurement Standards with a corresponding separation code of JFW. The applicant's reentry eligibility (RE) code will remain RE-3.

*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:** Fraudulent Entry / Army Regulation 635-200 / JDA / RE-3 / Uncharacterized

**b. Date of Discharge:** 21 August 2023

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 4 August 2023

**(2) Basis for Separation:** fraudulent enlistment

**(3) Recommended Characterization:** uncharacterized

**(4) Legal Consultation Date:** 8 August 2023

**(5) Administrative Elimination Board:** NA

**(6) Separation Decision Date / Characterization:** 17 August 2023 / Uncharacterized

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 23 May 2023 / 3 years, 19 weeks

**b. Age at Enlistment / Education / GT Score:** 25 / HS Graduate / 82

**c. Highest Grade Achieved / MOS / Total Service:** E-2 / NA / 2 months, 29 days

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

**e. Overseas Service / Combat Service:** None

**f. Awards and Decorations:** None

**g. Performance Ratings:** NA

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

**(1)** A DD Form 2807-2 (Accessions Medical Prescreen Report), dated 11 January 2023, reflects the applicant marked "No" to all Learning, Psychiatric, and Behavioral health issues. The applicant certified, by their signature, that the information on this form is true and complete to the best of their knowledge and belief, and no person has advised them to conceal or falsify any information about their medical and mental/behavioral health inquiry.

**(2)** A Readiness Documentation, Knoxville, Military Entrance Processing Station, dated 18 January 2023, reflects the applicant was qualified for service with no physical profile limitations.

**(3)** A DA Form 4707 (Entrance Physical Standards Board Proceedings) dated 12 June 2023, reflects the findings by the evaluating physicians that after careful considerations of medical records, the board finds that the Service Member (SM) was medically unfit for

appointment or enlistment in accordance with current medical fitness standards and in the opinion of the evaluating physicians the conditions existed prior to service (EPTS). The brief narrative summary states –

(a) Presenting Problem – the SM arrived at Fort Leonard Wood for Basic Combat Training on 3 May 2023. They were evaluated by Behavioral Health on 5 June 2023 and 6 June 2023 and was referred for an EPTS Evaluation. The applicant does not wish to remain in the Army.

(b) Past mental health history – the applicant signed an agreement for collateral contact with their father, who confirmed the applicant has a history of diagnosed Autism Spectrum Disorder, Anxiety, and panic attacks. The applicant also received inpatient psychiatric care for mood swings when they were 19 years old. Additionally, they received Social Security Disability for several years, and stopped receiving the payments when they enlisted.

(c) Mental Status Examination was normal; however, the applicant's diagnosis is shown as Adjustment Disorder.

(d) The applicant concurred with the proceedings and requested to be discharged from the U.S. Army without delay.

(4) In the applicant's memorandum, subject: Separation History and Physical Examination History Waiver Request, dated 20 June 2023, the applicant states they have had a physical examination using a DD Form 28-7-1 (Report of Medical History) and a DD Form 2808 (Report of Physical Examination) within 6 months of their separation date and they are request a SHPE waiver. On that same day, the commander approved the request for waiver and the Aeromedical Physician Assistant state the applicant is medically cleared for separation, no further treatment requires.

(5) A memorandum, Delta Company, 31st Engineer Battalion, 1st Engineer Brigade, subject: Findings and Recommendations for Army Regulation 15-6 Investigation Concerning Fraudulent Enlistment by [Applicant], dated 23 June 2023, reflects the Investigating Officer's (IO) findings and recommendations.

(a) The IO states the applicant stated that they were diagnosed with autism spectrum disorder at age 11. On 20 June 2023, the applicant underwent a mental status evaluation and was diagnosed with Adjustment Disorder with Anxiety as well as Autism Spectrum Disorder. The applicant's mental condition constitutes fraudulent enlistment and was substantiated in accordance with Army Regulation 635-200, paragraph 7-17. However, because the applicant did not misrepresent nor deliberately conceal their mental disorders to their recruiter, their actions do not constitute fraudulent enlistment. In their sworn statement, they indicate they brought up their history of mental disabilities early in their recruitment process; however, their recruiter instructed them to not bring it up throughout their enlistment process. Further, exhibit C [Not in evidence for review], show that they received guidance from their recruiter that if they stopped taking their medicine for a period of 2 years before enlistment, they would qualify for enlistment. These statements indicate the applicant attempted to disclose their condition to their recruiter and received incorrect guidance on their eligibility for enlistment. The four-part test for fraudulent enlistment outlined in Article 104a (Fraudulent Enlistment, Appointments, or Separation), UCMJ is not satisfied as the applicant attempted to disclose their mental disorders to their recruiter during enlistment.

