

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 general (under honorable conditions). The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, the discharge was inequitable given a longstanding history of service-connected post-traumatic stress disorder (PTSD) contributed to alcohol misuse and ultimately leading to the discharge. The applicant states the PTSD originated during a deployment to Iraq from 2003 to 2004, while serving as a 19D Cavalry Scout during high-intensity combat operations. Upon returning to Germany, the applicant began self-medicating with alcohol to manage the psychological effects of combat, which escalated into functional alcoholism and led to misconduct, including insubordination. The applicant contends since the discharge in November 2005, they have actively pursued treatment and recovery through the Department of Veterans Affairs (VA). This includes consistent psychiatric care, medication management, participation in vocational rehabilitation, and sustained volunteer work supporting fellow veterans at the VA since 2007. The applicant argues these efforts demonstrate rehabilitation, personal accountability, and a sincere desire to reintegrate into society as a productive civilian. The applicant further contends an upgrade to honorable discharge is necessary to restore Post-9/11 GI Bill eligibility to pursue higher education as part of continued recovery and long-term stability. The applicant believes access to educational benefits will support mental wellness, provide career direction, and enable them to give back by pursuing employment helping other veterans.

- b. **Board Type and Decision:** In a records review conducted on 16 June 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 outweighing the applicant's offenses of missing movement, being drunk on duty, DUI, fleeing the scene, and driving without a valid license. 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:** Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)
- b. **Date of Discharge:** 15 September 2005
- c. **Separation Facts:**

- (1) **Date of Notification of Intent to Separate:** 26 August 2005

(2) Basis for Separation: The unit commander informed the applicant under the provisions of AR 635-200, Chapter 14-12b, Pattern Misconduct, of the following reasons: On 23 April 2005 they missed movement; on 5 May 2005 they were disrespectful towards an NCO, drunk on duty, and fled the scene of an accident; and on 29 May and 7 August 2005 they drove a vehicle without a valid license and drove a vehicle under the influence of alcohol.

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

(4) Legal Consultation Date: 28 August 2005

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: On 13 September 2005, the separation authority approved the applicant's separation under the provisions of AR 635-200, Chapter 14-12b, Pattern of Misconduct. / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 15 April 2003 / 3 years

b. Age at Enlistment / Education / GT Score: 24 / High School Graduate / 105

c. Highest Grade Achieved / MOS / Total Service: E-4 / 19D1O, Calvary Scout / 2 years, 5 months, 1 day

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Germany, SWA / Iraq (30 September 2003 – 17 July 2004)

f. Awards and Decorations: ARCOM, NDSM, GWOTEM, GWOTSM, ASR, OSR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Receipt for Inmate, 5 May 2005, reflects the applicant was apprehended at the provost martial office for fleeing a scene. The applicant was advised to return to the MP station at 2200 hours to be advised of legal rights.

Intoxilyzer Test Results, 5 May 2005, reflects the applicant was tested and blew a blood alcohol concentration of .105 grams of alcohol per 210 liters of breath.

Military Police (MP) Report, 11 May 2005, reflects the applicant drove under the influence of alcohol and struck another vehicle. Failing to maintain control, the applicant crossed into the center lane and hit the vehicle. The applicant then fled the scene. Military Police escorted the applicant to the station and administered a command-directed intoxilyzer test. The applicant blew a blood alcohol concentration of .105. They processed and released the applicant to their unit. They instructed the applicant to return to the station for their rights advisement. Escorted back, authorities advised the applicant of their rights, which they waived. The applicant also waived rendering a statement and admitting the offenses.

MP Report, 15 June 2005, reflects at 0344 hours on 29 May 2005, Military Police reported a complaint while conducting a checkpoint, observed a blue vehicle approach the checkpoint.

Upon contacting the operator, later identified as the applicant, a strong odor of alcohol was detected on their breath. The applicant failed field sobriety tests and was apprehended and transported to the MP station. The applicant was advised of implied consent, which they invoked, refusing an intoxilyzer test. Police transported the applicant to the German Hospital for a blood alcohol test with results pending. Further investigation revealed the applicant was operating a vehicle with a suspended license. They were processed and released to their unit on a Form 2708 with instructions to return to the MP station at 1700 hours on 29 May 2005, for rights advisement. At 1800 hours on 29 May 2005, the applicant was escorted to the MP station and advised of their rights, which they invoked. The applicant was further processed and released to their unit escort. On 8 June 2005, the station received the blood alcohol test results for the applicant, which indicated a blood alcohol content of .137 grams of alcohol per 100 mL of blood.

Receipt for Inmate, 29 May 2005, reflects the applicant was apprehended for drunken driving, operating a United States Army Europe (USAEUR) plated vehicle with a revoked USAREUR license. The applicant needed to report to the MP station to be advised of their rights.

Record of Trial by Summary Court-Martial, reflects the applicant was charged with:

Charge I Violation of Article 87: Missing Movement.

