

1. Applicant's Name: [REDACTED]**a. Application Date:** 31 July 2024**b. Date Received:** 14 August 2024**c. Counsel:** [REDACTED]**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 requests a change of the separation code, reentry code, narrative reason for separation and requests an appearance before the board.

(2) The applicant, through counsel, seeks relief contending they did not engage in the misconduct/integrity violation alleged in the contested Noncommissioned Officer Report (NCOER) for the period 1 November 2011 through 24 August 2012, which led to their separation via the Qualitative Management Program (QMP). Their referral to the QMP was improper and erroneous. Their military record overwhelmingly weighed in favor for retaining them on Active Duty and they should have been retained. Their post service conduct is deserving of favorable relief.

b. Board Type and Decision: In a telephonic personal appearance conducted on 17 November 2025, and by a 3-0 vote, the Board determined the discharge was inequitable based on applicant's length, combat, and quality of service. The Board voted to change the Reentry code to 1. In a 2-1 vote, the board determined the narrative reason was proper and equitable and did not change it. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names available upon request.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Non-Retention on Active Duty / Army Regulation 635-200, Chapter 4 / JGH / RE-3 / Honorable

b. Date of Discharge: 1 November 2015

c. Separation Facts: The applicant's Army Military Human Resource Record (AMHRR) is void of their QMP separation file; however, the applicant provided documents which are described below in 3c(1) through (4).

(1) Date of Notification of Intent to Separate: 5 December 2014

(2) Basis for Separation: U.S. Army Human Resource Command (HRC) Memorandum, 5 December 2014, reflects the applicant was notified of being considered for separation as a result of a NCOER for the period 1 November 2011 through 24 August 2012.

(3) Qualitative Management Program Selection Board Date: NIF

(4) Separation Decision Date / Characterization: NIF

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 8 March 2012 / NIF

b. Age at Enlistment / Education / GT Score: 32 / HS Diploma / 110

c. Highest Grade Achieved / MOS / Total Service: E-7 / 14T4O, Patriot Launching Station Enhanced Operator/Maintainer / 13 years, 11 months, 12 days

d. Prior Service / Characterizations: NA

e. Overseas Service / Combat Service: Korea, Germany, SWA / Egypt (27 August 2005 – 14 October 2005) and Qatar (4 December 2012 – 23 November 2013)

f. Awards and Decorations: ARCOM-5, AAM-5, AGC-4, NDSM, GWTEM, GWTEM, GWTSM, KDSM, NCOPDR-3, ASR, OSR-3

g. Performance Ratings:

- July 2005 – 31 October 2011 / Among the Best
- 1 November 2011 – 24 August 2012 / Fully Capable
- 1 February 2007 – 30 September 2012 / Among the Best
- 25 August 2012 – 20 March 2013 / Among the Best
- 21 March 2013 – 20 March 2014 / Among the Best
- 21 March 2014 – 20 March 2015 / Fully Capable

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DA Form 2166-8 (NCOER) covering the period 1 November 2011 through 24 August 2012, reflects in –

- Part IV(a) – (Army Values) – “NO” for Integrity, with comment, involved in and lied about inappropriately acquiring a serial number item for a fellow NCO
- Part IV(c)(f) (Responsibility and Accountability) – “NEEDS IMPROVEMENT (Some)” –
 - inappropriately acquired a piece of serial numbered equipment with the intent to deceptively replace a missing item on a hand receipt
 - failed to account for 100-percent of sensitive items while assigned to accomplish the inventory for the month
 - signed for the items without full knowledge
- Part V (Overall Performance and Potential) – FULLY CAPABLE
- Part V (e) (Senior Rater Bullet Comments) – in part, has the potential to progress with close observation and mentorship

(2) A memorandum, HRC, subject: Department of the Army Notification for Potential Denial of Continued Active Duty Service under the QMP, dated 5 December 2014, reflects the applicant notification that a QMP Board will convene on 10 February 2015 to consider them for

separation as a result of information received for permanent filing in their AMHRR. The NCOER covering the period 1 November 2011 through 24 August 2012 lead to the initiation of this process.

