

IN THE CASE OF: [REDACTED]

BOARD DATE: 11 June 2025

DOCKET NUMBER: AR20240005458

APPLICANT REQUESTS: reconsideration of his previous request to correct his DD Form 214 (Certificate of Release or Discharge from Active Duty) by changing item 28 (Narrative Reason for Separation) – “Alcohol Abuse – Rehabilitation Failure” to an undisclosed entry.

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

- Self-Authored requesting reconsideration
- Army Commendation Medal certificate
- Army Achievement Medal certificate
- two Cold War Recognition Certificates
- Department of Veterans Affairs (VA) Ratings Decision, 5 December 2017
- VA Ratings Decision, 11 May 2023
- VA Disability Ratings webpage printout

FACTS:

1. Incorporated herein by reference are military records which were summarized in the previous consideration of the applicant's case by the Army Board for Correction of Military Records (ABCMR) in Docket Number AR20230003246 on 10 October 2023.

2. The applicant states he would like a reconsideration based on new evidence and to point out falsehoods and inaccurate facts previously considered.

- Alcohol abuse disorder is recognized as a treatable disease without a cure
- He received an honorable discharge without a narrative prior to reenlisting
- He received 3 Army Achievement Medals, 2 Army Commendation Medals, 3 Good Conduct Medals (including 1 after separation), the National Defense Service Medal, and 2 Cold War certificates (after service)
- He did not have the alcohol abuse disorder when he joined the military, he developed it while serving
- His VA documents show he is 100 percent service-connected disabled for depression, an unspecified depressive disorder, schizophrenia, alcohol abuse disorder, and degenerative disc disorder

- He was a well decorated non-commissioned officer (NCO) with a wife and 2 kids before being kicked out
- He never received an article 15 for violating Article 134 of the Uniform Code of Military Justice (UCMJ)
- The report states he received 14 days extra duty at the NCO Academy (NCOA) on 29 October 1991, but he was released from the NCOA on 6 November 1991
- He also never received a letter reprimand
- The Alcohol and Drug Abuse Prevention and Control Program (ADAPCP) never gave him an opportunity to get inpatient treatment, despite knowing his outpatient treatment was not working
- He was not given an opportunity to consult legal counsel prior to being discharged
- He was not told about the narrative reason that has negatively impacted his life for over 30 years

3. The applicant provides:

- copies of an Army Commendation Medal, the Army Achievement Medal, and 2 Cold War certificates
- two VA Ratings Decisions and VA Disability Ratings printout showing his combined disability ratings of 100 percent

4. A review of his service record shows the following:

- he enlisted in the Regular Army on 20 April 1983
- he reenlisted on 26 November 1986
- on 26 August 1991, he signed a Statement of Understanding stating any infraction involving alcohol and/or the illegal use of drugs would incur immediate release from the NCOA course
- on 21 October 1991, he signed a DA Form 2823 (Rights Warning Procedure/Waiver Certificate), showing he was suspected of violating Article 134 of the UCMJ for incapacitation of the performance of duties through the willful indulgence in intoxicating liquor
- on 29 October 1991, he accepted nonjudicial punishment for violation of Article 134 of the UCMJ because of his "wrongful previous overindulgence in intoxicating liquor, incapacitated for the proper performance of [his] duties"
 - his punishment included forfeiture of \$308 for one-month, extra duty for 14 days, and restriction for 14 days
 - he did not appeal the Article 15 or demand trial by court-martial

