

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

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, on 20 September 2010, a fight broke out with a Soldier in a club in Seoul Korea. The military police came to the club and arrested all the Soldiers. The applicant was one of them. The Soldiers were referred to the hospital for an alcohol test which some came back positive for alcohol, and they were referred to ASAP class. The applicant had completed ASAP in August 2010. The applicant was a good Soldier, max on APFT, good behavior, never been in trouble, and always striving to do their best as a Soldier. The applicant does admit to having one time use of alcohol which brought the applicant to the ASAP program during a weekend at the barracks. After talking to the previous 1SG, the applicant voluntarily accepted to attend the program. After this incident, for being in the wrong place at the wrong time, the applicant has been penalized for something they believed was a wrong decision and premature. The applicant was not involved in the fight. The applicant was presented to the new commander and new first sergeant and without a chance to defend their self, was charged, reduced in grade and discharged from the military.

c. **Board Type and Decision:** In a records review conducted on 5 August 2025, and by a 3-2 vote, the Board determined that the characterization of service was inequitable based on the applicant's behavioral health conditions outweighed 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 **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are 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:** 26 January 2011

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 2 December 2010

(2) **Basis for Separation:** The applicant was informed of the following reasons: For Alcohol or Other Drug Rehabilitation Failure. On 17 October 2010, the applicant was apprehended by the MPs after passing out in front of the entrance to an Itaewon club. The applicant attempted to flee, was pursued, and then re-apprehended. The applicant was then taken to the MP station where the

applicant was administered a PBT which resulted in a BAC of .121 percent. The applicant had already been enrolled in ASAP, successfully completing the program on 8 October 2010. This alcohol related incident constitutes an ASAP failure. In addition, on 28 June 2010, the applicant received and Article 15 for absencing their self from the unit. Also, on 11 August 2010 the applicant was absent from work call.

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

(4) Legal Consultation Date: 7 December 2010

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 10 January 2011 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 18 October 2007 / 4 years

b. Age at Enlistment / Education / GT Score: 35 / High School Graduate / 82

c. Highest Grade Achieved / MOS / Total Service: E-4 / 42A10, Human Resources Specialist / 3 years, 3 months, 9 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Korea / None

f. Awards and Decorations: AGCM, NDSM, GWOTSM, KDSM, ASR, OSR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 28 June 2010, on or about 11 May 2010, without authority, absent oneself from the unit and did remain so absent until on or about 16 May 2010. The punishment consisted of a reduction to E-3, and extra duty and restriction for 14 days.

Patient Progress Report, 1 September 2010, reflects the applicant was released from the Army Substance Abuse Program (ASAP). The applicant's in-progress evaluation was good, and the counselor recommended terminating treatment, retain on active duty.

Army Substance Abuse Program (ASAP) Enrollment Form, reflects the applicant self-referred to ASAP.

Memorandum for Commander, ASAP Reenrollment, 25 October 2010, reflects the applicant was referred back to ASAP.

Military Police Report Number 01876-2010-MPC338, 18 October 2010, reflects at 0100 hours, 17 October 2010, Unit 9 notified this station of an intoxicated Soldier [the applicant] sleeping in the entrance of an Itaewon club. Unit 9 identified the applicant; they made several attempts to contact the unit meeting with negative result. While attempting to contact the unit the applicant became belligerent and ran from Unit 9. The applicant was then apprehended and brought to the station. The applicant was administered a PBT with a BAC of .121 percent. The applicant

was processed and released to the unit and told to return at a later time to be further processed due to level of intoxication.

Five Developmental Counseling Forms for initial, monthly, absent at work call, failing to be accountable for their actions, and correctly reporting to the chain of command, unaccountability, and restriction of alcohol purchase and usage.

Army Substance Abuse Program (ASAP) Enrollment Form, reflects the applicant self-referred to ASAP.

i. Lost Time / Mode of Return: AWOL for 5 days, 11 May 2010 to 16 May 2010. This period is not annotated on the DD Form 214, block 29.

j. Behavioral Health Condition(s):

(1) Applicant provided: Problem List, 8 October 2015, reflects the provider changed the applicant's diagnosis from depression to major depressive disorder. The applicant was also diagnosed with insomnia.

Discharge Summaries, 18 November 2019, reflects the applicant was diagnosed with Bipolar Type I and unspecified anxiety disorder.

Progress Notes, 13 January 2021, reflect major depression, PTSD, recurrent, moderate with associated insomnia under Behav. F/UP.

Progress Notes, 23 July 2021, reflects computerized problem list is the source for the following: Major depressive disorder, Insomnia, unspecified, and mixed bipolar affective disorder.

(2) AMHRR Listed: None

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 Correction of Military Record; Application for the Review of Discharge; Patient Progress Report; two certificates; Certificate of Release or Discharge from Active Duty; medical records.

