

4. Applicant's Name: [REDACTED]

a. **Application Date:** 20 November 2023

b. **Date Received:** 18 December 2023

c. **Counsel:** None

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

a. **Applicant Requests:** The current characterization of service for the period under review is (general) under honorable conditions. The applicant requests an upgrade to honorable.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, the applicant suffers from post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI) which affected his ability to serve.

c. **Board Type and Decision:** In a records review conducted on 12 December 2025, and by a 3-0 vote, the Board determined that the discharge was inequitable based on the applicant's diagnoses of Adjustment Disorder, Antisocial Personality traits, and PTSD, which outweighed the offenses of disrespectful language, failure to report, and making a false official statement. Additionally, the Board considered the applicant's length of service and combat experience in granting the upgrade. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14- 12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

6. DISCHARGE DETAILS:

a. **Reason / Authority / Codes / Characterization:** Pattern of Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 14 June 2010

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 12 April 2010

(2) **Basis for Separation:** The applicant was informed of the following reasons: On 12 April 2008, the applicant violated a lawful general regulation by wrongfully traveling outside a 100 mile radius of Fort Bragg, NC without an approved mileage pass; on 18 August 2009, the applicant was disrespectful in language and deportment toward Sergeant (SGT) RH, by saying in a disrespectful tone to SGT RH, "I'm not in the mood right now."; on 27 January 2010, the applicant failed to go at the time prescribed to the appointed place of duty; and on 27 January 2010, the applicant made a false official statement to a noncommissioned officer (NCO).

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

(4) Legal Consultation Date: NIF

(5) Administrative Separation Board: N/A

(6) Separation Decision Date / Characterization: 17 May 2010 / (General) Under Honorable Conditions.

7. SERVICE DETAILS:

a. Date / Period of Enlistment/Reenlistment Under Review: 9 August 2006 / 5 years

b. Age at Enlistment / Education / GT Score: 18 / HS Graduate / NIF

c. Highest Grade Achieved / MOS / Total Service: E-4 / 94E1P, Radio and Comsec Repairer / 3 years, 10 months, 6 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq / (4 December 2008 – 8 November 2009)

f. Awards and Decorations: ARCOM, AAM-2, NDSM, GWOTSM, ICM-CS, ASR, OSR

g. Performance Ratings: N/A

h. Disciplinary Action(s) / Evidentiary Record:

(1) Company Grade (CG) Article 15, 30 April 2008, reflects the applicant wrongfully violated a lawful general regulation by wrongfully traveling outside a 100 mile radius of Fort Bragg, NC, without an approved milage pass on or about 12 April 2008. The punishment consisted of reduction to private E-2, extra duty and restriction for 14 days (suspended to be automatically remitted if not vacated before 15 May 2008), and an oral reprimand.

(2) CG Article 15, 29 September 2009, reflects the applicant, at or near Forward Operating Base Hammer, Iraq, on or about 18 August 2009 was disrespectful in language and deportment toward an NCO, by saying to the NCO in a disrespectful tone, "I am not in the mood right now," or word to that effect, in violation of Article 91, UCMJ. The punishment consisted of reduction to E-3, a forfeiture of \$433 pay, and extra duty for 7 days, (both suspended, to be automatically remitted if not vacated before 28 March 2010), and an oral admonition.

(3) CG Article 15, 26 February 2010, reflects the applicant, with intent to deceive an NCO, made a false official statement, to wit: "I thought I was supposed to be at the motor pool CE Shop at 0900, or words to that effect, which statement was totally false and was known by the applicant to be false, in violation of Article 107, UCMJ. The punishment consisted of reduction to E-2 (to be automatically remitted if not vacated before 25 September 2010), a forfeiture of \$378 pay, and 14 days of extra duty and restriction (7 days suspended, to be automatically remitted if not vacated before 25 September 2010), and an oral reprimand.

(4) CG Article 15, 29 September 2009, reflects the applicant, at or near Forward Operating Base Hammer, Iraq, on or about 18 August 2009 was disrespectful in language and deportment toward a noncommissioned officer (NCO), by saying to the NCO in a disrespectful tone, "I am not in the mood right now," or word to that effect, in violation of Article 91, UCMJ. The punishment consisted of reduction to E-3, a forfeiture of \$433 pay, and extra duty for 7 days

were both suspended, to be automatically remitted if not vacated before 28 March 2010; and an oral admonition.

(5) a Record of Supplemental Action Under Article 15, UCMJ, shows the suspension of the punishment imposed on 29 September 2009, in the form of a forfeiture of \$433 pay and extra duty for 7 days was vacated on 25 February 2010.

(6) Report of Behavioral Health Evaluation, 3 March 2010, reflects the applicant had the mental capacity to understand and participate in the proceedings [deemed appropriate by his chain of command], the applicant was mentally responsible, and the applicant met retention requirements of Chapter 3, Army Regulation 40-501.

