

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20260000792

1. FORMER SERVICE MEMBER'S NAME: [REDACTED]

PROACTIVE REVIEW DATE: 22 January 2026

2. ISSUES, BOARD TYPE, AND DECISION:

a. **FORMER SERVICE MEMBER'S ISSUE:** The applicant was identified through a validated review of military records as a former service member eligible to have the discharge characterization of service reviewed for potential upgrade.

b. **BOARD TYPE AND DECISION:** Proactive Review Board. In a records review conducted on 25 March 2026, and by a 3-0 vote, the Board determined the discharge is inequitable based on the references listed in Section 4 of this document, but acknowledging the separate misconduct of 6x AWOL and illegal hand tattoo. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code to JKN. Please see Section 6 of this document for more detail regarding the Board's decision. Board member names available upon request.

3. SUMMARY OF FACTS:

a. **COUNSELING/NOTIFICATION FOR FAILURE TO TAKE COVID-19 VACCINE:** NIF.

b. **DISCHARGE DETAILS:**

(1) **REASON/AUTHORITY/CODES/CHARACTERIZATION:** Misconduct (Serious Offense)/Army Regulation 635-200/JKQ/RE-3/General (under Honorable Conditions).

(2) **DATE OF DISCHARGE:** 15 June 2022.

(3) **SEPARATION FACTS:**

(a) **DATE OF NOTIFICATION OF INTENT TO SEPARATE:** 05 April 2022.

(b) **BASIS FOR SEPARATION:** The applicant disobeyed a lawful order by refusing to become fully vaccinated against COVID-19 and received an illegal tattoo on hand in violation of AR 670-1.

(c) **RECOMMENDED CHARACTERIZATION:** General (Under Honorable Conditions).

(d) **LEGAL CONSULTATION DATE:** 14 April 2022.

(e) **ADMINISTRATIVE SEPARATION BOARD:** N/A.

(f) **SEPARATION DECISION DATE/CHARACTERIZATION:** 22 April 2022 /General (Under Honorable Conditions).

c. **OTHER DISCIPLINARY INFRACTIONS IN SERVICE RECORD:** Applicant received NJP under Article 15, UCMJ, on 06 December 2021 for six violations of being AWOL (Article 86). Sentence included reduction to PFC/E-3, forfeiture of pay, extra duty, and an oral reprimand. Applicant

additionally received NJP under Article 15, UCMJ, on 02 February 2022 for violation of a lawful order or regulation (Article 92). His sentence included reduction to PV2/E-2, forfeiture of pay, extra duty, and an oral reprimand.

d. **COMBAT SERVICE:** None.

e. **SERVICE AWARDS:** AAM, NDSM, GWTSM, ASR.

4. **COVID-19 PROACTIVE POLICY GUIDANCE:**

a. **UNDER SECRETARY OF WAR MEMORANDUM, DATED 10 DECEMBER 2025:** Pursuant to this policy, any individuals who were involuntarily discharged solely for refusing to take the COVID-19 vaccine are appropriately considered for discharge upgrades. By the direction and authority of the Secretary of War, the Secretaries of the Military Departments will each complete a proactive review of the records of individuals who were involuntarily separated solely due to the refusal to receive the COVID-19 vaccine, and who received less than a fully honorable discharge characterization.

b. **OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR MANPOWER AND RESERVE AFFAIRS MEMORANDUM, DATED 31 DECEMBER 2025:** Pursuant to this policy, an individual who received multiple adverse actions (e.g., letter of reprimand, nonjudicial punishment, and administrative separation) or whose discharge documents cite multiple violations of the Uniform Code of Military Justice is considered to have been "solely" separated due to refusal to be vaccinated if the service member's official military personnel file or other systems of record demonstrate that all adverse actions were based solely upon the refusal to obey an order to receive the vaccine (and not on other factors; e.g., collateral misconduct that may have occurred concurrent with or subsequent to the service member's refusal). While Army records do not indicate that any Soldier was separated under other than honorable conditions due solely to refusal to receive the COVID-19 vaccine, any Soldier discovered to meet these conditions during the identification and validation phase would also be eligible for review. Individuals who did not serve long enough to be considered for an honorable characterization (and therefore received an uncharacterized or entry-level discharge characterization), or who received a dishonorable discharge, bad conduct discharge, or dismissal via court martial, are not eligible for proactive records review, though they may still apply for relief outside the proactive review process set forth herein.

5. **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. Secretary of War memorandum (Restoring Honor to Service Members Separated under Coronavirus Disease 2019 Vaccine Mandate), 6 December 2025, directs a proactive review of personnel records to identify and facilitate discharge upgrades for service members involuntarily separated solely for refusing the COVID-19 vaccine. It delegates authority to the Under Secretary of War for Personnel and Readiness to issue implementing policy, guidance and staffing directives to the Secretaries of the Military Departments to ensure this review is conducted outside of standard Department processes.

c. Under Secretary of War (Personnel and Readiness) memorandum (Guidance to Restore Honor to Service Members Separated under the Coronavirus Disease 2019 Vaccine), 10 December 2025, directs the Secretaries of the Military Departments to proactively review the discharge records of service members involuntarily separated solely for refusing the COVID-19 vaccine and who received less than an honorable discharge. This review, conducted by the Discharge Review Boards, aims to upgrade eligible service members' discharge characterizations to honorable, ensuring they can access earned post-service benefits. The departments must identify eligible individuals, provide resources to the review boards, and report progress monthly to the Under Secretary of War for Personnel and Readiness until all cases are resolved, with a goal of completion within 1 year. The guidance prioritizes correcting injustices caused by the vaccine mandate, enabling deserving service members to move forward.

d. Office, Assistant Secretary of the Army (Manpower and Reserve Affairs) memorandum (Guidance to Restore Honor to Service Members Separated under the Coronavirus Disease 2019 Vaccine), 31 December 2025, generally grants a discharge upgrade request from a former service member when: (a) the former service member was involuntarily separated; (b) the separation was based solely on a refusal to receive the COVID-19 vaccine; and (c) there are no aggravating factors in the service member's record, such as misconduct. Review Boards should normally grant requests to upgrade the characterization of service to "honorable," change the narrative reason for enlisted separation (i.e., to "Secretarial Authority"), and change the reentry code to an immediately eligible-to-reenter code under these specific circumstances. Officer records should be changed to have similar effect. Reviews will be completed not later than 10 December 2026.

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 service member discharged from active military service within 15 years of the service member'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 Department of Defense Directive 1332.41 and Instruction 1332.28.

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

(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) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

(a) Paragraph 14-3 prescribes a discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

(b) Paragraph 14-12c prescribes a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

(4) 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.

g. Army Regulation 635-5-1 (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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, chapter 14, paragraph 14-12c, for misconduct (serious offense).

h. 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, 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 RE codes.

(1) RE-1 Applies to: Person completing the term of active service and 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 Department of the Army-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.

6. BOARD DISCUSSION AND DETERMINATION:

b. The Board voted to change the applicant's characterization of service to honorable based on the references listed in Section 4 of this document and part of the misconduct on file being a refusal to accept the COVID-19 vaccine. Thus, the prior characterization is no longer appropriate.

c. 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."

d. The Board voted to maintain the RE-code of RE-3, acknowledging the separate misconduct of 6x AWOL and illegal hand tattoo.

7. BOARD ACTION DIRECTED:

- a. **ISSUE A NEW DD FORM 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:

3/30/2026

