1. Applicant's Name:

a. Application Date: 14 June 2024

b. Date Received: 20 June 2024

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 honorable. The applicant in effect, requests reconsideration of their request for a change of their narrative reason for separation, previously denied in Army Discharge Review Board Docket Number AR20130015918, dated 23 June 2014; and also requests a change of separation authority, separation code, and requests an appearance before the Board.
- (2) The applicant seeks relief contending they originally discussed with their chain of command a voluntary release from active duty due to pregnancy. Instead, their brigade executive officer plead with them to accept a Family Care Plan change so they could remain in their unit until the unit deploys. They were not counseled on how a Family Care Plan failure was considered derogatory or substandard performance. They were told repeatedly "it's an honorable don't' worry about the involuntary separation." Army Regulation 600-8-24, paragraph 2-9c states "the counselor will not influence or direct the officer to make a decision." They were influenced and they never received a counseling in regard to their pregnancy. The counseling they received for Family Care Plan failure was a "check the block" solely for the command to initiate chapter processing.
- (3) They were not aware they could request a correction or update their DD Form 214 until just recently. Since their discharge in 2013, they have honorably supported and enabled their spouse as a military spouse. They are interested in pursuing a government job and they believe they earned a DD Form 214 that accurately reflects their service and circumstances. They were not a Substandard Performer as it reads on their current DD Form 214.
- **b. Board Type and Decision:** In a telephonic personal appearance hearing on 21 April 2025, the board determined by a 3-2 vote that the discharge was inequitable. Their decision was based on the narrative reason for the applicant's discharge, "Substandard Performance," which was found to lack supporting documentation such as counseling statements, evaluations, or memorandum indicating substandard performance. Additionally, the board took into account the applicant's service record, including factors such as length, quality, combat experience, and post-service achievements. Consequently, the board decided to amend the separation authority to AR 15-180 and upgrade the narrative reason to Secretarial Authority under AR 15-180, with an updated separation code of KFF.

3. DISCHARGE DETAILS:

- **a.** Reason / Authority / Codes / Characterization: Substandard Performance / Army Regulation 600-8-24, Paragraph 4-2A / JHK / Honorable
 - b. Date of Discharge: 7 June 2013

c. Separation Facts:

- (1) Date of Initiation of Elimination: 19 March 2013
- **(2) Basis for Separation:** The applicant was informed to show cause for retention on active duty under the provisions of Army Regulation 600-8-24, paragraph 4-2a for substandard performance of duty based on, on 5 October 2012, they were identified as having failed to establish an adequate Family Care Plan.
 - (3) Board of Inquiry (BOI) Date: NIF
- (4) General Officer's Show Cause Authority (GOSCA) Recommendation Date / Characterization: 2 April 2013 / Honorable
- **(5) DA Board of Review for Eliminations:** On 3 May 2013, the Army Board of Review for Eliminations considered the GOSCA's request to involuntary separate the applicant for substandard performance in accordance with Army Regulation 600-8-24, paragraph 4-2a.
 - (6) Separation Decision Date / Characterization: 3 May 2013 / Honorable

4. SERVICE DETAILS:

- a. Date / Period of Appointment: 15 July 2010 / 6 years
- b. Age at Appointment / Education: 28 / Less Than 2 years of College
- **c. Highest Grade Achieved / MOS / Total Service:** W-02 / 920A, Property Accounting Technician / 12 years, 2 months, 3 days
- **d. Prior Service / Characterizations:** Active Duty U.S. Army, 5 April 2001 14 July 2010 / Honorable
- e. Overseas Service / Combat Service: SWA / Kuwait (22 March 2003 3 July 2003), Afghanistan (17 May 2009 24 April 2010)
- **f. Awards and Decorations:** ACM-CS, BSM, MSM, ARCOM-2, AAM-7, NATOMDL, GWTEM, GWTSM, NCOPDR-2, ASR, OSR

g. Performance Ratings:

- 15 July 2010 14 July 2011 / No Box Check
- 15 July 2011 14 July 2012 / Center of Mass
- 15 July 2012 7 June 2013 / Center of Mass

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DA Form 4856 (Developmental Counseling Form) dated 5 October 2012 reflects the applicant received counseling from their company commander as the applicant has been identified as "A Soldier categorized as half of a dual-military couple of the [Active Component] AC or [Reserve Component] RC of any service...who has joint or full custody of one or more family members under the age of 18." The Soldier is required to establish a viable Family Care Plan, in accordance with Army Regulation 600-20, paragraph 5-5. The Plan of Action reflects the applicant will create a viable Family Care Plan within the next 30 days and they understand

that failure to establish a Family Care Plan will result in administrative elimination from Active Duty per Army Regulation 600-8-24, paragraph 4-2. The applicant agreed with the information, provided no remarks, and signed the form.

