

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 5 October 2023
- b. **Date Received:** 18 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 an upgrade to Honorable or General (Under Honorable Conditions).

b. The applicant seeks relief contending, they are requesting that their DD Form 214 be modified to include the inclusion of their Bronze Star Medal, awarded to them in 2007. They received the medal and certificate only and not the original orders. Due to personal circumstances, they no longer have the certificate. Their OMPF reflects the award on their Enlisted Record Brief (ERB) as attached. [This was addressed in a previous case AR20230014893]. Also, they are requesting an upgrade to their character of service to Honorable or General (Under Honorable Conditions). Their conduct following combat was not indicative of their total time in service but rather the effects of combat and ensuing undiagnosed and untreated Post Traumatic Stress Disorder (PTSD), even while seeking help from their chain of command and being denied said help.

(1) They earned the Bronze Star and it was never properly annotated in their records and therefore was not matriculated to their DD Form 214 upon discharge. Their PTSD after combat, was neither diagnosed nor treated. This mental health condition in concert with their chain of command's lack of care and concern for the applicant's wellbeing, were the only contributors to their erratic and irresponsible behavior where they had previously been a model Soldier. Prior to combat, the applicant had never received any nonjudicial punishment (NJP) in eight years of Honorable exemplary service, being recommended for promotion ahead of their peers in all evaluation reports.

(2) The VA has subsequently, rated them disabled at 100% permanent and total just for PTSD and extended service-connected health care and compensation benefits to them based on the character of their service. The applicant requests that their discharge is reflective of their character of their service.

c. **Board Type and Decision:** In a telephonic personal appearance conducted on 10 February 2025, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's length and quality of service, to include combat service, and the circumstances surrounding the discharge (PTSD diagnosis). 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, 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.*

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: 6 July 2020

c. Separation Facts:

(1) Date of Notification of Intent to Separate: NIF

(2) Basis for Separation: Pursuant to the applicant's request for voluntary discharge provision of AR 635-200, Chapter 10, In Lieu of Trial by Court-Martial.

(3) Recommended Characterization: NIF

(4) Legal Consultation Date: NIF

(5) Administrative Separation Board: NIF

(6) Separation Decision Date / Characterization: NIF

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 5 April 2006 / 5 years (third reenlistment)

b. Age at Enlistment / Education / GT Score: 27 / NIF / 115

c. Highest Grade Achieved / MOS / Total Service: E-6 (SSG) / 13M1P Multiple Launch Rocket System/High Mobility Artillery Rocket System (MLRS/HIMARS) Crewmember; 91M10 Bradley Fighting Vehicle System Maintainer / 8 years 6 months, 13 days

d. Prior Service / Characterizations: Regular Army (RA), 30 September 1999 – 18 June 2002 / Honorable; RA, 19 June 2002 – 4 April 2006 / Honorable

e. Overseas Service / Combat Service: 1 year, 1 month

- **A DD Form 215, dated 11 September 2024 added:** SWA / Kuwait, Iraq / 6 May – 25 November 2003 (6 months, 20 days)

- SWA / Afghanistan / 16 March – 25 September 2006 (6 months, 10 days)

f. Awards and Decorations:

(1) The following were listed on their DD Form 214 (Certificate of Release or Discharge from Active Duty):

- Army Commendation Medal
- Army Achievement Medal
- Army Good Conduct Medal
- Army Service Ribbon
- Parachutist Badge
- Driver and Mechanic Badge w/Driver – Tracked Vehicle(s) Clasp and Driver-Wheeled Vehicle(s) Clasp

(2) A DD Form 215 (Correction to DD Form 214), dated 11 September 2024, provides the following awards were added:

- Global War on Terrorism Service Medal
- Iraq Campaign Medal with one Bronze Service Star
- Afghanistan Campaign Medal with one Bronze Service Star

g. Performance Ratings: SSG (E-6), 1 January – 31 December 2006 / Among the Best

h. Disciplinary Action(s) / Evidentiary Record: On 5 April 2006, the applicant completed a third reenlistment for 5 years as a sergeant, SGT (E-5). The Enlisted Record Brief provides on 1 June 2006, they promoted to staff sergeant, SSG (E-6). **Section X** provides, in effect, "L1 – Under Arrest, Confinement or Pending Military or Criminal". Notwithstanding the missing records, on 1 April 2020, they were demoted to private, PVT (E-1). On 26 June 2020, separation orders were issued and a DD Form 214 provides the applicant was discharged under the provisions of AR 635-200 Chapter 10, In Lieu of Trial by Court-Martial with an Under Other than Honorable Conditions characterization of service, accordingly on 6 July 2020, with 8 years, 7 months, and 24 days of total service. They were unable to provide an electronic signature and had completed their first full term of service. The extension of service was at the request and for the convenience of the government. Although the specific facts and circumstances surrounding the discharge are unknown, under 10 USC 972, the applicant has 12 years, 2 months, and 24 days of lost time between 16 November 2007 – 9 February 2020.

i. Lost Time / Mode of Return: Under 10 USC 972: NIF, 16 November 2007 – 9 February 2020 (12 years, 2 months, 24 days) / NIF

j. Behavioral Health Condition(s): PTSD, MDD, recurrent, severe without psychotic features, Alcohol Use Disorder, in remission, and Traumatic Brain Injury (TBI)

(1) Applicant provided: A VA Summary of Benefits Letter, dated 5 October 2023, provides effective 7 March 2022, the applicant was awarded 100% service-connected disability rating for PTSD, Major Depressive Disorder, recurrent, severe without psychotic features, Alcohol Use Disorder, in remission, TBI, and other physical ailments.

(2) AMHRR Listed: None

5. APPLICANT-PROVIDED EVIDENCE: Application for Correction of Military Record; Veterans Affairs Summary of Benefits and Disabilities Letter

6. POST SERVICE ACCOMPLISHMENTS: The applicant has been treated and awarded 100% service-connection with the VA.

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), dated 25 September 2019, 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), 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) Chapter 3 provides 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.

(a) 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.

(b) 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.

(2) Chapter 10, Discharge in Lieu of Trial by Court Martial is applicable to members who committed an offense or offenses for which the authorized punishment included a bad conduct or dishonorable discharge could submit a request for discharge for the good of the service. The request could be submitted at any time after the charges had been preferred. Although an honorable or general was authorized, an under other than honorable conditions discharge was considered appropriate, unless the record was so meritorious it would warrant an honorable. After receiving legal counseling, the soldier may elect to submit a request for discharge in lieu of trial by court-martial. The soldier will sign a written request, certifying that they have been counseled, understands their rights, and may receive a discharge under other than honorable conditions. The following will accompany the request for discharge:

- A copy of the court-martial Charge Sheet (DD Form 458)
- Report of medical examination and mental status evaluation, if conducted
- A complete copy of all reports of investigation
- Any statement, documents, or other matter considered by the commanding officer in making their recommendation, including any information presented for consideration by the soldier or consulting counsel
- A statement of any reasonable ground for belief that the soldier is, or was at the time of misconduct, mentally defective, deranged, or abnormal. When appropriate, evaluation by a psychiatrist will be included.

(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.

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 "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 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.

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 an upgrade to Honorable or General (Under Honorable Conditions). A review of the records provides administrative irregularity in the proper retention of official military records, specifically the Charge Sheet, the applicant's Chapter 10 voluntary discharge request, command approval, and although not required, whether or not they requested separation examination(s) prior to their discharge.

(1) The available evidence provides the applicant completed their third reenlistment as a SGT, promoted to SSG, and served 8 years, 1 month, and 16 days prior to having lost time under 10 USC 972, totaling 12 years, 2 months, 24 days between November 2007 – February 2020. The Enlisted Record Brief indicated military or criminal confinement to explain their lost time. Notwithstanding the missing Chapter 10 voluntary discharge request and approval, a properly constituted DD Form 214 provides the applicant was discharged IAW AR 635-200, Chapter 10, In Lieu of Trial by Court-Martial, with an Under Other than Honorable Conditions characterization of service and a reduction to the lowest enlisted grade.