- on 6 November 1991, the NCOA's Assistant Commandant's memorandum stated that the applicant was eliminated from student status and declared a nongraduate for the alcohol-related incident that occurred on 21 October 1991
- on 29 December 1991, he was apprehended and received a traffic citation in NY for speeding and driving while intoxicated
- on 29 December 1991, he acknowledged receipt of a suspension and revocation of personally owned vehicle installation driving privileges
- on 31 December 1991, his commander initiated a bar to reenlistment due to his 29 October 1991, Article 15, for violating Article 134 "Overindulgence in intoxicating liquor" with 14 Days Extra Duty, 14 Days Restriction, and forfeiture of \$308 for one month
- on 16 January 1992, the commanding general issued him a written reprimand for the alcohol related incident on 29 December 1991, when he tested at .25 percent blood alcohol content
- on 21 January 1992, he acknowledged receipt of the reprimand and elected to not to make a statement
- on 26 February 1992, the ADAPCP Counselor and Clinical Director signed a memorandum detailing a summary of his rehabilitative activity, stating contrary to conditions of enrollment in the ADAPCP, he had continued to use alcohol, had failed to rehabilitate, and recommended the command take administrative action
- on 3 March 1992, his commander notified him of the intent to separate him as an ADAPCP rehabilitative failure
- he acknowledged understanding he was being processed for elimination and that he had been counseled for the reasons for being eliminated
- On 15 April 1992, his immediate commander-initiated action to separate him under the provisions of Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), Chapter 9 (Alcohol or Other Drug Abuse Rehabilitation Failure)
 - the commander recommended he receive a general, under honorable conditions characterization of service
 - the applicant acknowledged receipt the same day
- on 17 April 1992, he was afforded the opportunity to consult with legal counsel concerning his proposed separation, the applicant signed a statement indicating he declined; however, he acknowledged and received all his rights.

- On 27 April 1992, his intermediate commander recommended he be separated from service with a characterization of general, under honorable conditions, and not transferred to the Individual Ready Reserve (IRR)
- On 28 April 1992, consistent with the chain of command recommendations, the separation authority approved the applicant's discharge under the provisions of Army Regulation 635-200, paragraph 9, and the issuance of a general, under honorable conditions discharge
- on 12 May 1992, he was discharged with an honorable characterization of service, his DD Form 214 shows he completed 9 years and 23 days of net active service, with a separation code "JKL," a narrative reason for separation as "Alcohol Abuse – Rehabilitation Failure," and a reentry code of "3"

5. On 10 October 2023 ABCMR Docket Number AR20230003246 the Board considered the applicant's petition to remove the narrative reason for separation with a more favorable narrative reason. After careful consideration, the Board concluded that the narrative reason for separation was not in error or unjust and denied relief. The medical opinion noted there was insufficient evidence to support the applicant had a condition or experience that supports a change to the narrative reason to his discharge.

6. MEDICAL REVIEW:

a. The applicant is applying to the ABCMR requesting reconsideration of his previous request to correct his DD Form 214 by changing the Narrative Reason for Separation from "Alcohol Abuse-Rehabilitation Failure," to an undisclosed entry. The specific facts and circumstances of the case can be found in the ABCMR Record of Proceedings (ROP). Pertinent to this advisory are the following: 1) the applicant enlisted in the Regular Army on 20 April 1983, 2) he received nonjudicial punishment (NJP) on 29 October 1991 for wrongful previous overindulgence in intoxicating liquor, incapacitated for the proper performance of [his] duties, 3) on 6 November 1991 the applicant was eliminated from student status and declared a nongraduate for the alcohol-related incident that occurred on 21 October 1991, 4) on 29 December 1991, he was apprehended and received a traffic citation in NY for speeding and driving while intoxicated. The same day, he acknowledged receipt of a suspension and revocation of personally owed vehicle installation driving privileges, 5) his commander initiated a bar to reenlistment on 31 December 1991 due to his Article 15 on 29 October 1991, 6) on 16 January 1992, the commanding general issued him a written reprimand for the alcohol related incident on 29 December 1991, when he tested at .25 percent blood alcohol content, 7) on 26 February 1992, the ADAPCP Counselor and Clinical Director signed a memorandum detailing a summary of his rehabilitative activity, stating contrary to conditions of enrollment in the ADAPCP, he had continued to use alcohol, had failed to rehabilitate, and recommended the command take administrative action, 8) the applicant was discharged on 12 May 1991 under the provisions of AR 635-200,

paragraph 9, due to Alcohol Abuse-Rehabilitation Failure, with a separation code of JKL and reentry code of '3,' 9) the applicant's previous petition to the ABCMR as summarized in Docket Number AR20230003246 dated 10 October 2023 shows the Board denied relief.