(7) Report of Medical Examination, 30 March 2010, showing PULHES OF 111111.

i. Lost Time / Mode of Return:

j. Behavioral Health Condition(s): The following documents have been provided to the ARBA Medical Advisor, if applicable. See **"Board Discussion and Determination"** for Medical Advisor Details.

(1) **Applicant provided:** VA Benefits/Rating Decision

(2) **AMHRR provided:** None

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293 and VA Benefits /Rating Decision which shows the applicant currently receives a 70% disability rating for post-traumatic stress disorder (PTSD).

6. POST SERVICE ACCOMPLISHMENTS: None provided with this application.

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. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively

discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

c. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

d. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

e. 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.

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:

- 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.

- 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.

- 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 635-200 (Active Duty Enlisted Administrative Separations) provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(a) Paragraph 3-7a states 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.

(b) Paragraph 3-7b states 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.

(2) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent 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) Paragraph 14-3, prescribes 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.

(b) Paragraph 14-12b, addresses a pattern of misconduct consisting of either discreditable involvement with civilian or military authorities or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the Uniform Code of Military Justice, Army Regulations, the civilian law and time-honored customs and traditions of the Army.

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

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

h. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12b, pattern of misconduct.

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

a. The applicant requests an upgrade to honorable. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The applicant's Army Military Human Resources Record (AMHRR) includes a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was authenticated by the applicant's electronic signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 14, paragraph 14-12b, by reason of Pattern of Misconduct, with a characterization of service of (general) under honorable conditions. Army Regulation 635-200, paragraph 14-3, prescribes 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.

c. The applicant contends the misconduct was a manifestation of PTSD and TBI which affected his ability to serve. There is no evidence the applicant sought assistance prior to the misconduct that was committed. A Report of Behavioral Health Evaluation, 3 March 2010, confirms the applicant was psychiatrically cleared for any administrative action deemed appropriate by the command to include separation or UCMJ action.

d. The AMHRR is void of any indication the applicant was suffering from PTSD/TBI or a disabling medical or mental condition during discharge processing, warranting separation processing through medical channels. However, the applicant did submit a VA Summary of Benefits/Rating, 24 January 2023, showing an evaluation for PSTD currently at 70 percent disabling.

8. 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: Adjustment Disorder,

Antisocial Personality traits, Post-Traumatic Stress Disorder (PTSD), Concussion, Traumatic Brain Injury (TBI) (Subjective report).

(2) Did the condition exist, or experience occur during military service? **Yes.**
Adjustment Disorder, Antisocial Personality traits, Concussion.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.**
The Board's Medical Advisor applied liberal consideration and opined that given the service connected trauma occurred before the misconduct and nexus between trauma, irritability, difficulty with authority, and avoidance, there is partial mitigation. Specifically, disrespectful language and deportment and Failure to Report (FTR) would be mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the applicant's diagnoses of Adjustment Disorder, Antisocial Personality traits, and PTSD partially outweighed the offenses of disrespectful language and deportment, failure to report, and making a false official statement, and therefore granted an upgrade to Honorable.

b. Response to Contention(s): The applicant requests relief contending PTSD and TBI affected the applicant's ability to serve. The Board considered this contention and acknowledged the applicant's assertion that PTSD and TBI affected their ability to serve; ultimately, the Board granted an upgrade to Honorable, taking into consideration the findings of the medical advisor.

c. The Board determined that the discharge was inequitable based on the applicant's diagnoses of Adjustment Disorder, Antisocial Personality traits, and PTSD, which outweighed the offenses of disrespectful language, failure to report, and making a false official statement. Additionally, the Board considered the applicant's length of service and combat experience in granting the upgrade. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14- 12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

d. Rationale for Decision:

(1) Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or not. In reaching its determination, the Board considers the application, available records and any supporting documents included with the application.

(2) The Board voted to upgrade the applicant's characterization of service to Honorable because, after applying liberal consideration to all the evidence before it, including the diagnoses of Adjustment Disorder, Antisocial Personality traits, and PTSD, the applicant's behavioral health conditions were found to mitigate the offenses of disrespectful language, failure to report, and making a false official statement.

(3) The Board voted to change the applicant's reason for discharge Minor Misconduct with accompanying SPD code of JKN, under the same pretexts.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20240001615

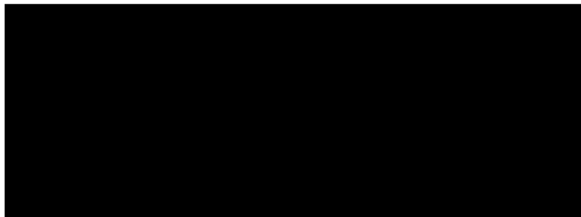
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

9. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: Misconduct (Minor Infractions)/JKN
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

Authenticating Official:

3/23/2026



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
FTR – Failure to Report

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
UOTHHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs