

1. Applicant's Name: [REDACTED]**a. Application Date:** 26 April 2021**b. Date Received:** 26 April 2021**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

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

The applicant seeks relief contending, in effect, based on inaccurate statements and significant omissions in separation proceedings and the previous ADRB records review adequately justify their current discharge which occurred four months after their UCMJ actions as unjust and unwarranted. The applicant submitted a detailed account describing events and circumstances surrounding discharge. The Board must consider the applicant's initial four years of exceptional service. The applicant asserts untreated post-traumatic stress disorder (PTSD) contributed to their degraded job performance and misconduct. However, once the applicant started receiving rehabilitation for alcohol abuse and PTSD, their performance markedly improved and continued to improve over a four-month period up to their discharge showing positive rehabilitation results. The applicant received an unjust discharge approximately four months after PTSD diagnosis; Secretary of Defense guidance confirms discharge's unjust nature. The applicant contends another Soldier received an Article 15 for the same charge but was retained in the Army.

b. Board Type and Decision: In a records review conducted on 26 June 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Anxiety Disorder, and Traumatic Brain Injury outweighing the applicant's DUI and illegal substance abuse offenses. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the characterization of service was proper and equitable and voted not to change it.

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: Misconduct (Serious Offense) / AR 635-200, Chapter 14-12c / JKQ / RE-3 / Honorable

b. Date of Discharge: 22 December 2010

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 8 November 2010

(2) Basis for Separation: The applicant was informed of the following reasons: On or about 27 April 2010, the applicant engaged in inappropriate behavior by mixing alcohol with prescription medicine and going to the Maruhan Pachinko Parlor located at or near Misawa Air Base,

Japan, which conduct brought discredit upon the Armed Forces. The next morning the applicant also admitted to drinking seven beers and taking a sleeping pill, before going to the Maruhan Pachinko Parlor. On or about 3 July 2010, the applicant wrongfully controlled a passenger vehicle, a Silver Subaru Legacy Sedan, with a blood alcohol content (BAC) of 0.17 percent, which exceeded the legal limit of the commonwealth of Japan (0.03 percent).

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

(4) Legal Consultation Date: 17 November 2010

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 13 December 2010 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 28 January 2009 / 6 years

b. Age at Enlistment / Education / GT Score: 28 / High School Graduate / 125

c. Highest Grade Achieved / MOS / Total Service: E-5 / 14J20, Air Defense C41 Tactical Operations Center Operator/Maintainer / 4 years, 11 months, 4 days

d. Prior Service / Characterizations: RA, 19 January 2006 – 27 January 2009 / HD

e. Overseas Service / Combat Service: Japan, SWA / Afghanistan (1 May 2008 – 13 July 2009)

f. Awards and Decorations: ARCOM, AAM, AGCM, NDSM, ACM-AH, GWOTEM; GWOTSM, NCOPDR, ASR, OSR, NATOMDL

g. Performance Ratings: 1 December 2007 – 30 November 2008 / Among the Best
1 December 2008 – 15 October 2009 / Among the Best
1 December 2009 – 10 September 2010 / Marginal

h. Disciplinary Action(s) / Evidentiary Record: CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 6 May 2010, on or about 27 April 2010, was intoxicated at the Maruhan Pachinko Parlor wearing only their underwear and tee shirt, such conduct, being of nature to bring discredit upon the armed forces. The punishment consisted of 14 days extra duty and 14 days restriction (suspended).

Law Enforcement Sensitive Report, 15 July 2010, reflects the applicant was charged with fleeing the scene of an accident; driving under the influence and failing to obey a general order.