b. The Army Review Board Agency (ARBA) Medical Advisor reviewed the ROP and casefiles, supporting documents and the applicant's military service and available medical records. The VA's Joint Legacy Viewer (JLV) was also examined. The electronic military medical record (AHLTA) was not reviewed as it was not in use during the applicant's time in service. Lack of citation or discussion in this section should not be interpreted as lack of consideration.

c. A Summary of Rehabilitative Activity dated 26 February 1992 authored by his ADAPCP counselor outlined his course of treatment in the program. It was documented that he was enrolled into an outpatient treatment program on 18 December 1991 after being found drunk on duty. It was reported that he received a DWI on 06 January 1992 and command requested he be evaluated for an upgrade to inpatient treatment. On 17 January 1992, he was diagnosed as 'Alcohol Dependent' and the provider supported enrollment in Track III (inpatient) after several weeks of "good work" in Track II (outpatient treatment). On 24 February 1992, command reported the applicant had been cited with another alcohol-related incident. It was noted that he had attended two individual therapy sessions, two group therapy sessions, and five intensive sessions (educational treatment) and despite enrollment in ADAPCP, had continued to use alcohol. It was recommended that command take appropriate administrative action.

d. A VA Rating Decision Letter dated 05 December 2017 shows the applicant was 70% service-connected for Unspecified Depressive Disorder with Schizophrenia and Alcohol Use Disorder, effective 28 February 2017. A subsequent VA Rating Decision Letter dated 11 May 2023 shows the applicant's service-connection was increased from 70% to 100% for Unspecified Depressive Disorder with Schizophrenia and Alcohol Use Disorder. A VA Compensation and Pension (C&P) examination dated 08 November 2017 shows the applicant was diagnosed with Unspecified Depressive Disorder, Schizophrenia, Depressive Type, and Alcohol Use Disorder, Moderate to Severe. During the evaluation, the applicant stated that his depression and alcohol abuse started following an armor personnel carrier accident that resulted in a torn disc in his back. A Medical Opinion dated 01 December 2017 shows the provider determined that his depression was at least as likely as not proximately due to or the result of his service-connected lower back strain (citing "recurrent mechanical low back pain" on his separation examination in 1992). Moreover, it was documented that the additional information provided for review provided "evidence of a longer history of depressive symptoms with reports of more severe depression." The provider further stated that chronic pain and risk of depression have been linked in psychological studies.

e. The applicant's Medical Advisory included in his previous petition to the ABCMR (Docket Number AR20230003246 dated 10 October 2023) was reviewed. The Advisor documented that the applicant's service-connected disability for a Mood Disorder was granted many years following his discharge from the military which was found to be secondary to long-term pain from a physical injury that occurred while on active service. Thus, the Advisor opined that there was insufficient evidence that the applicant reported or was diagnosed with another mental condition while on active service. The Advisor further noted that there was sufficient evidence that the applicant had demonstrated alcohol abuse while on active service and thus opined that he was appropriately honorably discharged.

f. Based on the available information, it is the opinion of the Agency Medical Advisor that there is sufficient evidence that the applicant has been diagnosed with Unspecified Depressive Disorder with Schizophrenia and Alcohol Use Disorder, which is a potentially mitigating condition. This Advisor would contend that the applicant's depression likely contributed to his discharge due to Alcohol Rehabilitation Failure. Thus, BH mitigation is supported.

g. Kurta Questions:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? Yes, the applicant has been diagnosed and 100% service-connected through the VA for Unspecified Depressive Disorder with Schizophrenia and Alcohol Use Disorder.

(2) Did the condition exist or experience occur during military service? Yes, the applicant has been diagnosed and 100% service-connected through the VA for Unspecified Depressive Disorder with Schizophrenia and Alcohol Use Disorder. Service-connection establishes that the condition existed in-service.