- (2) A DA Form 5304 (Family Care Plan Counseling Checklist) dated 5 October 2012, the applicant initialed that they are receiving Family Care Plan counseling by their commander because their current family status is, a pregnant Soldier who is married to another service member. They understand they must submit a complete Family Care Plan with all attendant documents to their commander within 30 days form the date of this counseling session.
- (3) A DA Form 4856 (Developmental Counseling Form) dated 5 November 2012 reflects the applicant received counseling from their company commander notifying the applicant, that they were unable to provide a Family Care Plan within the allotted 30 days and the commander is initiating eliminating procedures to separate them from the military. The applicant agreed with the information, provided no remarks, and signed the form.
- (4) Three memorandums from the applicant's chain of command, subject: Request for Release due to Family Care Plan, dated 29 November 2012 through 17 December 2012, the applicant's company commander, battalion commander, and brigade commander recommended the applicant be separated from military service due to the lack of a Family Care Plan. They recommended the applicant's service be characterized as Honorable.
- (5) A memorandum, Headquarters, Fort Drum, subject: Initiation of Elimination, dated 19 March 2013, reflects the applicant was notified of their requirement to show case for retention on active duty under the provisions of Army Regulation 600-8-24, paragraph 4-2(a) because of substandard performance of duty. The actions are based on specific reasons for elimination as, on 5 October 2012, the applicant was identified as having failed to establish an adequate Family Care Plan. The commanding general notified the applicant of their rights in according with Army Regulation, paragraph 4-24. On 22 March 2013, the applicant acknowledged receipt of their Notification of Initiation of Elimination.
- **(6)** A memorandum Headquarters, Fort Drum, For Commander, Human Resources Command (HRC), subject: Officer Elimination Proceedings [Applicant], dated 2 April 2013, reflects the commanding general reviewed the elimination proceedings of the applicant and recommended they be discharged from the Army with an Honorable discharge.
- (7) A memorandum, Department of the Army, Office of the Assistant Secretary Manpower and Reserve Affairs, subject: Probationary Officer Elimination Case, [Applicant], dated 3 May 2013, reflects the Deputy Assistant Secretary (Army Review Boards) reviewed the recommendation of the General Officer Show Cause Authority, that the applicant be involuntarily eliminated from the U.S. Army. This elimination is based on substandard performance of duty (Army Regulation 600-8-24, paragraph 4-2a). They determined the applicant will be involuntarily eliminated from the U.S. Army, and in accordance with Army Regulation 600-8-24, paragraph 1-22a, the applicant will receive an Honorable characterization of service.
- (8) On 7 June 2013, the applicant was discharged accordingly, the DD Form 214 (Certificate of Release or Discharge from Active Duty) provides they completed 2 years, 10 months, and 23 days of net active service this period and completed their first full term of service. Their DD Form 214 reflects in
 - item 12d (Total Prior Active Service) 9 years, 3 months, 10 days
 - item 24 (Character of Service) –Honorable