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 600-85 (The Army Substance Abuse Program) Headquarters Department defines the Limited Use Policy and states unless waived under the circumstances listed in paragraph 10-13d, Limited Use Policy prohibits the use by the government of protected evidence against a Soldier in actions under the UCMJ or on the issue of characterization of service in administrative proceedings. Additionally, the policy limits the characterization of discharge to "Honorable" if protected evidence is used. Protected evidence under this policy

includes: A Soldier's self-referral to BH for SUD treatment; Admissions and other information concerning alcohol or other drug abuse or possession of drugs incidental to personal use occurring prior to the date of initial referral to treatment and provided by Soldiers as part of their initial entry into SUD treatment; Drug or alcohol test results, if the Soldier voluntarily submits to a DoD or Army SUD treatment before the Soldier has received an order to submit for a lawful drug or alcohol test; and, the results of a drug or alcohol test administered solely as a required part of a DoD or Army SUD treatment program.

e. 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.

f. 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 "JPD" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 9, for alcohol rehabilitation failure.

g. 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 evidence of the Army Military Human Resource Record (AMHRR) indicates on 2 December 2010, after an alcohol related incident on 17 October 2010, the unit commander, declared the applicant a rehabilitation failure. The applicant also received an Article 15 for absenting oneself from the unit and was also absent from work call. The applicant requested consulting counsel and representation by military counsel and was involuntarily discharged from the U.S. Army. The DD Form 214 provides the applicant was discharged with a character of service of general (under honorable conditions) for alcohol rehabilitation failure. The applicant completed 3 years, 3 months, 9 days of net active service this period.

The applicant contends good service, always doing the max on APFT, was never in trouble and displayed good behavior. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends a fight broke out with a Soldier in a club in Seoul Korea. The military police came to the club and arrested all the Soldiers. The applicant was one of them. The Soldiers were referred to the hospital for an alcohol test which some came back positive for alcohol, and they were referred to ASAP class. The applicant had completed ASAP in August 2010. The applicant was presented to the new commander and new first sergeant and without a chance to defend their self, was charged, reduced in grade and discharged from the military. The AMHRR reflects Military Police Report Number 01876-2010-MPC338, 18 October 2010, reflects at 0100 hours, 17 October 2010, Unit 9 notified this station of an intoxicated Soldier (the applicant) sleeping in the entrance of an Itaewon club. Unit 9 identified the applicant; they made several attempts to contact the unit meeting with negative result. While attempting to contact the unit the applicant became belligerent and ran from Unit 9. The applicant was then apprehended and brought to the station. The applicant was administered a PBT with a BAC of .121 percent. The applicant was processed and released to the unit and told to return at a later time to be further processed due to level of intoxication. Memorandum for Commander, ASAP Reenrollment, 25 October 2010, reflects the applicant was referred back to ASAP. After the alcohol related incident on 17 October 2010, the unit commander, declared the applicant a rehabilitation failure. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

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 w/Mixed Emotional Features. The applicant has additional BH conditions that were deemed not connected to service, to include PTSD, MDD, Depression NOS, Unspecified Anxiety Disorder, and Bipolar Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found the applicant was diagnosed with an Adjustment Disorder during service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board determined, based on the Board Medical Advisor's opine, that the applicant's behavioral health conditions do not mitigate the discharge. The applicant has an in-service diagnosis of Adjustment Disorder w/Mixed Emotional Features and post-service diagnoses of MDD, Depression Disorder NOS, Bipolar Disorder, and Unspecified Anxiety Disorders. However, the post-service BH condition have been deemed not connected to service by the VA, and the ARBA medical advisor agrees with that conclusion. As such, the conditions will not be considered for mitigation. The applicant's misconduct rehabilitation failure due to an alcohol related incident is not mitigated by Adjustment Disorder w/Mixed Emotional Features as the condition was not of a severity to impact judgement, behavior, or cognition nor impair the applicant's ability to differentiate between right and wrong and adhere to the right.

(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 behavioral health conditions outweighed the applicant's alcohol-related misconduct.

b. Response to Contention(s):

(1) The applicant contends good service, always doing the max on APFT, was never in trouble and displayed good behavior. The Board considered the applicant's three years of service, including an overseas tour in Korea, but determined that determined that the applicant's record does not outweigh the applicant's misconduct. However, the Board determined that the applicant's behavioral health conditions outweighed the applicant's alcohol-related misconduct. Therefore, an upgrade to honorable characterization of service is warranted.

(2) The applicant contends a fight broke out with a Soldier in a club in Seoul Korea. The military police came to the club and arrested all the Soldiers. The applicant was one of them. The Soldiers were referred to the hospital for an alcohol test which some came back positive for alcohol, and they were referred to ASAP class. The applicant had completed ASAP in August 2010. The applicant was presented to the new commander and new first sergeant and without a chance to defend their self, was charged, reduced in grade and discharged from the military. The Board considered this contention but determined that the applicant's separation was in accordance with AR 635-200.

(3) The applicant contends that the narrative reason for separation should be changed from Alcohol Rehabilitation Failure. The Board considered this contention but determined the narrative reason should stay at Alcohol Rehabilitation Failure after considering the applicant's mitigated basis for separation. The separation does not warrant a change to the narrative reason as the applicant was involuntarily separated for misconduct, and the behavioral health condition does not fully excuse the applicant's responsibility for the misconduct.

c. The Board determined that the characterization of service was inequitable based on the applicant's behavioral health conditions 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.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR2021000058

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's behavioral health conditions 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.

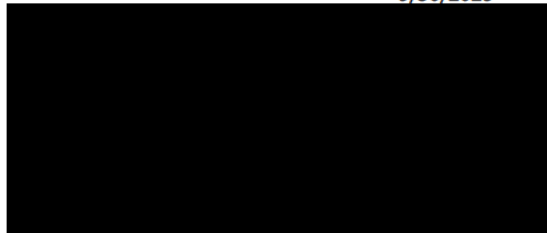
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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:

9/30/2025



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
FTR – Failure to Report

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