

1. Applicant's Name:

- a. **Application Date:** 26 October 2022
- b. **Date Received:** 6 November 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 honorable conditions. The applicant requests an upgrade to honorable.

(2) The applicant seeks relief contending their discharge was inequitable because it was based on the isolated incidents in 6 years of service with no other adverse actions. With their current characterization of service, they are not allowed to use their education benefits. They take ownership for their behavior of the last year of their military service and have worked hard on bettering themselves and by doing so, they have taken it upon themselves to seek Behavioral Health counseling through their medical provider.

b. Board Type and Decision: In a records review conducted on 18 September 2024, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

Please refer to Section 9 of this document for the Board Discussion and Determination.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct (Serious Offense) / Army Regulation 635-200 / JKQ / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 21 July 2022

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 15 June 2022

(2) **Basis for Separation:** The applicant was informed of the following reasons; an investigation determined the applicant violated Army regulation in that –

on or about 1 March 2021, tripped PFC M____ and said that as a sergeant they could do whatever they wanted on or about 17 May 2021, screamed at PFC M____ and used profanities and pounding a desk while they screamed at PFC M____ on or about 30 August 2021, grabbed PFC M____ and pinned them against the wall, then release them and blocked their path. The applicant then kicked PFC M____'s foot as they tried to go around them at or near the National Training Center, on multiple various occasions, between on or about 18 October 2021 and 14 November 2021, assaulted PFC W____, by grabbing their neck, thigh, and waist, with their hands, and jumping on top of them.

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

(4) **Legal Consultation Date:** 21 June 2022

(5) Administrative Separation Board: On 21 June 2022, the applicant conditionally waived consideration of the case before an administrative separation board, contingent upon receiving a characterization of service no less favorable than general (under honorable conditions) discharge.

(6) Separation Decision Date / Characterization: NIF

4. SERVICE DETAILS:

a. Date / Period of Re-enlistment: 13 January 2021 / 3 years

b. Age at Re-enlistment / Education / GT Score: 23 / HS Graduate / 91

c. Highest Grade Achieved / MOS / Total Service: E-5 / 11B2O, Infantryman / 6 year, 9 months, 17 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: None

f. Awards and Decorations: AAM-2, AGCM-2, NDSM, GWTSM, AFSM, NCOPDR, ASR

g. Performance Ratings: 1 October 2019 – 30 September 2020 / Qualified
1 October 2020 – 30 September 2021 / Not Qualified

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DA Form 2166-9-1 (NCO Evaluation Report (NCOER)) covering the period 1 October 2019 through 30 September 2020, reflects the applicant received an adverse evaluation for being 2 percent over enrolled on Army Body Composition Program. In Part V (Senior Rater Overall Potential) the applicant's senior rater rated their potential as "QUALIFIED" and commented "[Applicant] displays the potential to excel in positions of increased responsibility and influence. [Applicant] will be an excellent Squad Leader after further development. Promote with peers and send to Maneuver Advanced Leader Course when available."

(2) A DA Form 2166-9-1 (NCOER), covering the period 1 October 2020 through 30 September 2021, reflects the applicant received a Relief for Cause evaluation.

Part II (Authentication) – reflects the applicant, rater, senior rater and supplementary reviewer all signed the NCOER on 10 June 2022

Part IVc (Character) – reflects the rater marked "DID NOT MEET STANDARD" and commented "did not uphold Equal Opportunity standards within the workplace; resulted in a founded investigation

Part IVg (Develops) reflects the rater marked "DID NOT MEET STANDARD" and commented "did not create a positive environment outside of the platoon; was not reflective of someone in an NCO position

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Rater Overall Performance – reflects the rater commented "number 3 sergeant I currently rate; performance at times was not indicative of an NCO; and the rated Soldier has been notified of the reason for the relief"

Part V (Senior Rater Overall Potential) – reflects the senior rater marked "NOT QUALIFIED" and commented –

"[Applicant] is currently ranked 11th out of 11 E-5s that I am senior rating in this period I directed the relief of [Applicant] due to a founded [Equal Opportunity] EO case against [applicant] in which [applicant] bullied another Soldier in the Company [Applicant] did not exhibit leadership potential as a team leader I recommend that [applicant] be separated from the Army and barred from reenlistment as soon as possible"

(3) A memorandum, Headquarters, 1st Battalion, 12th Infantry Regiment, subject: Army Regulation 15-6 (Procedures for Investigating Officers and Boards of Officers) Investigation Concerning Allegations of Equal Opportunity Violations (Bullying) by [Applicant], dated 5 October 2021, the Investigating Officer states –

Investigating Officer found there are admittances to physical contact between the applicant and Private First Class (PFC) M____
Applicant fosters an environment conducive to bullying within their platoon
[Note: the memorandum is incomplete, only pages 1-5 are in evidence for review]

(4) A DA Form 3822 (Report of Mental Status Evaluation) dated 11 February 2022 reflects the applicant has no duty limitation due to behavioral health reasons and currently meets behavioral health medical retention. The behavioral health provider comments the applicant does not endorse symptoms that would cause them to fall below medical retention standards.