- item 25 (Separation Authority) Army Regulation 600-8-24, paragraph 4-2a
- item 26 (Separation Code) JHK
- item 28 (Narrative Reason for Separation) Substandard Performance
- **(9)** On 23 June 2014 the Army Discharge Review Board denied the applicant's request to change the narrative reason for separation. The Board, after examining the applicant's service record, the documents and the issues submitted with the application, there is insufficient mitigating factors to merit a change to the narrative reason for the discharge. The Board determined –
- (a) The applicant was discharged for their inability to perform prescribed duties due to parenthood under the provisions of Army Regulation 600-8-24, paragraph 4-2a. The involuntary separation was appropriate since the command determined the applicant's parental obligations interfered with the fulfillment of military responsibilities and they were properly informed as to the specific factors in their service record that would warrant such characterization.
- **(b)** Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities, 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 "JHK" as the appropriate code to assign officers who are discharged under the provisions of Army Regulation 600-8-24, paragraph 4-2a, for substandard performance. The regulation further stipulates that no deviation is authorized.
- **(c)** The record confirms that all requirements of law and regulation were met, and the rights of the applicant were fully protected throughout the separation process. The records show the proper discharge and separation authority procedures were followed in this case. Therefore, the reason for discharge and characterization of service being both proper and equitable.
 - i. Lost Time / Mode of Return: None
 - j. Behavioral Health Condition(s): None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- DA Form 4856 (Developmental Counseling Form)
- DA Form 67-9 (Officer Evaluation Report)
- Officer Record Brief
- DD Form 214
- **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 135-178 (Enlisted Administrative Separation) dated 13 April 2007 set policies, standards, and procedures to ensure the readiness and competency of the U.S. Army while providing for the orderly administrative separation of the Army National Guard of the United States and U.S. Army Reserve enlisted Soldiers for a variety of reasons. Chapter 6 (Convenience of the Government) stated a Soldier may be separated from the convenience of the Government on the basis of the reason set forth in this chapter. A Soldier may be separated by reason of parenthood if, as a result thereof, it is determined the Soldier is unable satisfactorily to perform their duties or is unavailable for worldwide assignment or deployment. The service of a Soldier separated under this chapter will be characterized as honorable
- **e.** Army Regulation 600-8-24 (Officer Transfers and Discharges) effective 12 May 2006, set forth the basic authority for the separation of commissioned and warrant officers.
- (1) Paragraph 2-13 (Rules for Processing Voluntary Release from Active Duty due to Pregnancy) stated a commander with SAA may release a Reserve Component officer who requests release from active duty because of pregnancy provided the officer has no Active Duty Service Obligation. When it has been determined that an officer is pregnant, they will be counseled by their immediate commanding officer or executive officer. The counselor will explain to the officer that the purpose of the counseling is to provide information concerning their rights, entitlements, and responsibilities with respect to continued active duty or separation. The counselor will not influence or direct the Soldier to make any particular decision. A statement of counseling will be signed by the counselor and filed in the officer's AMHRR.
- (2) Chapter 4 (Eliminations) outlined the policy and procedure for the elimination of officers from the active Army for substandard performance of duty.
- (3) Paragraph 4-2a, prescribes for the elimination of an officer for substandard performance of duty for: downward trend in over performance of duty; failure to keep pace or to progress with contemporaries; failure exercise necessary leadership or command expected of an officer of their grade; and failure to establish an adequate Family Care Plan in accordance with Army Regulation 600-20, paragraph 5-5.
- **f.** Army Regulation 600-20 (Army Command Policy) dated 18 April 2008 prescribed the policies and responsibilities of command, which include the Well-being of the force, military discipline, and conduct, the Army Equal Opportunity Program, and the Army Sexual Assault Victim Program. Paragraph 5-5 (Family Care Plans) stated the Army assists the Soldier in providing for the care of their Family members. Commanders, regardless of the Soldier's grade, will conduct or arrange for Family Care Plan counseling and require a Family Care Plan be completed when any of the following apply; to include a pregnant Soldier, who is married to another service member; and a Soldier categorized as half of a dual-military couple who has joint or full legal custody of one or more Family members under age 19. Officers will be counseled on voluntary and involuntary separations whenever parenthood interferes with military responsibilities under provision of Army Regulation 600-8-24 for Active Duty Soldiers and U.S. Army Reserve and officers serving on active duty. Pregnant Soldiers will be counseled using DA Form 5304 as soon as pregnancy is identified but not later than 90 days prior to the expected date of birth of the child.
- **g.** Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) dated 6 September 2011 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. Chapter 5 (Separation for Convenience of the Government) contains policies and procedures for voluntary and involuntary separations for the convenience of the Government. Unless the reason for separation requires a specific characterization, a Soldier

being separated for the convenience of the Government will be awarded a character of service of honorable. Paragraph 5-8 (Involuntary Separation due to Parenthood) stated Soldiers will be considered for involuntary separation when parental obligations interfere with fulfillment of military responsibilities.

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 "JHK" as the appropriate code to assign officer personnel who are discharged under the provisions of Army Regulation 600-8-24, paragraph 4-2a, substandard performance. Also, it identifies "MDF" as the appropriate code to assign officer personnel who are voluntary discharged under the provisions of Army Regulation 600-8-24, paragraph 2-13, pregnancy or childbirth.