(b) The IO, after carefully considering the evidence, find by the preponderance of the evidence, the applicant's action constitutes fraudulent enlistment under Army

Regulation 635-200, paragraph 7-17. However, because they did not misrepresent nor deliberately conceal their mental disorders to their recruiter, their actions do not constitute fraudulent enlistment under Article 104a, UCMJ.

(c) In view of the above findings, the IO recommends the applicant's company commander initiate an administrative separation pursuant to Army Regulation 635-200. They recommend that no punitive action be taken against the applicant.

(6) Three DA Forms 4856 (Developmental Counseling Form) dated 24 July 2023, reflects the applicant received event-oriented counseling, from their senior drill sergeant, company first sergeant and company commander, with notification of recommendation for separation in accordance with Army Regulation 635-200, paragraph 7-17. The applicant agreed with the information and signed the forms.

(7) A memorandum, Delta Company, 31st Engineer Battalion, subject: Notification of Administrative Separation under Army Regulation 635-200, Paragraph 7-17, dated 4 August 2023, the applicant's company commander notified the applicant of their intent to separate them for Incident of Fraudulent Entry under the provisions of Army Regulation 635-200, paragraph 7-17, with a recommended entry-level separation (uncharacterized). On 8 August 2023, the applicant's acknowledgement of receipt of separation notice and of the rights available to them.

(8) On 8 August 2023, the applicant completed their election of rights signing they had been advised by consulting counsel of the basis for their separation and its effects and of the rights available to them; and of the effect of any action taken by them in waiving their rights. They elected to submit statements on their own behalf [Note: statements in their behalf are not in evidence for review]. They waived consulting counsel. They understood that they are being considered for separation for fraudulent entry, their enlistment may be voided under certain circumstances, and that all pay and allowance will be suspended immediately upon verification of the fraudulent entry.

(9) A memorandum, Delta Company, 31st Engineer Battalion, subject: Commander's Report for Separation under Army Regulation 635-200, Paragraph 7-17, dated 9 August 2023, the applicant's company commander submitted a request to separate them prior to their expiration term of service. The company commander states it is not feasible or appropriate to accomplish other disposition as the applicant concealed medical disability, if identified at time of initial entry into the U.S. Army, would have precluded their enlistment. Behavioral Health confirmed the applicant has a pre-existing medical impairment. The separation is in the best interest of both the Army and the Soldier.

(10) A memorandum, 1st Engineer Brigade, subject: Administrative Separation under Army Regulation 635-200, Paragraph 7-17, dated 17 August 2023, the separation authority having reviewed the separation packet of the applicant, directed the applicant be separated from the Army prior to the expiration of current term of service and their service be characterized as uncharacterized. After reviewing the rehabilitative transfer requirement, the commander determined the requirements do not apply to this action. The separation is in the best interest of both the Army and the Soldier.

(11) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 21 August 2023, with 2 months, and 29 days of net active service this period. The applicant has not completed their first full term of service. The DD Form 214 shows in –

- item 24 (Character of Service) – Uncharacterized

- item 26 (Separation Code) – JDA [Fraudulent Entry]
- item 27 (Reentry Code) – 3 [Nonwaiverable Disqualification]
- item 28 (Narrative Reason for Separation) – Fraudulent Entry

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

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

**(1) Applicant provided:**

- Child Evaluation Center, Psychological Evaluation dated 2 December 2009, reflects, at age 11, their diagnostic impression is consistent with Mild Mental Retardation, Autism, and Generalized Anxiety Disorder
- Child Evaluation Center, Initial Comprehensive Medical Evaluation dated 14 June 2010, reflects at age 12, their overall clinical symptomatology is most consistent with mild intellectual disability and autism; and they have generalized anxiety disorder that complicates the clinical picture
- Encounter Summary, reflecting diagnoses of Acute Stress Reaction, Depression Problems of Adjustment to Life-Cycle Transitions, Adjustment Disorder with Anxiety and Asperger's Syndrome

