

1. Applicant's Name: [REDACTED]**a. Application Date:** 18 April 2024**b. Date Received:** 22 April 2024**c. Counsel:** [REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant Requests: The current characterization of service for the period under review is under other than honorable conditions. The applicant requests an upgrade to honorable and changes to their separation and reentry codes.

b. Applicant Contention(s) / Issue(s): Through counsel, the applicant requests relief contending, they were undergoing mental therapy treatment at Fort Stewart, GA during this period, as a close friend of theirs committed suicide. They were authorized leave to go home for their funeral and upon their return, they were still coping with the loss. While at their therapist's office, a fellow Soldier who the applicant had just spoken with in the waiting room, pulled out a pistol and committed suicide. As a result of the applicant's recent two deployments to Iraq and the recent events, the applicant had trouble coping with military structure and from their senior leadership's lack of support, and despite their best efforts to maintain standards, their life was in a [bad place]. The legal brief identified the evidence provided which established the applicant's chronic Posttraumatic Stress Disorder (PTSD) and Traumatic Brain Injury (mTBI), which are conditions that excuse or mitigate the applicant's Under Other than Honorable discharge, as they were experiencing significant and untreated mental health symptoms at the time. These symptoms explain and outweigh their misconducts. PTSD and TBI "inherently affect one's behaviors and choices causing veterans to think and behave differently than might otherwise be expected."

c. Board Type and Decision: In a records review conducted on 26 January 2026, and by a 3-0 vote, the Board determined that the characterization of service was inequitable and voted to grant clemency based on the applicant's length and quality of service, to include combat service, and the circumstances surrounding the discharge (OBHI diagnoses). Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to General (Under Honorable Conditions). The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: In Lieu of Trial by Court-Martial / AR 635-200, Chapter 10 / KFS / RE-4 / Under Other than Honorable Conditions

b. Date of Discharge: 19 June 2012**c. Separation Facts:**

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20240007591**

(1) **Date Charges Preferred / DD Form 458 (Charge Sheet):** 27 March 2012

(2) **Legal Consultation Date:** 21 May 2012

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

(4) **CDR / Intermediate CDR Recommended Characterization:** Undated / Under Other than Honorable Conditions

(5) **Separation Approval Decision Date / Characterization:** 23 May 2012 / Under Other than Honorable Conditions

4. SERVICE DETAILS:

a. **Date / Period of First Reenlistment Under Review:** 17 December 2010 / 3 years

b. **Age at Enlistment / Education / GT Score:** 22 / High School Diploma / 102

c. **Highest Grade Achieved / MOS / Total Service:** E-5 / 12B2O Combat Engineer / 3 years, 1 month; 15T1O UH-60 Helicopter Repairer / 2 years, 3 months

d. Prior Service / Characterizations:

(1) United States Army Reserve (USAR), 22 April 2005 – 14 June 2006 / Honorable

(2) Regular Army (RA), 15 June 2006 – 16 December 2010 / Honorable

e. **Overseas Service / Combat Service:** SWA / Iraq, 1 July 2007 – 25 September 2008 (1 year, 2 months, 22 days)

- SWA / Iraq, 15 October 2009 – 24 July 2010 (9 months, 10 days)

- Germany (concurrent service) / None

f. **Awards and Decorations:** ARCOM, AAM-4, MUC, AGCM, NDSM, GWOTSM, ICM-CS-2, ASR, OSR-3, CAB, BAB

g. **Performance Ratings:** Sergeant, 31 December 2010 – 1 January 2012 / Marginal

h. **Disciplinary Action(s) / Evidentiary Record:** The Enlisted Record Brief provides the applicant was flagged (Suspend Favorable Personnel Actions (FLAG)) on 23 November 2011, for adverse action (AA). Their squad leader counseled the applicant on six occasions between 16-30 November 2011 and 4 January 2012, for failing to report and for failure to obey orders/regulations. The applicant disagreed with them all and provided no remarks. The duty status changes between November 2011 – March 2012 are as follows.

Date:	Status From:	Status To:
22 November 2011	Present for Duty (PDY)	Failure to Report (FTR)
23 November 2011	FTR	Absent without Leave (AWOL)
23 November 2011	AWOL	PDY
5 January 2012	FTR	AWOL

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20240007591**

6 January 2012	AWOL	PDY
13 February 2012	PDY	FTR
14 February 2012	PDY	AWOL
15 March 2012	AWOL	Dropped from Rolls (DFR)
26 March 2012	DFR	PDY

(1) On 14 March 2012, the applicant was charged with two Article 134, UCMJ violations for wrongfully communicating threats to harm both the Sergeant First Class and Captain; charges were preferred to court-martial. A Confinement Order, on the same day, indicates the applicant was

(2) On 18 April 2012, after consulting with counsel, they voluntarily requested discharge in lieu of trial by court-martial under AR 635-200, Chapter 10, acknowledging guilt to the charged or lesser offenses. They affirmed no coercion, confirmed counsel briefed them on the consequences, and understood an under other than honorable conditions discharge could be approved. The applicant elected not to submit a personal statement and defense counsel endorsed the request, confirming the applicant was counseled on their rights and the potential outcome of their Chapter 10 discharge.