(5) A DA Form 2808 (Report of Medical Examination) dated 9 March 2022 reflects the applicant is qualified for service with no physical profile limitations. Item 77 (Summary of Defects and Diagnoses) reflects the examining physician states no abnormalities on physical examination, continue physical therapy for knee pain for mild meniscal contusion.

(6) A memorandum, Police/Provost Marshal Division, Fort Carson, subject: Law Enforcement Report – Final, dated 20 May 2022, reflects that applicant as the named subject with the Offense of violation of Article 128 (Simple Assault), Uniform Code of Military Justice (UCMJ). The Report Summary states on 11 January 2022, PFC W____ stated that, while at the National Training Center, the applicant made sexually explicit comments and isolated them by repeatedly requesting they meet in private. The applicant would also frequently request that PFC W____ sleep adjacent to them or place their sleeping bag next to PFC W____, and one occasion, grabbed PFC W____'s upper thigh. On 12 November 2021, the applicant grabbed them by the back of their neck, place one arm around them, and ruffled their hair. PFC W____ also stated that on an unknown date, the applicant jumped on top of them for approximately 30 seconds. Criminal Investigation Division was notified and declined purview; investigation continues by Military Police Investigation. On 21 March 2022, the applicant was interviewed and did not admit to the above allegations. They admitted to touching PFC W____ without their consent. On 11 April 2022, the applicant was further processed for Simple Assault.

(7) A DA Form 2627 (Record of Proceedings under Article 15, UCMJ) dated 23 June 2022, reflects – the applicant received nonjudicial punishment for: on or about 1 March 2021, violated a lawful general regulation, which was their duty to obey, by wrongfully tripping PFC M____ and saying that as a Sergeant you could do whatever you want, in violation of

Article 92, UCMJ on or about 17 May 2021, violated a lawful general regulation, which was their duty to obey, by wrongfully screaming profanities at PFC M____ and pounding on a desk in a threatening manner, in violation of Article 92, UCMJ on or about 30 August 2021, violated a lawful general regulation, which was their duty to obey, by wrongfully pinning PFC M____ against a wall, blocking their path and kicking their foot, in violation of Article 92, UCMJ on multiple various occasions between on or about 18 October 2021 and 14 November 2021, assaulted PFC W____ by grabbing their neck, thigh, and waist with their hands, and jumping on top of them, in violation of Article 128, UCMJ the applicant's punishment consisted of a reduction in rank/grade from sergeant/E-5 to specialist/E-4, forfeiture of \$1,452.00 pay, and extra duty for 45 days the applicant elected not to appeal.

(8) On 15 June 2022, the applicant acknowledged receipt of their Notice of Separation from their commander, of the basis for the contemplated action, and of the right available to them. [Note: the first page of the applicant Notification of Separation is not in evidence for review.]

(9) In the applicant's memorandum, subject: Request for Conditional Waiver – Separation under Army Regulation 635-200, Paragraph 14-12c, dated 21 June 2022, the applicant states they have been advised by consulting counsel of the basis for the contemplated action to separation them, and its effects; of the rights available to them; and the effect of any action taken by them in waiving their rights. They understand that they are entitled to have their case for considered by an administrative separation board because they have 6 or more years of active and reserve service on the date of initiation of recommendation for separation.

(a) They voluntarily waived consideration of their case by an administrative separation board contingent upon them receiving a characterization of service or description of separation no less favorable than general (under honorable conditions). They made this request of their own free will and have not been subjected to any coercion whatsoever by an person.

(b) They elected not to submit statements on their behalf. They understood that they may expect to encounter substantial prejudice in civilian life if a General (Under Honorable Conditions) discharge is issued to them.

(10) A memorandum, Charlie Company, 1st Battalion, 12th Infantry Regiment, subject: Commander's Report for Separation under Army Regulation 635-200, Paragraph 14-12c, undated, the applicant's company commander recommended they be separated from the Army prior to the expiration of their current term of service. The company commander recommends the applicant's service be characterized as general (under honorable conditions). The specific factual reasons for action recommendation is an investigation determined the applicant violated Army regulation in that; on or about 1 March 2021, tripped PFC M____ and said that as a sergeant they could do whatever they wanted. Also, on or about 17 May 2021, screamed at PFC M____ and used profanities and pounding a desk while they screamed at PFC M____. Also, on or about 30 August 2021, grabbed PFC M____ and pinned them against the wall, then release them and blocked their path. The applicant then kicked PFC M____'s foot as they tried to go around them. At or near the National Training Center, on multiple various occasions, between on or about 18 October 2021 and 14 November 2021, assaulted PFC W____, by grabbing their neck, thigh, and waist, with their hands, and jumping on top of them.

(11) A memorandum, Headquarters, 2nd Stryker Brigade Combat Team, 4th Infantry Division, subject: Commander's Recommendation for Separation under Army Regulation 635-200, Paragraph 14-12c, dated 23 June 2022, the applicant's brigade commander recommended to the separation authority that the applicant's service be characterized as General (Under

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Honorable Conditions). The separation is in the best interest of both the Army and the Soldier.
[Note: the separation authority memorandum is not in evidence for review.]