(3) In the applicant's memorandum, subject: Letter of Mitigation Regarding Potential Denial of Continued Active Duty Service of [Applicant], under the QMP, dated 19 January 2015, the applicant states they have the moral and ethical conduct compatible with the values of the NCO Corps and the Army ethics. The NCOER which led to this initiation was in fact an isolated period of time with nothing before nor after that is even closely comparable. The NCOER does not accurately reflect their character, nor does it accurately portray whom they have always been, or will be, and it is certainly not indicative of the level of professionalism and performance they bring to the fight every day. They have enclosed their applicant for Warrant Officer Procurement Packet, which includes letters of recommendation showing the confidence and trust that their unit's chain of command have in their abilities, current performance, and potential for positive growth. They have never been the subject to Court-Martial, nonjudicial punishment, nor administrative reprimand. They have never been barred to reenlist, never failed an Army Physical Fitness Test, nor failed to comply with the requirements of the Army Body Composition Program.

(4) In the applicant's Statement of Options, QMP, dated 20 April 2015, they acknowledged they were notified that day, that they have been denied continuous service under the QMP. They have carefully read, been counseled and understand their options. They have chosen to not appeal. They understand they will be involuntarily discharged on 1 November 2015 without entitlement to a hearing by a local separation board.

(5) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was not transferred to the U.S. Army Reserve Control Group and did not have a Reserve Obligation Termination Date. The applicant was discharged on 1 November 2015, with 13 years, 11 months and 12 days of net active service this period. The DD Form 214 shows in:

- item 24 (Character of Service) – Honorable
- item 26 (Separation Code) – JGH
- item 27 (Reentry Code) – 4
- item 28 (Narrative Reason for Separation) – Non-Retention on Active Duty

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)
- Counsel's Supplemental Statement with 15 tabbed enclosures

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. 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; Title 10 U.S. Code; Section 1553 and DoD Directive 1332.41 and DoD Instruction 1332.28.

f. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) dated 19 December 2016 prescribed policies and standards to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. It prescribes the policies, procedures, authority for separation of Soldiers, and the general provisions governing the separation of Soldiers before ETS or fulfillment of active duty obligation to meet the needs of the Army and its Soldiers.

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

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

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

(4) Chapter 4 (Separation for Expiration of Service Obligation) stated a Soldier will be separated upon expiration of enlistment or fulfillment of service obligation. Soldiers who are precluded from retention for any reason will not be retained beyond the last day of the month in which their ETS falls. Soldiers precluded from re-enlistment for any reason and discharged forfeit retirement eligibility altogether, as re-entry on active duty for the purpose of applying for retirement is not allowed.

(5) 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

(6) Chapter 19 (Qualitative Management Program(QMP)) provided policies and procedures for voluntary and involuntary separation, for the convenience of the Government of, to include Regular Army NCOs under the QMP. The service of a Soldier discharged under this chapter will be characterized as Honorable. NCOs whose performance, conduct, and/or potential for advancement do not meet Army standards, as determined by the approved recommendations of Headquarters Department of the Army centralized selection boards responsible for QMP screening, will be denied continued service.

(7) Paragraph 19-12 (Involuntary Discharge) stated, except as otherwise provided in this section, Soldiers who choose not to appeal the QMP selection for denial of continued service, or whose appeal is denied, will be involuntarily discharged. Soldiers who elect to appeal but fail, without compelling justification, to submit the appeal within the time prescribed, will also be involuntarily discharged. The provisions of this regulation pertinent to counseling and rehabilitative transfer, notification of separation recommendations, and hearing before an administrative separation board, do not apply to involuntary discharge under this chapter.

g. 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 "JGH" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, paragraph 19-12, Non-Retention on Active Duty.

h. MILPER Message Number 15-394, Procedures for the Fiscal Year 2016 Qualitative Management Program (QMP), paragraph 8e stipulates:

(1) Voluntary Retirements: Soldiers who elect voluntary retirement, regardless of whether it in lieu of QMP consideration or in lieu of involuntary separation as a result of QMP, will have their DD Form 214 coded with Separation Program Designator (SPD) code "RBD" and Reentry Eligibility code of "RE-4R."

(2) Voluntary Discharge: Soldiers who elect voluntary discharge rather than Retirement will have their DD Form 214 coded with SPD code "KGH" and Reentry Eligibility code "RE-4."