(3) Although undated, the company, battalion, and brigade commanders each recommended approval, citing the applicant's repeated failure to comply with medical requirements and command directives. The applicant was noted to have consistently avoided the military medical system, failed to provide documentation of appointments or prescriptions, and missed 17 scheduled MEB appointments, resulting in their removal from the program. Commander's further observed the applicant declined treatment opportunities, frequently failed to report for duty, and instead placed blame on others while at times making threats toward their chain of command. Collectively, leadership concluded the applicant did not take responsibility for their medical care or career progression despite multiple chances to do so.

(4) On 21 May 2012, the applicant's defense counsel requested approval of their Chapter 10 voluntary discharge with a general (under honorable conditions) characterization of service. The request was based on multiple mitigating factors, including the applicant's struggles with PTSD following the suicide of a close childhood friend while stationed at Fort Drum, NY, compounded by a subsequent suicide witnessed at a behavioral health clinic. These traumatic experiences led to ongoing flashbacks, difficulty at training, and eventual withdrawal from treatment. The applicant further contended their chain of command demonstrated insensitivity and negligence in their care. They alleged medical board proceedings were deliberately stalled, the applicant was coerced into signing counseling statements before being granted leave for family funerals, and they were denied proper medical treatment while in pretrial confinement despite being prescribed multiple medications. The applicant's scheduled medical and dental appointments were not accommodated, and their chain of command failed to follow AR 27-10 requirements for regular senior NCO visits during confinement. Based on these cumulative circumstances, including PTSD symptoms, negligent command actions, and denial of proper medical care, the applicant requested approval of their Chapter 10 discharge with a general (under honorable conditions) characterization of service.

i. Lost Time / Mode of Return: AWOL, 14 February – 25 March 2012 / NIF

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: Through counsel, the applicant provided 268 pages of Veterans Affairs medical records, with the latest diagnosis, dated 11 February 2020, specified Posttraumatic Stress Disorder (PTSD), unspecified.

(2) AMHRR provided: None

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Legal Brief; Certificate of Release or Discharge from Active Duty; Medical Records, 268 pages

6. POST SERVICE ACCOMPLISHMENTS: None with this application.

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

a. 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.

b. 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.

c. 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.

d. 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.

e. Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes:

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

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

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

f. Army Regulation 631-10 (Absence, Without Leave, Desertion, and Administration of Personnel Involved in Civilian Court Proceedings) provides policies and procedures for reporting unauthorized absentees and deserters, the administering of absent without leave (AWOL) personnel and deserters, returning absentees and deserters to military control and the surrendering of military personnel to civilian law enforcement authorities. When a soldier returns from an absence that is or appears to be unauthorized, the unit commander informally investigates whether disciplinary action should be taken and if the soldier be charge with time

lost.

(1) Classification of an absence is dependent upon such factors as the following:

- Order and instructions, written/oral, the Soldier received before/during absence
- Age, military experience, and general intelligence of the Soldier
- Number and type of contact the Soldier had with the military absent
- Complete or incomplete results of a court-martial decision if any

(2) An absence immediately following authorized leave is classified as AWOL. Should the absence subsequently be reclassified, the soldier's leave is corrected to reflect the reclassified absence, except if the absence is caused by the following:

- Mental incapacity
- Detention by civilian authorities
- Early departure of a mobile unit due to operational commitments

g. Army Regulation 635-200 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. It states:

(a) 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) 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.

(c) 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.

(d) A Bad Conduct discharge will only be given to a Soldier pursuant to an approved sentence of general or special court-martial. Enlisted service members and officers with less than six years of service are eligible for a Bad Conduct Discharge. Behaviors such as drug abuse, assault, theft, insubordination, and other actions that violate military law may be punished with a BCD.

(e) A Dishonorable discharge is the most severe type of discharge and will be given to a Soldier pursuant only to an approved sentence of general or special court-martial. The appellate review must be completed and affirmed sentence ordered duly executed. Behaviors such as fraud, desertion, treason, espionage, sexual Assault, and murder and other actions may be punished with a dishonorable discharge.

(f) An Uncharacterized separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status. This

characterization is when the Soldier is separated by reason of selected changes in service obligation, convenience of the Government, and Secretarial plenary authority. A Soldier is in an entry-level status (ELS) if the Soldier has not completed more than 180 days of creditable continuous active duty prior to the initiation of separation action.

(2) Chapter 10, Discharge in Lieu of Trial by Court Martial is applicable to members who had 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 discharge was authorized, an under other than honorable conditions discharge was normally considered appropriate, unless the record was so meritorious it would warrant an honorable.

(a) 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.