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 applicant's AMHRR reflects the applicant received developmental counseling for failure to provide an adequate Family Care Plan, was required to Show Cause for retention on Active Duty and was involuntarily discharged from the U.S. Army. Their DD Form 214 provides they were discharged with a character of service of Honorable, for substandard performance. They completed 2 years, 10 months, and 23 days of net active service this period and completed their first full term of service; however, the applicant did not complete their 6-year active duty commitment.
- **c.** Army Regulation 600-8-24 (Officer Transfers and Discharges) sets forth the basic authority for the separation of commissioned and warrant officers. Paragraph 4-2a, prescribes for the elimination of an officer for substandard performance of duty for: downward trend in over performance of duty; failure to keep pace or to progress with contemporaries; failure exercise necessary leadership or command; and failure to establish an adequate Family Care Plan in accordance with Army Regulation 600-20, paragraph 5-5.
- **d.** The applicant's AMHRR does not reflect documentation of the applicant's request for voluntary release from Active Duty for pregnancy.
- **e.** 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. 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):
 - b. The applicant presented the following additional contention(s):
 - c. Counsel / Witness(es) / Observer(s):

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? **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.** Prior Decisions Cited: 23 June 2014
 - **c.** Response to Contention(s):
- (1) The applicant contends they originally discussed with their chain of command a voluntary release from active duty due to pregnancy. Instead, their brigade executive officer plead with them to accept a Family Care Plan change so they could remain in their unit until their unit deploys. The board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the lack of supporting documentation such as counseling statements, evaluations, or memorandum indicating substandard performance in the applicant's service record. Additionally, the board included factors such as length, quality, combat experience, and post-service achievements. Therefore, the board decided to amend the separation authority to AR 15-180 and upgrade the narrative reason to Secretarial Authority under AR 15-180, with an updated separation code of JFF.
- (2) The applicant contends they were not counseled on how a Family Care Plan failure was considered derogatory or substandard performance. They were told repeatedly "it's an honorable don't worry about the involuntary separation." The board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted as detailed in paragraph 10c (1).
- (3) The applicant contends Army Regulation 600-8-24, paragraph 2-9c states "the counselor will not influence or direct the officer to make a decision." They were influenced and they never received a counseling in regard to their pregnancy. The counseling they received for Family Care Plan failure was a "check the block" solely for the command to initiate chapter processing. They were told repeatedly "it's an honorable don't worry about the involuntary separation." The board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted as detailed in paragraph 10c (1).
- (4) The applicant contends they were not aware they could request a correction or update their DD Form 214 until just recently. Since their discharge in 2013, they have honorably supported and enabled their spouse as a military spouse. They were told repeatedly "it's an honorable don't worry about the involuntary separation." The board considered this contention and directed the assurance of a new DD Form 214 changing the separation authority to AR 15-180 and upgrade the narrative reason to Secretarial Authority under AR 15-180, with an updated separation code of JFF.

- (5) The applicant contends they are interested in pursuing a government job and they believe they earned a DD Form 214 that accurately reflects their service and circumstances. The board considered this contention but does not grant relief to gain employment or enhance employment opportunities.
- (6) The applicant contends they were not a Substandard Performer as it reads on their current DD Form 214. The board considered this contention and directed the assurance of a new DD Form 214 changing the separation authority to AR 15-180 and upgrade the narrative reason to Secretarial Authority under AR 15-180, with an updated separation code of JFF.
- **d.** The board determined the discharge is inequitable based on the applicant's length, quality, and combat service as well as the circumstances surrounding the discharge. Therefore, the board voted to grant relief in the form of a narrative reason change from substandard performance to Secretarial Authority. Therefore, the board voted to amend the separation authority to AR 15-180 and upgrade the narrative reason to Secretarial Authority under AR 15-180, with a corresponding separation code of KFF. The applicant has exhausted their appeal options available with ADRB. However, the applicant may still apply to the Army Board for Correction of Military Records. 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.

e. Rationale for Decision:

- (1) The board voted not to change the applicant's characterization of service because it is already an Honorable discharge.
- (2) The board voted to change the applicant's reason for discharge to Secretarial Authority under the same rationale, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is KFF.
- (3) No changes were made to the RE code because the applicant served as an Army Warrant Officer.

11. BOARD ACTION DIRECTED:

a. Issue a New DD-214: Yes

b. Change Characterization to: No Change

c. Change Reason / SPD code to: Secretarial Authority/KFF

d. Change Authority to: AR 15-180

Authenticating Official:

5/19/2025

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

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