(12) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 21 July 2022, with 6 year, 9 months, and 17 days of net active service this period. The DD Form 214 shows in:

item 4a (Grade, Rate or Rank) – Sergeant

item 4b (Pay Grade) – E-5

item 18 (Remarks) –

no entry for the applicant's CONTINUOUS HONORABLE ACTIVE SERVICE –
20151005 – 20210113 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

item 26 (Separation Code) – JKQ

item 27 (Reentry Code) – 3

item 28 (Narrative Reason for Separation) – Misconduct, (Serious Offense)

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s): None

5. APPLICANT-PROVIDED EVIDENCE: None submitted with application.

6. POST SERVICE ACCOMPLISHMENTS: None submitted with application.

7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):

a. Title 10, U.S. Code, Section 1553, (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, Title 10 U.S. Code, Section 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Multiple Department of Defense (DoD) Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. Army Regulation 15-180 (Army Discharge Review Board) sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Title 10 U.S. Code; Section 1553 and DoD Directive 1332.41 and DoD Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) prescribes policies and standards to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. It prescribes the policies, procedures, authority for separation of Soldiers, and the general provisions governing the separation of Soldiers before ETS or fulfillment of active duty obligation to meet the needs of the Army and its Soldiers.

(1) An Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(2) A General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

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

(4) Chapter 14 (Separation for Misconduct) establishes policy and prescribes procedures for separating personnel for misconduct because of minor disciplinary infractions, a pattern of misconduct, commission of a serious offense, conviction by civil authorities, desertion, and absence without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record. Paragraph 14-12c (Commission of a Service Offense), stated a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

(5) Chapter 15 (Secretarial Plenary Authority), currently in effect, provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 14-12c, misconduct (serious offense).

f. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DoD 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 waivable and nonwaivable separations. Table 3-1, defines reentry eligibility (RE) codes:

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

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

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

g. Army Regulation 635-8 (Separation Processing and Documents) dated 17 October 2019, prescribed policy and procedures regarding separation documents, it states in the preparation of the DD Form 214 for soldiers who have previously reenlisted without being issued a DD Form 214 and are separated with any characterization of service except "Honorable," enter in item 18 (Remarks) "Continuous Honorable Active Service From (first day of service which DD Form 214 was not issued) until (date before commencement of current enlistment).

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. 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) and Article 128 (Simple Assault).

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 received nonjudicial punishment in violation of Article 92, UCMJ and Article 128 (Simple Assault); voluntarily waived consideration of their case by an administrative separation board; and was involuntarily separated from the U.S. Army. Their DD Form 214 (Certificate of Release or Discharge from Active Duty), which provides they were discharged under the provisions of Army Regulation 635-200, paragraph 14-12c, by reason of Misconduct (Serious Offense), with a characterization of service of General (Under Honorable Conditions). They completed 6 year, 9 months, and 17 days of net active service this period, completed their first full term of service; however, they did not complete their 3-year 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. 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? **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. Response to Contention(s):

(1) The applicant contends their discharge was inequitable because it was based on the isolated incidents in 6 years of service with no other adverse actions. The Board considered this contention and determined the applicant's bullying and physical assaults to other service members misconduct occurred over the course of several months in a 1-year time period. The Board does not consider the applicant's misconduct as isolated incidents. This contention does not excuse or outweigh the applicant's discharge; the discharge is appropriate.

(2) The applicant contends with their current characterization of service they are not allowed to use their education benefits. The criteria used by the VA in determining whether a former servicemember is eligible for benefits is different than that used by the Army when determining a member's discharge characterization. After liberally considering all the evidence, the Board determined that a discharge upgrade is not warranted based on the seriousness of the applicant's misconduct that include using profanities and pounding on a desk while screaming at a Soldier; on multiple various occasions, assaulted a Soldier by grabbing their neck, thigh, and waist, with their hands, and jumping on top of them.

(3) The applicant contends they take ownership for their behavior of the last year of their military service and have worked hard on bettering themselves and by doing so, they have taken it upon themselves to seek Behavioral Health counseling through their medical provider. The Board considered this contention and determined that the applicant taking ownership for their behavior, working hard to better themselves, and seeking BH counseling is positive, however it does not outweigh the misconduct based on the seriousness of the applicant's offense of using profanities and pounding on a desk while screaming at a Soldier; on multiple various occasions, assaulted a Soldier by grabbing their neck, thigh, and waist, with their hands, and jumping on top of them.

c. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the issues before the Board. 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.

d. 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 any conditions or experiences that could excuse or mitigate the offenses of using profanities and pounding on a desk while screaming at a Soldier; on multiple various occasions, assaulted a Soldier by grabbing their neck, thigh, and waist, with their hands, and jumping on

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top of them. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process. Therefore, the applicant's General (Under Honorable Conditions) discharge was proper and equitable as the applicant's misconduct fell below that level of meritorious service warranted for an upgrade to Honorable discharge.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same rationale, 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:

1/23/2025

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