**(2) AMHRR Listed:** MSE/BHE as described in previous paragraph 4h(3).

**5. APPLICANT-PROVIDED EVIDENCE:**

- DD Forms 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- three Counsel Letter
- Child Evaluation Center, Psychological Evaluation
- Child Evaluation Center, Initial Comprehensive Medical Evaluation
- Encounter Summary

**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 DoD 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)** Paragraph 7-17 provides, in pertinent part, a fraudulent entry is the procurement of an enlistment, reenlistment, or period of active service through any deliberate material misrepresentation, omission, or concealment of information which, if known and considered by the Army at the time of enlistment or reenlistment, might have resulted in rejection. This includes all disqualifying information requiring a waiver. A Soldier who concealed his or her conviction by civil court of a felonious offense normally will not be considered for retention.

**(5)** Paragraph 7-23 stipulates a Soldier discharged under the provisions of this chapter will be furnished DD Form 256A or assigned a character of service of under other than honorable conditions. If in entry-level status, service will be described as uncharacterized, as appropriate. In addition to chapter 3, section II, the following factors will be considered in determining the character of service to be issued during the current period of service:

**(a)** Evidence of pre-service misrepresentation that would have precluded, postponed, or otherwise affected the Soldier's enlistment eligibility.

**(b)** Characterization will normally be under other than honorable conditions if the fraud involves concealment of a prior separation in which service was not characterized as honorable.

**(c)** The offense of fraudulent enlistment (10 USC 883; Art 83 UCMJ) occurs when the Soldier accepts pay or allowances following enlistment procured by willful and deliberate false representation or concealment of his/her qualifications. Therefore, upon receipt of pay and allowances, it becomes an in-service activity by the Soldier and may be considered in characterizing his/her period of service, even though he/she is not tried for the offense.

**(d)** When the individual is in an AWOL status, or in desertion, or in the hands of civil authorities, the provisions of chapter 2, section III, must be followed.

**(6)** Glossary defines entry-level status for Regular Army Soldiers is the first 180 days of continuous Active Duty or the first 180 days of continuous Active Duty following a break of more than 92 days of active military service.

**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 "JDA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 7, paragraph 7-17, fraudulent entry.

**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

Instruction 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. Department of Defense Instruction 6130.03 (Medical Standards for Military Service: Appointment, Enlistment, or Induction) establishes policy, assigns responsibilities, and prescribes procedures for medical standards for appointment, enlistment, or induction into the Military Services. Section 6 (Disqualifying Conditions) states the conditions listed in this section are those that do not meet the standard by virtue of current diagnosis, or for which the candidate has a verified past medical history, including paragraph 6.28 (Learning, Psychiatric, and Behavioral Disorders), autism spectrum disorders.

h. 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. Article 104a (Fraudulent Enlistment, Appointment, or Separation) states any person who procures their own enlistment or appointment in the Armed Forces by knowingly false representation or deliberate concealment as to their qualifications for that enlistment or appointment and receives pay or allowance thereunder; shall be punished as a court-martial may direct. The elements of a fraudulent enlistment or appointment –

- that the accused was enlisted or appointed in an Armed Force;
- that the accused knowingly misrepresented or deliberately concealed a certain material fact or facts regarding qualifications of the accused for enlistment or appointment;
- that the accused's enlistment or appointment was obtained or procured by that knowingly false representation or deliberate concealment; and
- that under this enlistment or appointment that the accused received pay or allowance or both

i. Title 10, U.S. Code, Chapter 61 (Retirement or Separation for Physical Disability), section 1207a (Member with over 8 years of active service; eligibility for disability retirement for pre-existing conditions) states in the case of a member, described in section 1201, 1202, or 1203 (Regular and members on active duty for more than 30 days; retirement, temporary disability retired list, or separation) of this title, with at least 8 years of active service, but for the fact that the member's disability is determined to have been incurred before the members became entitled to basic pay in the member's current period of active duty, the disability shall be



deemed to have been incurred while the member was entitled to basic pay and shall be so considered for purposes of determining whether the disability was incurred in the line of duty.

