

**1. Applicant's Name:** [REDACTED]

- a. **Application Date:** 26 April 2021
- b. **Date Received:** 26 April 2021
- c. **Counsel:** N/A

**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. **Applicant's Requests and Issues:** The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable.

The applicant seeks relief, contending, in effect, serving as a combat engineer in Iraq from January 2007 to March 2008 and sustaining multiple blast exposures, resulting in service-connected brain syndrome and posttraumatic syndrome disorder (PTSD). The applicant contends the general (under honorable conditions) discharge for alcohol rehabilitation failure was a delayed consequence of improper mental and physical evaluation. The applicant has applied for Chapter 31 vocational rehabilitation benefits, remains a productive member of society, and actively supports others. The applicant contends the Post-9/11 GI Bill will improve their quality of life and provide a stable future for their child.

b. **Board Type and Decision:** In a records review conducted on 1 July 2025, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder, Depressive Disorder, and Traumatic Brain Injury outweighing the applicant's alcohol-related misconduct. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

*Please see Section 9 of this document for more detail regarding the Board's decision.*

*(Board member names available upon request)*

**3. DISCHARGE DETAILS:**

a. **Reason / Authority / Codes / Characterization:** Alcohol Rehabilitation Failure / AR 635-200, Chapter 9 / JPD / RE-4 / General (Under Honorable Conditions)

b. **Date of Discharge:** 25 March 2009

**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 2 February 2009

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant failed the Army Substance Abuse Program (ASAP).

(3) **Recommended Characterization:** General (Under Honorable Conditions)

(4) **Legal Consultation Date:** In an undated memorandum the applicant elected to receive counsel and was notified of their rights.

**(5) Administrative Separation Board: NA**

**(6) Separation Decision Date / Characterization:** 25 February 2009 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 2 May 2006 / 3 years, 16 weeks

**b. Age at Enlistment / Education / GT Score:** 20 / High School Graduate / 110

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 21B10, Combat Engineer / 2 years, 10 months, 24 days

**d. Prior Service / Characterizations:** None

**e. Overseas Service / Combat Service:** SWA / Iraq (3 January 2007 – 13 January 2008)

**f. Awards and Decorations:** NDSM, GWOTSM, ICM-CS, ASR, OSR

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** Blotter Extract, 29 November 2008, reflects the applicant was arrested by civil authorities for driving under the influence (DUI) with a blood alcohol level of .219, an open container, and improper tires. They were turned over to military authorities on 28 November 2008. The applicant's driving privileges were suspended for one year.

Initiating Chapter Proceeding memorandum, 16 December 2008, reflects the applicant was recommended for a chapter discharge under UCMJ Chapter 14.

List of Punishments memorandum, 9 January 2009, reflects, the applicant was convicted of a DUI by civil authorities, resulting in probation for one year. The applicant received a bar to reenlistment, was directed to the ASAP track one on 5 January 2009, and was directed to attend remedial driver training on 2 or 3 February 2009.

Summary of Army Substance Abuse Program Rehabilitation Efforts (memo), 21 January 2009, reflects the applicant was command referred twice, once on 4 June 2008, where the applicant received treatment from June to October 2008. The applicant experienced another alcohol-related incident on 2 December 2008. Through a medical evaluation, the applicant was referred to outpatient treatment. Despite the efforts of urinalysis, Alcoholics Anonymous, and medication, the applicant failed to comply with treatment goals. Further rehabilitation efforts were deemed impractical. The counseling staff concurred with the command's recommendation of separating the applicant.

**i. Lost Time / Mode of Return:** None

**j. Behavioral Health Condition(s):**

**(1) Applicant provided:** VA Rating Decision, 19 May 2010, reflects the applicant was awarded a service-connected disability rating of 30 percent for major depressive disorder

(claimed as posttraumatic stress disorder). The applicant was also granted 10 percent for traumatic headaches.

**(2) AMHRR Listed:** Mental Status Evaluation, 31 December 2008, reflects the applicant had the mental capacity to understand and participate in proceedings, was mentally responsible, and had a clear thinking process. The applicant was referred for a non-discretionary psychiatric evaluation on 31 December 2008 for a chapter 14-12. The applicant reported experiencing increased anxiety since returning from Iraq. The command reported the applicant was arrested for firing a weapon seven months prior, fighting with their noncommissioned officer, and receiving a DUI. The applicant sought behavioral health treatment for anxiety and to address anger issues. The applicant was diagnosed with adjustment disorder with anxiety, alcohol dependence, and occupational problems. The applicant met retention standards and had no psychiatric disease or defect that warranted disposition through medical channels. The applicant was cleared for any administrative actions deemed appropriate by the command, to include a chapter 14-12.

*The ARBA's medical advisor reviewed DoD and VA medical records, including documents listed in 4j(1) and (2) above.*

**5. APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge; Chapter 31 Application; VA Rating Decision; Certificate of Release or Discharge from Active Duty.