(3) Involuntary Discharge: Soldiers who do nothing and are involuntarily discharged will have their DD Form 214 coded with SPD code "JGH" and reentry Eligibility code "RE-4."

(4) Voluntary REFRAD: AGR Soldiers with 20 years or more of qualifying service for Non-regular retired pay who elect voluntary REFRAD will have their DD Form 214 coded with SPD code "MGH" and reentry eligibility code "RE-4."

i. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DoD Instruction 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for 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 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):

a. The Army Discharge Review Board considers applications for upgrade as instructed by DoD Instruction 1332.28.

b. The applicant's AMHRR indicates the applicant's involuntary separation under the QMP. Soldiers involuntarily separated as the result of a QMP board will be separated under the provisions of Army Regulation 635-200, Chapter 19, paragraph 19-12, non-retention on active duty. The applicant's DD Form 214 indicates they were discharged with a character of service of Honorable for Non-Retention on Active Duty. They completed 13 years, 11 months and 12 days of net active service this period and completed their first full term of service.

c. Chapter 19 (Qualitative Management Program(QMP)) provided policies and procedures for voluntary and involuntary separation, for the convenience of the Government of, to include Regular Army NCOs under the QMP. The service of a Soldier discharged under this chapter will be characterized as Honorable. NCOs whose performance, conduct, and/or potential for advancement do not meet Army standards, as determined by the approved recommendations of Headquarters Department of the Army centralized selection boards responsible for QMP screening, will be denied continued service.

d. Published DoD guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

9. 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):**

(1) That the applicant does not have any of the listed reasons for a separation (QMP) board to have been done. It was not a "relief for cause" NCOER. After deliberation, the Board accepted this contention as valid and voted to update the applicant's Re-entry code.

(2) Post-service shows their high degree of motivation and that their conduct being honorable in all ways. The Board considered this contention persuasive during its deliberations.

(3) No intent to deceive at any time. Applicant did know it was wrong. The Board recognizes the applicant's partial acceptance of wrongdoing and thus voted not to change the narrative reason for separation, but did grant the request to change the re-entry code.

(4) NCOER in question was also administratively done incorrectly. The Board considered this contention non-persuasive during its deliberations.

c. Counsel / Witness(es) / Observer(s): Mr. Joseph Galli

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: None

c. Response to Contention(s):

(1) The applicant, through counsel, seeks relief contending they did not engage in the misconduct/integrity violation alleged in the contested Noncommissioned Officer Report (NCOER) for the period 1 November 2011 through 24 August 2012, which led to their separation via the Qualitative Management Program (QMP). The Board found insufficient evidence, and the applicant failed to convince the Board, that the applicant did not do the misconduct that led to their separation.

(2) The applicant contends their referral to the QMP was improper and erroneous due to the NCOER not being a "relief for cause" NCOER. The Board found this contention valid and thus their discharge to be inequitable and thus voted to upgrade the applicant's re-entry code.

(3) The applicant contends their post service conduct is deserving of favorable relief. The Board found this contention valid and thus their discharge to be inequitable and improper and thus voted to upgrade the applicant's re-entry code.

d. The Board determined: The Board carefully considered the applicant's request, supporting documents, evidence in the records, 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 that although the minority of the Board voted for a change to the narrative reason and separation code and RE code due to the Soldiers discharge being

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improper. However, the majority of the Board voted 3-0 to only change the applicant's RE code to RE1 based on the applicant's quality of service. Based on a preponderance of evidence, the Board determined that the RE Code the applicant received upon separation was inequitable.

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) The Board voted not to change the applicant's characterization of service because, the applicant currently has an Honorable discharge. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process.

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

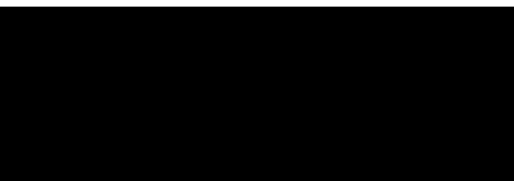
(4) The Board voted to change the RE code to RE-1.

11. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes**
- b. Change Characterization to: No Change**
- c. Change Reason / SPD code to: No Change**
- d. Change RE Code to: Re 1**
- e. Change Authority to: No Change**

Authenticating Official:

2/18/2026



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

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