#### 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 the applicant's deliberate material misrepresentation, omission, or concealment of their medical and behavioral health condition that existed prior to service which constitutes fraudulent entry. The Army Military Human Resource Record contains the Entrance Physical Standards Board Proceedings reflecting their conditions existed prior to serve and if the applicant's mental health problems had been detected at the time of enlistment, it would have prevented enlistment in the military. The DD Form 214 provides the applicant was discharged with a character of service of uncharacterized. They completed 2 months, and 29 days of net active service this period; however, they did complete their 3-year, 19-week contractual enlistment obligation.

c. Paragraph 7-17 provides, in pertinent part, a fraudulent entry is the procurement of an enlistment, reenlistment, or period of active service through any deliberate material misrepresentation, omission, or concealment of information which, if known and considered by the Army at the time of enlistment or reenlistment, might have resulted in rejection. This includes all disqualifying information requiring a waiver.

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

#### 9. BOARD DISCUSSION AND DETERMINATION:

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

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses: Mild Mental Retardation, Autism Spectrum Disorder Level 1 (previously Aspergers Syndrome), Generalized Anxiety Disorder, Mixed Receptive and Expressive Language Disorder, Learning Disability (Reading), and Adjustment Disorder with Anxiety.

(2) Did the condition exist, or experience occur during military service? **Yes.** Mild Mental Retardation, Autism Spectrum Disorder Level 1 (previously Aspergers Syndrome), Mixed Receptive and Expressive Language Disorder, Learning Disability (Reading), and Adjustment Disorder with Anxiety.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given the intellectual, developmental, and learning factors more likely than not influenced the enlistment, high likelihood the applicant was directed to be deceptive although the applicant would not have

understood this, and lack of misconduct or other difficulties, a change in narrative reason for separation is recommended.

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

**b.** Response to Contention(s):

**(1)** The applicant contends they did not knowingly misrepresent or deliberately conceal the fact that they are or have been on medication for treatment of their "Aspergers Syndrome. The Board considered this contention during proceedings and voted to grant relief in the form of a change to the narrative reason for separation.

**(2)** The applicant contends prior to their enlistment they spoke with several recruiters and let them know that they were taking medication for Aspergers Syndrome and the recruiters told the applicant that there was no need to mention it. The Army only learned of the applicant's Aspergers Syndrome when they volunteered the information to the staff psychologist during their third week of service. The Board considered this contention during proceedings, but ultimately did not address the contention and voted to grant relief in the form of a change to the narrative reason for separation.

**(3)** The applicant contends they were coerced to agree to a misconduct charge due to depression. They were not afforded an opportunity to represent themselves or have anyone else represent them during the investigation. The Board considered this contention during board proceedings along with the totality of the applicant's service record.

**(4)** The applicant contends their current discharge deprives them of employment opportunities and a chance to a meaningful life. The applicant pleads that the Army Review Boards Agency will correct their discharge to an Entry Level Separation. The Board considered this contention during proceedings along with the totality of the applicant's service record.

**c.** The Board determined the applicant's characterization of service is proper and equitable because the applicant was separated while in an entry level status. However, the Board voted to grant relief in the form of a change to the narrative reason for separation to Failed Medical/ Physical Procurement Standards with a corresponding separation code of JFW. The applicant's reentry eligibility (RE) code will remain RE-3.

**d.** Rationale for Decision:

**(1)** The Board voted not to change the applicant's characterization of service because, in accordance with AR 635-200 and based on the applicant's official record the applicant was separated while in an entry level status and Uncharacterized discharge is the proper characterization of service except when the DCS, G-1 determines that an Honorable discharge is warranted based on unusual circumstances involving personal conduct and performance of duty, which is not applicable in this case. Therefore, no change is warranted.

**(2)** The Board voted to change the reason for discharge to Failed Medical/ Physical Procurement Standards due to the applicant's medical diagnoses, mild mental retardation, Autism Spectrum Disorder Level 1 (previously Aspergers Syndrome), Mixed Receptive and Expressive Language Disorder, Learning Disability (Reading), and Adjustment Disorder with Anxiety, which existed prior to service (EPTS), thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JFW.

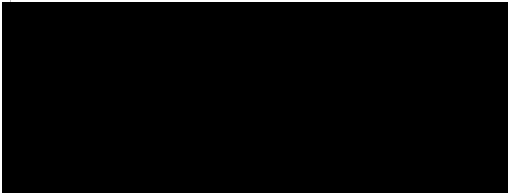
**(3)** The RE code will not change due to the applicant's medical conditions.

**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: Failed Medical/ Physical Procurement Standards/ JFW
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200

**Authenticating Official:**

8/22/2024



**Legend:**

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

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

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

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