**6. POST SERVICE ACCOMPLISHMENTS:** Applied for vocational rehabilitation services (Chapter 31 benefits) and remained a productive member of society and helped others when given the chance.

**7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):**

a. Section 1553, Title 10, United States Code (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, 10 USC 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 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; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

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

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(2) Paragraph 3-7a states 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.

(3) Paragraph 3-7b states 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.

(4) Chapter 9 outlines the procedures for discharging individuals because of alcohol or other drug abuse. A member who has been referred to the Army Substance Abuse Program (ASAP) for alcohol or 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.

(5) Paragraph 9-4, stipulates the service of Soldiers discharged under this section will be characterized as honorable or under honorable conditions unless the Soldier is in entry-level status and an uncharacterized description of service is required. An honorable discharge is mandated in any case in which the Government initially introduces into the final discharge process limited use evidence as defined by AR 600-85.

e. 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 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 waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes: RE-4 Applies to: Person separated from last period of service with a nonwaiverable 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):** The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

The applicant requests an upgrade to honorable. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

The applicant was separated for failing the ASAP program. The evidence of the Army Military Human Resource Record (AMHRR) indicates on 21 January 2009, the counseling team concurred with the command team to separate the applicant. Despite the efforts of urinalysis, Alcoholics Anonymous, and medication, the applicant failed to comply with treatment goals. Further rehabilitation efforts were deemed impractical.

The applicant contends serving as a combat engineer in Iraq from January 2007 to March 2008 and sustaining multiple blast exposures, resulting in service-connected brain syndrome and PTSD. The applicant contends the general (under honorable conditions) discharge for alcohol rehabilitation failure was a delayed consequence of improper mental and physical evaluation. The applicant provided a VA Rating decision document which described why the applicant was granted service connected disability rating of 30 percent for major depression and 10 percent for traumatic headaches. The applicant's AMHRR contains documentation supporting an in-service diagnosis. The record shows the applicant underwent a mental status evaluation (MSE) on 31 December 2008, which indicates the applicant was mentally responsible and was able to recognize right from wrong. The applicant was diagnosed with adjustment disorder with anxiety and alcohol dependence. The separation authority considered the MSE.

The applicant contends having applied for Chapter 31 vocational rehabilitation benefits, remains a productive member of society, and actively supports others. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character.

The applicant contends the Post-9/11 GI Bill will improve their quality of life and provide a stable future for their child. Eligibility for veterans' benefits, including educational benefits under the Post-9/11 or Montgomery GI Bill, does not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local Department of Veterans Affairs office for further assistance.

#### **9. 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? **Yes.** The Board reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses/experiences: Adjustment Disorder, Unspecified Depressive Disorder, TBI, PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant was diagnosed in service with an Adjustment Disorder and is service connected by the VA for Unspecified Depressive Disorder and TBI. The VA has also diagnosed the applicant with combat-related PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board determined, based on the Board Medical Advisor's opine, that the applicant's behavioral health conditions mitigate the discharge. Given the nexus between Unspecified Depressive Disorder, TBI, PTSD and using substances for self-medication, the alcohol rehabilitation failure that led to the separation is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the applicant's Post Traumatic Stress Disorder, Depressive Disorder, and Traumatic Brain Injury outweighed the applicant's alcohol-related misconduct.

b. Response to Contention(s):

(1) The applicant contends they served as a combat engineer in Iraq from January 2007 to March 2008 and sustained multiple blast exposures, resulting in service-connected brain syndrome and PTSD. The applicant contends the general (under honorable conditions) discharge for alcohol rehabilitation failure was a delayed consequence of improper mental and physical evaluation. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder, Depressive Disorder, and Traumatic Brain Injury outweighed the applicant's alcohol-related misconduct.

(2) The applicant contends having applied for Chapter 31 vocational rehabilitation benefits, remains a productive member of society, and actively supports others.

(3) The applicant contends the Post-9/11 GI Bill will improve their quality of life and provide a stable future for their family. The Board considered this contention and determined that eligibility for Veteran's benefits, to include educational benefits under the Post-9/11 or Montgomery GI Bill, healthcare or VA loans, do not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local office of the Department of Veterans Affairs for further assistance.

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**

**AR2021000012**

c. The Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder, Depressive Disorder, and Traumatic Brain Injury outweighing the applicant's alcohol-related misconduct. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder, Depressive Disorder, and Traumatic Brain Injury outweighed the applicant's alcohol-related misconduct. Thus, the prior characterization is no longer appropriate.

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

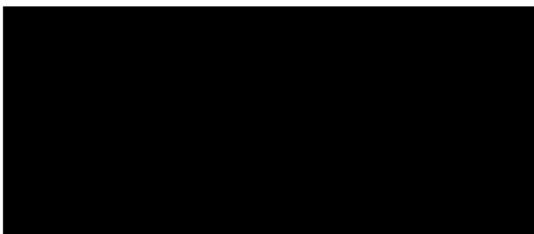
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

**10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD Code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

**Authenticating Official:**

8/6/2025



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  
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