(b) The following documents will accompany the request for discharge:

- A copy of a 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 his/her 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. If Secretarial Authority is granted, it will 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 "KFS" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 10, In Lieu Trial by Court-Martial.

i. Manual for Courts-Martial (2012 Edition), United States, states 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 orders and discipline in the Armed Forces. **Article 134** (threat, communicating) states in the subparagraph, the maximum punishment consists of a dishonorable discharge, forfeiture of all pay and allowances, and confinement for three years.

j. Title 38, U.S. Code, Sections 1110 and 1131, permits the VA to award compensation for a medical condition which was incurred in or aggravated by active military service. The VA, however, is not required by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual's medical condition, although not considered, medically unfitting for military service at the time of processing for separation, discharge, or retirement, may be sufficient to qualify the individual for VA benefits based on an evaluation by the agency.

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 and changes to their separation and reenry codes. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

(1) An unauthenticated DD Form 214 (Certificate of Release or Discharge from Active Duty) shows 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 and as a result, was reduced to the lowest enlisted grade. The record reflects six counseling's for failure to report and failure to follow orders/regulations. Additionally, the applicant went AWOL and was DFR between 13 February and 26 March 2012. Upon return to military control, the applicant was placed in pretrial confinement for two specifications of Article 134, UCMJ for wrongfully communicating threats to cause harm to their leadership (CPT, SFC, and SSG).

(2) After consulting counsel, the applicant voluntarily requested discharge for the good of the service in lieu of trial by court-martial under the provisions of Army Regulations 635-200, Chapter 10, discharge in lieu of trial by court-martial. The applicant affirmed no coercion, acknowledged guilt to the charge or a lesser offense, understood the likelihood of an under other than honorable conditions discharge, and elected to submit a statement-though none was found in the record. The chain of command recommended approval with an under other than honorable conditions characterization of service, which the separation authority approved and the applicant was consequently reduced to the lowest enlisted paygrade. They served 1 year, 6 months, and 3 days of a 3-year reenlistment contractual obligation.

(3) The applicant, through counsel, contends their PTSD and mTBI diagnoses (confirmed by VA medical records), excuses or mitigates their under other than honorable discharge. They experienced the onset of these conditions during their service, following two Iraq deployments, the suicide of their best friend, and the suicide of a fellow Servicemember at close proximity. Their experience with significant and untreated mental health symptoms at the time, explain and outweigh their misconducts.

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. 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 with trauma symptoms noted, Unspecified Trauma and Stressor Related Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** Adjustment Disorder with trauma symptoms noted.

(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 traumas and related symptoms occurred prior to the misconduct and nexus between trauma and avoidance, the FTRs and AWOL/s are mitigated. However, communicating a threat is not mitigated as available documentation does not support an association.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the available evidence did not support a conclusion that the applicant's BH conditions outweighed the applicant's medically unmitigated communication of a threat.

b. Prior Decisions Cited: NA – Personal appearance only.

c. Response to Contention(s): Through counsel, the applicant contends, their discharge is inequitable because chronic PTSD and mTBI originated during active service and directly contributed to the misconduct underlying the current under other than honorable discharge. Recent VA treatment records confirm current diagnose of chronic PTSD and TBI, which began after two combat deployments and exposure to multiple traumatic events, including the suicide of a best friend and the suicide of a fellow Servicemember at close proximity. These untreated conditions significantly impaired the applicant's judgement during a later enlistment period and must be afforded liberal consideration pursuant to Department of Defense policy. The applicant further contends PTSD and TBI inherently alters behavior and decision-making, and therefore excuse and mitigate the cited misconduct. The applicant, through counsel, requests a personal hearing and a review the discharge. Lastly, defense counsel for separation, affirmed the above-mentioned contentions and requested a general (under honorable conditions) characterization

of service. The Board considered the applicant's contentions and determined that the discharge was partially mitigated by the circumstances surrounding the events leading to discharge, however the Board could not mitigate the applicant's communication of a threat. Without further evidence of an inequity, the board granted partial relief in the form of an upgrade to characterization of discharge.

d. The Board determined: The medical advisor determined that some of the misconduct was mitigated, but not all. The applicant was diagnosed with in-service Adjustment Disorder following a friend's suicide. Based on liberal consideration, the trauma and related symptoms occurring prior to the misconduct, the medical advisor determined the FTRs and the AWOLs were medically mitigated; however, not the misconduct surrounding "communicating a threat." During the Board deliberations, the applicant's length (5 years, 4 months), quality, overseas assignment to Germany and combat in Iraq were liberally considered. In a unanimous vote, the Board was able to apply the partial mitigation based on the medical advisor's opine and granted the applicant an upgrade to General (Under Honorable Conditions).

e. 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) T The Board voted to change the applicant's characterization of service to General (Under Honorable Conditions) because the applicant's BH condition outweighed some of the applicant's misconduct. The applicant's unmitigated misconduct of communication of a threat fell below that level of meritorious service warranted for an upgrade to Honorable discharge.

(3) The Board voted not to change the applicant's reason for discharge or accompanying SPD code as the reason the applicant was discharged was both proper and equitable.

(4) 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:** Yes
- b. Change Characterization to:** General (Under Honorable Conditions)
- c. Change Reason / SPD code to:** No Change
- d. Change RE Code to:** No Change
- e. Change Authority to:** No Change

Authenticating Official:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20240007591

1/28/2026



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