General Officer Memorandum Of Reprimand, 28 July 2010, reflects the applicant was reprimanded for drunk and disorderly conduct. On 27 April 2010, at approximately 2230, Japanese locals found the applicant at a pachinko parlor in Misawa with no pants or shoes. When released to their unit, the applicant was very disoriented, and did not know where they were or how they got there. The next morning the applicant admitted to drinking seven beers and taking a sleeping pill. In addition to the above incident, on 3 July 2010, while waiting at a traffic light, the applicant backed into a vehicle behind them and then left the scene. The owner of the vehicle followed the applicant and stopped them at another red light. Once Security

Forces arrived at the applicant's location, the officer noticed the smell of alcohol and a slur in their speech. The Security Forces then collected a blood sample, which yielded a result of 0.17 percent blood alcohol content. The security forces found a six-pack of beer in the applicant's car with one opened bottle on the floor. The applicant also stated having two beers at the base beach prior to the incident. The applicant's actions endangered not only themselves, but also innocent members of the community. As a Noncommissioned Officer in the U.S. Army, the applicant is expected to show responsibility to exercise mature judgment, and to conduct themselves in a manner which does not discredit the U.S. Army and this command.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 10 September 2010. On or about 3 July 2010, physically control a vehicle, to wit: a Silver Subaru Legacy Sedan, while drunk. The punishment consisted of a reduction to E-4, forfeiture of \$1,099 pay per month for two months (suspended), and extra duty and restriction for 45 days.

Developmental Counseling Forms for inappropriate behavior by mixing alcohol with prescription medicine and going to the Maruhan Pachinko Parlor located at or near Misawa Air Base, Japan.

The applicant provided two counseling forms 22 September and 15 October 2010, reflecting the applicant was doing an outstanding job.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: Report of Mental Status Evaluation, 23 September 2007, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The evaluation included a diagnosis: post-traumatic stress disorder, chronic with delayed onset.

Memorandum for Recommendation concerning the applicant, 15 November 2010, reflects a diagnosis is combat related post-traumatic stress disorder and alcohol abuse in early full remission. The applicant is actively receiving treatment for both diagnoses. The applicant has been an active participant in their treatment and shown improvement, however the applicant has not completed treatment. It is B. D., clinical opinion if the applicant is provided full treatment to consist of continued individual psychotherapy and medication management they can be rehabilitated. To separate them now would be a disservice to the applicant. If left untreated or partially treated the applicant's symptoms of post-traumatic stress disorder would be expected to persist.

Department of Veterans Rating Decision, undated, reflects a rating of 40 percent with an evaluation for service connection or grand mal generalized convulsive seizures has been established as related to the service-connected disability of traumatic brain injury (TBI).

(2) AMHRR Listed: MSE and Memorandum for Recommendation as described in previous paragraph 4j(1).

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

5. APPLICANT-PROVIDED EVIDENCE: Certificate of Release or Discharge from Active Duty; two Applications for the Review of Discharge; Supplemental Guidance Memorandum; Department of Defense outreach to Veteran's; Air Defense Artillery School Diploma; Honor Graduate

Certificate; Army Achievement Medal Certificate; Army Commendation Medal Certificate; two NCO Evaluation Reports; Service School Academic Evaluation Report; Report of Mental Status Evaluation; Commander's Report; two Developmental Counseling Forms; Memorandum for Recommendation concerning the applicant; Memorandum for Record, 8 November 2010; seven letters of support; Record of Proceedings under Article 15, UCMJ; Army Discharge Review Board Case Report and Directive Review; Enclosures 15 and 16.

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the application.

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) 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.

(4) 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.

(5) 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.

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

f. 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-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

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 available evidence reflects the applicant was notified of the intent to discharge them from the U.S. Army for on or about 27 April 2010, the applicant engaged in inappropriate behavior by mixing alcohol with prescription medicine and going to the Maruhan Pachinko Parlor located at or near Misawa Air Base, Japan, which conduct brought discredit upon the Armed Forces. The next morning the applicant also admitted to drinking seven beers and taking a sleeping pill, before going to the Maruhan Pachinko Parlor. On or about 3 July 2010, the applicant wrongfully controlled a passenger vehicle, a silver Subaru Legacy sedan, with a blood alcohol content (BAC) of 0.17 percent, which exceeded the legal limit of the commonwealth of Japan (0.03 percent).