(2) The applicant provided evidence of their 100% service-connected disability rating for PTSD, MDD, recurrent, severe without psychotic features, Alcohol Use Disorder, in remission and TBI, and other physical disabilities, which was effective March 2022.

b. Chapter 10 is a voluntary discharge request in-lieu of trial by court-martial. A discharge under other than honorable conditions normally is appropriate for a soldier who is discharge 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. For 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.

c. Published Department of Defense guidance indicates the guidance is not intended to interfere or impeded on the Board's statutory independence. The Board will determine the

relative weight of the action that led to the discharge and whether its 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. DOCUMENTS / TESTIMONY PRESENTED DURING PERSONAL APPEARANCE: In addition to the evidence in the record, the Board carefully considered the additional document(s) and testimony presented by the applicant at the personal appearance hearing.

- a. **The applicant submitted the following additional document(s):** None
- b. **The applicant presented the following additional contention(s):** None
- c. **Counsel / Witness(es) / Observer(s):** None

10. 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: PTSD, MDD

(2) Did the condition exist or experience occur during military service? **Yes.** In-service diagnosis of MDD with trauma symptoms reported.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the service connected PTSD is mitigating of the AWOL basis of separation. Specifically, given trauma occurred prior to the misconduct and nexus between trauma and avoidance, AWOL is mitigated as an avoidance symptom.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opine, the Board determined that the applicant's condition or experience outweighed the listed basis for separation for the aforementioned reasons.

b. **Prior Decisions Cited:** AR20230014893

c. **Response to Contention(s):** The applicant seeks relief contending, they are requesting that their DD Form 214 be modified to include the inclusion of their Bronze Star Medal, awarded to them in 2007. They received the medal and certificate only and not the original orders. Due to personal circumstances, they no longer have the certificate. Their OMPF reflects the award in ERB as attached. [This was addressed in a previous case AR20230014893]. Also, they are requesting an upgrade to their character of service to Honorable or General (Under Honorable Conditions). Their conduct following combat was not indicative of their total time in service but rather the effects of combat and ensuing undiagnosed and untreated PTSD, even while seeking help from their chain of command and being denied said help. The Board acknowledged and considered this contention during proceedings.

(1) They earned the Bronze Star and it was never properly annotated in their records and therefore was not matriculated to their DD Form 214 upon discharge. Their PTSD after combat, was neither diagnosed nor treated. This mental health condition in concert with their chain of command's lack of care and concern for the applicant's wellbeing, were the only contributors to their erratic and irresponsible behavior where they had previously been a model Soldier. Prior to combat, the applicant had never received any NJP in eight years of Honorable exemplary service, being recommended for promotion ahead of their peers in all evaluation reports.

The Board acknowledged and considered this contention during proceedings.

(2) The VA has subsequently, rated them disabled at 100% permanent and total just for PTSD and extended service-connected health care and compensation benefits to them based on the character of their service. The applicant requests that their discharge is reflective of their character of their service.

The Board acknowledged and considered this contention during proceedings.

d. The Board determined that the characterization of service was inequitable based on the applicant's length and quality of service, to include combat service and the circumstances surrounding the discharge (PTSD diagnosis). 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, 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.

e. Rationale for Decision:

(1) The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for separation. The Board found sufficient evidence of in-service mitigating factors (Length, Combat, Quality) and concurred with the conclusion of the medical advising official that the applicant's service connected PTSD is mitigating. Specifically, given trauma occurred prior to the misconduct and nexus between trauma and avoidance, AWOL is mitigated as an avoidance symptom. Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was inequitable and warranted an upgrade.

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20240005976

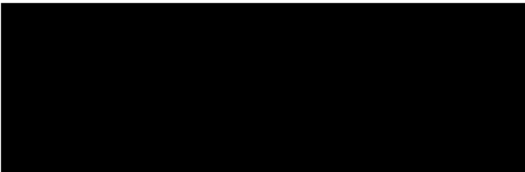
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

11. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214:** 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:** AR 635-200

Authenticating Official:

10/24/2025



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