Charge II Violation of Article 92:

Specification 1: Violate a lawful order.

Specification 2: Violate a lawful order.

The sentence adjudged: Forfeiture \$823 pay; reduction to E-1; confinement for 30 days.

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

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

(1) **Applicant provided:** None

(2) **AMHRR Listed:** Report of Mental Status Evaluation, 17 August 2005, reflects the applicant was psychiatrically 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 applicant had been screened for pretrial confinement. The applicant endorsed no symptoms of depression or suicidal ideation and was cleared for the summary court martial.

Report of Mental Status Evaluation Memorandum, 29 April 2005, reflects the applicant was apprehended after being absent without leave (AWOL) and subsequently referred to Behavioral Health. A physical examination revealed multiple superficial lacerations on both forearms. The applicant denied suicidal ideation. Behavioral Health diagnosed the applicant with a personality disorder and depression. The applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong met retention standards and the criteria for administrative separation.

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; VA Identification cards; Social Security Card; Lab Results; Certificate of Release or Discharge from Active Duty.

6. POST SERVICE ACCOMPLISHMENTS: Actively pursued treatment and recovery through the Department of Veterans Affairs (VA). This includes consistent psychiatric care, medication management, participation in vocational rehabilitation, and sustained volunteer work supporting fellow veterans at the VA.

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 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.

(5) 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.

(6) Paragraph 14-12b, addresses a pattern of misconduct consisting of either discreditable involvement with civilian or military authorities or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the Uniform Code of Military Justice, Army Regulations, the civilian law and time-honored customs and traditions of the Army.

(7) 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.

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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12b, pattern of misconduct.

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 waivable and nonwaivable 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 waivable. 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 applicant was discharged under the provisions of AR 635-200, Chapter 14-12b, Pattern Misconduct, for the following reasons: On 23 April 2005 they missed movement; on 5 May 2005 they were disrespectful towards an NCO, drunk on duty, and fled the scene of an accident; and on 29 May and 7 August 2005 they drove a vehicle without a valid license and drove a vehicle under the influence of alcohol.

The applicant contends the discharge was inequitable given a longstanding history of service-connected post-traumatic stress disorder (PTSD) contributed to alcohol misuse and ultimately led to discharge. The applicant did not submit evidence other than their statement to support the contention the discharge resulted from any medical condition. The applicant's AMHRR includes no documentation of a PTSD diagnosis. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 29 April and 17 August 2005, indicating the applicant was mentally responsible and recognized right from wrong. The MSE on 29 April 2005 indicates a personality disorder and depression diagnosis. The separation authority considered the MSEs. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends since the discharge in November 2005, they have actively pursued treatment and recovery through the Department of Veterans Affairs (VA). Including consistent psychiatric care, medication management, participation in vocational rehabilitation, and sustained volunteer work supporting fellow veterans at the VA since 2007. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. No law or regulation provides for the upgrade of an unfavorable discharge based solely on the passage of time or good conduct in civilian life after leaving the service. 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 an upgrade to honorable is necessary to restore Post-9/11 GI Bill eligibility to pursue higher education as part of continued recovery and long-term stability. 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: PTSD and Depression NOS.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board found the applicant is 100 percent service connected for PTSD.

(3) Does the condition or experience 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 PTSD and avoidant behavior and the use of substances to self-medicate, the applicant's offenses of missing movement, being drunk on duty, and DUI are mitigated. The offense of fleeing the scene and driving without a valid driver's license is summarily mitigated given the applicant was inebriated at the time of the misconduct.

(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 outweighed the separating offenses of missing movement, being drunk on duty, DUI, fleeing the scene, and driving without a valid license.

b. Response to Contention(s):

(1) The applicant contends the discharge was inequitable given a longstanding history of service-connected post-traumatic stress disorder (PTSD) contributed to alcohol misuse and ultimately led to discharge. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's offenses of missing movement, being drunk on duty, DUI, fleeing the scene, and driving without a valid license.

(2) The applicant contends since the discharge in November 2005, they have actively pursued treatment and recovery through the Department of Veterans Affairs (VA). The Board considered this contention during proceedings, but ultimately did not address it in detail due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's offenses of missing movement, being drunk on duty, DUI, fleeing the scene, and driving without a valid license.

(3) The applicant contends an upgrade to honorable discharge is necessary to restore Post-9/11 GI Bill eligibility to pursue higher education as part of continued recovery and long-term stability. 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.

c. The Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the separating offenses of missing movement, being drunk on duty, DUI, fleeing the scene, and driving without a valid license. 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 outweighed the separating offenses of missing movement, being drunk on duty, DUI, fleeing the scene, and driving without a valid license. 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. The misconduct may be mitigated but not excused as it did factually occur per the evidentiary record.

(3) The RE code will not change given the BH conditions and service connection. 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:

6/29/2025



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

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE
AR20210000049

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