The applicant contends untreated post-traumatic stress disorder (PTSD) contributed to their degraded job performance and misconduct. The applicant provided a Report of Mental Status Evaluation, 23 September 2007, reflecting the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong; and met medical retention requirements. The evaluation included a diagnosis: post-traumatic stress disorder, chronic with delayed onset. A Memorandum for Recommendation concerning the applicant, 15 November 2010, reflecting a diagnosis is combat related post-traumatic stress disorder and alcohol abuse in early full remission. The applicant was actively receiving treatment for both diagnoses. The applicant had been an active participant in their treatment and shown improvement, however the applicant had not completed treatment. It is B. D., clinical opinion if the applicant was provided full treatment to consist of continued individual psychotherapy and medication management they could be rehabilitated. To separate them now would be a disservice to the applicant. If left untreated or partially treated the applicant's symptoms of post-traumatic stress disorder would be expected to persist. Also, a Department of Veterans Rating Decision, undated, reflecting a rating of 40 percent with an evaluation for service connection or grand mal generalized convulsive seizures had been established as related to the service-connected disability of traumatic brain injury (TBI). The applicant AMHRR includes an MSE and Memorandum for Recommendation as described in previous paragraph 4j(1). The separation authority considered all medical documents.

The applicant contends after receiving rehabilitation for alcohol abuse and PTSD, their performance markedly improved and continued to improve over a four-month period up to their discharge showing positive rehabilitation results. The applicant contends their discharge was unjust. The applicant provided two counseling statements reflecting their outstanding performance. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends good service, including a combat tour. The third-party statements provided with the application reflect the applicant's work ethic and outstanding leadership. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends another Soldier with similar offenses was not discharged. The DODI 1332.28 provides each case must be decided on the individual merits and on a case-by-case basis, considering the unique facts and circumstances of the case.

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: PTSD, Anxiety Disorder NOS, TBI.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant was diagnosed in service with PTSD and Anxiety Disorder NOS, and the applicant is service connected by the VA for PTSD and TBI.

(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. The applicant was diagnosed in service with PTSD and Anxiety Disorder NOS, and the applicant is service connected by the VA for PTSD and TBI. Given the nexus between PTSD, TBI, Anxiety Disorder NOS, and using substances for self-medication, the DUI and other substance related misconduct in the basis of separation are 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, Anxiety Disorder, and Traumatic Brain Injury outweighed the applicant's DUI and illegal substance abuse offenses.

b. Response to Contention(s):

(1) The applicant contends untreated post-traumatic stress disorder (PTSD) contributed to their degraded job performance and misconduct. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder, Anxiety Disorder, and Traumatic Brain Injury outweighed the applicant's DUI and illegal substance abuse offenses.

(2) The applicant contends after receiving rehabilitation for alcohol abuse and PTSD, their performance markedly improved and continued to improve over a four-month period up to their discharge showing positive rehabilitation results. The applicant contends their discharge was unjust. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder, Anxiety Disorder, and Traumatic Brain Injury outweighing the applicant's DUI and illegal substance abuse offenses.

(3) The applicant contends good service, including a combat tour. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder, Anxiety Disorder, and Traumatic Brain Injury outweighing the applicant's DUI and illegal substance abuse offenses.

(4) The applicant contends another Soldier with similar offenses was not discharged. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder, Anxiety Disorder, and Traumatic Brain Injury outweighing the applicant's DUI and illegal substance abuse offenses.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Anxiety Disorder, and Traumatic Brain Injury outweighing the applicant's DUI and illegal substance abuse offenses. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the characterization of service was proper and equitable and voted not to change it.

d. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service as the applicant already holds an honorable characterization and further relief is not available.

(2) 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.

(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: No Change
- 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:

8/1/2025



ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000032

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