(3) Does the condition or experience actually excuse or mitigate the discharge? Yes. The available records show the applicant was diagnosed with Alcohol Dependence (now known as Alcohol Use Disorder) in-service and was deemed a rehabilitation failure due to continued alcohol use and alcohol-related incidents while enrolled in ADAPCP. Since being discharged from the military, the applicant has been diagnosed and 100% service-connected through the VA for Unspecified Depressive Disorder with Schizophrenia and Alcohol Use Disorder. While his behavioral health condition is service-connected secondary to his service-connected back injury, as mentioned in the VA medical opinion, chronic pain is commonly associated with depression. Moreover, excessive alcohol use is often a self-medicating behavior used to avoid and mask symptoms associated with the natural history and sequelae of many conditions, to include depression and chronic pain. As such, there is a nexus between the applicant's diagnosis of Unspecified Depressive Disorder with Schizophrenia and Alcohol Use

Disorder and his discharge due to Alcohol Rehabilitation Failure. Although the applicant's honorable discharge due to Alcohol Rehabilitation failure does appear to be fair and equitable, there is sufficient evidence to support the applicant's request to update the narrative reason for separation for BH reasons.

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was not warranted. The Board carefully considered the applicant's record of service, documents submitted in support of the petition and executed a comprehensive and standard review based on law, policy and regulation. Upon review of the applicant's petition, available military records and medical review, the Board considered the advising opinion of the Agency Medical Advisor that there is sufficient evidence that the applicant has been diagnosed with Unspecified Depressive Disorder with Schizophrenia and Alcohol Use Disorder, which is a potentially mitigating condition. This Advisor would contend that the applicant's depression likely contributed to his discharge due to Alcohol Rehabilitation Failure. Thus, BH mitigation is supported.

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include depression and chronic pain. As such, there is a nexus between the applicant’s diagnosis of Unspecified Depressive Disorder with Schizophrenia and Alcohol Use Disorder and his discharge due to Alcohol Rehabilitation Failure. Although the applicant’s honorable discharge due to Alcohol Rehabilitation failure does appear to be fair and equitable, there is sufficient evidence to support the applicant’s request to update the narrative reason for separation for BH reasons.

2. The Board acknowledged the advising opinion, which found sufficient evidence that the applicant has been diagnosed with Unspecified Depressive Disorder, Schizophrenia, and Alcohol Use Disorder—conditions that could be considered mitigating factors. The Advisor contended that the applicant’s depression likely contributed to the discharge due to Alcohol Rehabilitation Failure. However, the Board determined that the applicant had been provided two opportunities to seek rehabilitation assistance. Despite enrollment in the Alcohol and Drug Abuse Prevention and Control Program (ADAPCP), the applicant continued to use alcohol and failed to rehabilitate. Furthermore, the applicant was apprehended and cited in New York for speeding and driving while intoxicated, posing a potential risk to other motorists. The Board determined that the documentation at the time of separation adequately justified the narrative reason for discharge as recorded on the DD Form 214. The Board found no basis for granting relief.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board found 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 to amend the decision of the ABCMR set forth in Docket Number AR20230003246 on 10 October 2023.



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 1556 (Ex Parte Communications Prohibited) requires the Secretary of the Army to ensure that an applicant seeking corrective action by the Army Review Boards Agency (ARBA) be provided with a copy of any correspondence and communications (including summaries of verbal communications) to or from the Agency with anyone outside the Agency that directly pertains to or has material effect on the applicant's case, except as authorized by statute. ARBA medical advisory opinions and reviews are authored by ARBA civilian and military medical and behavioral health professionals and are therefore internal agency work product. Accordingly, ARBA does not routinely provide copies of ARBA Medical Office recommendations, opinions (including advisory opinions), and reviews to Army Board for Correction of Military Records (ABCMR) applicant's (and/or their counsel) prior to adjudication.

2. Army Regulation 635-5 (Separation Documents) states:

a. The DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clear-cut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. The information entered thereon reflects the conditions as they existed at the time of separation.

b. Item 28 (Narrative Reason for Separation) of the DD Form 214 will show the narrative reason for separation as shown in AR 635-5-1 (Separation Program Designators) based on the regulatory or other authority.

3. Army Regulation 635-200 (Personnel Separations – Enlisted Personnel), in effect at the time, sets forth the basic authority for the separation of enlisted personnel.

Chapter 9 of the regulation states 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.

4. On 25 July 2018, the Under Secretary of Defense for Personnel and Readiness issued guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records (BCM/NRs) regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. BCM/NRs may grant clemency regardless of the type of court-martial. 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.

a. 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 based on equity, injustice, or clemency grounds, BCM/NRs 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.

b. 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.

//NOTHING FOLLOWS//