

IN THE CASE OF: [REDACTED]

BOARD DATE: 29 August 2024

DOCKET NUMBER: AR20230014741

APPLICANT REQUESTS: correction of his DD Form 214 (Certificate of Release or Discharge from Active Duty), Item 28 (Narrative Reason for Separation) to show a different reason for separation. He also requests a personal appearance before the Board.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.
2. The applicant states he separated from military because of a drinking problem that developed while overseas. He attended treatment classes, but his counselor determined that he would not stop drinking. Two years after he separated, with the help of the Lord, he stopped drinking. He now has 28 plus years of sobriety and wishes he could see that counselor. He requests a narrative change so that he may qualify for a certificate of eligibility to purchase a home.
3. The applicant enlisted in the Regular Army on 13 August 1991.
4. His first duty station was Korea with Headquarters and Headquarters Company 2/2d Aviation, 2d Infantry Division.
5. He received non-judicial punishment:
  - a. On 22 March 1992, for:

- On or about 9 March 1992, without authority fail to go at the time prescribed to his place of duty, 0600 hours physical training accountability formation
- On 9 March 1992, without authority fail to go at the time prescribed to his place of duty, 0730 hours work call
- On 9 March 1992, fail to obey a direct order
- On 9 March 1992, as a result of wrongful previous overindulgence in intoxicating liquor or drugs, incapacitated for the proper performance of his duties
- He was reduced to private/E-2 suspended until 22 July 1992

b. On 2 June 1992, for on or about 4 May 1992, as a result of wrongful previous overindulgence in intoxicating liquor or drugs, incapacitated for the proper performance of his duties. He was reduced to private/E-1 suspended until 2 December 1992.

6. On 9 November 1992, he underwent a separation physical examination under the provisions of Army Regulation (AR) 635-200 (Personnel Separations – Enlisted Personnel), Chapter 9. He was found qualified for chapter.

7. On 20 November 1992, his commander notified him of his intent to separate him for alcohol rehabilitation failure. The specific reason for his proposed action was the applicant had a history of overindulgence in alcohol and although he was enrolled in Track I and Track II, he failed to make progress and was declared a rehabilitative failure in consultation with the Army Drug Abuse Prevention and Control Program. The applicant acknowledged receipt of the notification.

8. The applicant, having been advised by his consulting counsel of the basis for the contemplated action to separate him for alcohol rehabilitation failure under the provisions of AR 635-200, Chapter 9, and its effects; of the rights available to him and the effect of any action taken by him in waiving his rights. He understood:

- He may expect to encounter substantial prejudice in civilian life if a general discharge under honorable conditions is issued to him
- If he receives a discharge/character of service which is less than honorable, he may apply for discharge upgrade

9. On 20 November 1992, his immediate commander initiated separation under the provisions of AR 635-200, chapter 9.

10. On 24 November 1992, the separation authority approved the separation with an Honorable Discharge Certificate.

11. Accordingly, the applicant was honorably discharged on 23 December 1992. His DD Form 214 shows he completed 1 year, 4 months, and 11 days net active service this

period. It also shows in Item 28 (Narrative Reason for Separation): Alcohol Abuse/Rehabilitation Failure.

12. In reaching its determination, the Board can consider the applicant's petition and his service record in accordance with the published equity, injustice, or clemency determination guidance.

13. By regulation, AR 15-185 (ABCMR) applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.

14. AR 635-200 sets forth the basic authority for the separation of enlisted personnel. Chapter 9 contains the authority and outlines the procedures for discharging Soldiers because of alcohol or other drug abuse rehabilitation failure.

#### BOARD DISCUSSION:

After reviewing the application and all supporting documents, the Board determined relief was not warranted. Based upon the facts and circumstances leading to the applicant's separation, the Board concluded the current narrative reason for separation accurately depicts those facts and circumstances. As a result, the Board found no error or injustice warranting a change to the applicant's narrative reason for separation.

#### BOARD VOTE:

Mbr 1      Mbr 2      Mbr 3

:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

3/6/2025

  
XCHAIRPERSON  


I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, U.S. Code, section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Army Regulation (AR) 15-185 (ABCMR) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. The ABCMR begins its consideration of each case with the presumption of administrative regularity, which is that what the Army did was correct.
  - a. The ABCMR is not an investigative body and decides cases based on the evidence that is presented in the military records provided and the independent evidence submitted with the application. The applicant has the burden of proving an error or injustice by a preponderance of the evidence.
  - b. The ABCMR may, in its discretion, hold a hearing or request additional evidence or opinions. Additionally, it states in paragraph 2-11 applicants do not have a right to a hearing before the ABCMR. The Director or the ABCMR may grant a formal hearing whenever justice requires.
3. AR 635-200 (Personnel Separations – Enlisted Personnel), sets forth the basic authority for the separation of enlisted personnel. Chapter 9 (Alcohol or Other Drug Abuse Rehabilitation Failure) contains the authority and outlines the procedures for discharging Soldiers because of alcohol or other drug abuse. A member who has been referred to the Army Drug and Alcohol Prevention and Control Program (ADAPCP) for

alcohol/drug abuse may be separated because of inability or refusal to participate in, cooperate in, or successfully complete such a program if there is a lack of potential for continued Army service and rehabilitation efforts are no longer practical. Nothing in this chapter prevents separation of a Soldier who has been referred to such a program under any other provisions of this regulation. Initiation of separation proceedings is required for Soldiers designated as alcohol/drug rehabilitation failures. The service of Soldiers discharged under this chapter will be characterized as honorable or general under honorable conditions unless the Soldier is in entry-level status and an uncharacterized description of service is required. However, an honorable discharge is required if restricted-use information was used. [NOTE: The current regulation still mentions ADAPCP; however, the program name changed a number of years ago to ASAP (Alcohol and Substance Abuse Program)].

4. AR 635-8 (Separation Processing and Documents), prescribes the separation documents that must be prepared for Soldiers upon retirement, discharge, or release from active-duty service or control of the Active Army. It establishes standardized policy for preparing and distributing the DD Form 214. The entry in Block 28 (Narrative Reason for Separation) is based on regulatory or other authority and can be checked against the cross reference in AR 635-5-1 (Separation Program Designator Codes).

5. AR 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 code to be entered on the DD Form 214. It identifies SPD code JPD as the appropriate code to assign to enlisted Soldiers who are administratively discharged under the provisions of chapter 9 of AR 635-200, separated due to alcohol abuse - rehabilitation failure.

//NOTHING FOLLOWS//