

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, their discharge should be honorable as they were in alcohol rehabilitation before deployment. The applicant was pulled out of rehabilitation and sent to Iraq. The applicant believes the military was wrong in doing this and when they returned from Iraq, the applicant was not given a fair opportunity to complete alcohol rehabilitation and was discharged with a general (under honorable conditions) discharge. The applicant has been rated 100 percent service connected for PTSD by the Veteran's Administration.

b. **Board Type and Decision:** In a records review conducted on 26 June 2025, and by a 3-2 vote, the Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder 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 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:** 21 July 2004

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 9 July 2004

(2) **Basis for Separation:** The applicant was informed of the following reasons: Alcohol or Other Drug Abuse Rehabilitation Failure. In January 2003, the applicant was enrolled into the Alcohol and Drug Abuse Prevention and Control Program (ADAPCP). The applicant did not complete the program, and a report was received from the counselor in May 2004. In the commander's opinion, the applicant showed a lack of responsibility, discipline, initiative and maturity needed to become a better Soldier. Rehabilitative efforts would not be deemed appropriate.

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

(4) **Legal Consultation Date:** 15 July 2004

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

(6) **Separation Decision Date / Characterization:** 19 July 2004 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. **Date / Period of Enlistment:** 9 May 2002 / 3 years

b. **Age at Enlistment / Education / GT Score:** 22 / GED / 95

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 63Y10, Track Vehicle Mechanic / 2 years, 2 months, 13 days

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

e. **Overseas Service / Combat Service:** SWA / Iraq (NIF)

f. **Awards and Decorations:** NDSM, GWOTSM, ASR, ARCOM-1OLC

g. **Performance Ratings:** NA

h. **Disciplinary Action(s) / Evidentiary Record:** Military Police Desk Blotter, 18 January 2003, reflects on 17 January 2003, the security guards at the front gate stopped a 1998 Chevrolet pickup, the security guard detected a strong odor of alcoholic beverage emitting from the applicant's breath and/or person. The applicant exited the vehicle and was escorted into building 9000 where they were administered a series of field sobriety test which indicated impairment. The applicant was apprehended, transported to the MP station and advised of the Missouri implied consent law, at which the applicant consented to a chemical test of their breath, resulting in a .165 percent BAC.

CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 27 April 2004, on or about 12 April 2004, for violating a lawful general regulation, by having a blood alcohol count of 1.4 percent; and on or about 12 April 2004, found drunk while on duty. The punishment consisted of a reduction to E-1, forfeiture of 7 days of pay; and extra duty and restriction for 14 days.

BAC DataMaster Evidence Ticket, 24 May 2004, reflects the applicant 's BAC was .08.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, undated, on or about 21 May 2004 for unlawfully striking PFC M. several times to the head, neck, back and sides; and on or about 24 May 2004, was found drunk while on duty with a BAC count of 0.08 percent. The punishment consisted of forfeiture of \$597 pay per month for two months (suspended).

Progress Report Memorandum, 8 July 2004, reflects the applicant was evaluated at the Fort Leonard Wood Community Counseling Center, Army Substance Abuse Program (ASAP) on 30 January and 21 February 2003 following receipt of a DWI citation. The applicant met the DSM IV criteria for Axis I diagnosis of Alcohol Dependence and subsequently enrolled in the ASAP on 25 February 2003, yet treatment was deferred as the applicant was deployed overseas in support of combat operation in Iraq. Upon the applicant's return from deployment in

the spring of 2004, the applicant was involved in a number of further alcohol related incidents and scheduled for inpatient treatment in mid-June 2004. The applicant was involved in another more serious incident which caused command to reevaluate the applicant's potential for rehabilitation and support for inpatient treatment was withdrawn effective 25 May 2004. The applicant continued use of alcohol warranted consideration for an administrative separation from active duty as a rehabilitation failure IAW AR 600-85.

Six Developmental Counseling Forms for suspension of favorable personnel actions (flags), driving under the influence, being drunk on duty x2, being drunk on duty and failure to obey an order or regulation resulting in dereliction of duty, and assault,

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: VA Rating Decision letter, 3 August 2009, reflects the applicant was granted 100 percent disabling for post traumatic stress disorder including alcohol dependence.

(2) AMHRR Listed: Report of Medical Examination, 25 June 2004, the examining medical physician noted in the comments section: Insomnia and alcohol dependence.

Report of Medical History, 25 June 2004, the examining medical physician noted in the comments section: Trouble getting to sleep; ADAPC – three visits before deployment and three visits after. Was drunk on duty and received an Article 15 and initiated chapter.

Report of Medical Assessment, 25 June 2004, the health care provider noted in the comments section: Insomnia and alcohol dependence.

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 Rating Decision; Certificate of Release or Discharge from Active Duty; Correction to DD Form 214; Commander's Initiation Memorandum; Progress Report.

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) 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 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.

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-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 available evidence reflects the applicant was notified of the intent to discharge them from the U.S. Army for alcohol or other drug abuse rehabilitation failure. In January of 2003 the applicant was enrolled into the Alcohol and Drug Abuse Prevention and Control Program (ADAPCP). The applicant did not complete the program, and the commander received a report from the counselor of the applicant's failure in May of 2004. Rehabilitative efforts would not be deemed appropriate. 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 contends the narrative reason for the discharge needs changed. The applicant was separated under the provisions of Chapter 9, AR 635-200 with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "alcohol rehabilitation failure," and the separation code is "JPD." Army Regulation 635-8 (Separation Processing and Documents), governs preparation of the DD Form 214, and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

The applicant contends good service, including a combat tour. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends after returning from Iraq, not receiving a fair opportunity to complete alcohol rehab and was discharged with a general (under honorable conditions) discharge. The applicant did not submit evidence other than their statement to support the contention. The evidence of the Army Military Human Resource Record (AMHRR) indicates on 8 July 2004, the applicant was evaluated at the Fort Leonard Wood Community Counseling Center, Army Substance Abuse Program (ASAP) on 30 January and 21 February 2003 following receipt of a DWI citation. The applicant met the DSM IV criteria for Axis I diagnosis of Alcohol Dependence and subsequently enrolled in the ASAP on 25 February 2003, yet treatment was deferred as the applicant was deployed overseas in support of combat operation in Iraq. Upon the applicant's return from deployment in the spring of 2004, the applicant was involved in a number of further alcohol related incidents and scheduled for inpatient treatment in mid-June 2004. The applicant was involved in another more serious incident which caused command to reevaluate the applicant's potential for rehabilitation and support for inpatient treatment was withdrawn effective 25 May 2004. The applicant's continued use of alcohol warranted consideration for an administrative separation from active duty as a rehabilitation failure IAW AR 600-85.

The applicant contends being diagnosed with post-traumatic stress disorder including alcohol dependence by the VA. The applicant provided VA Rating Decision which granted the applicant 100 percent disabling rating for post-traumatic stress disorder. The AMHRR does not include a mental status evaluation (MSE) or any diagnosis.

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.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant is service connected by the VA for PTSD which establishes that the condition existed during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the applicant is

service connected by the VA for PTSD. Given the nexus between 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 outweighed the applicant's alcohol-related misconduct.

b. Response to Contention(s):

(1) The applicant contends being diagnosed with post-traumatic stress disorder including alcohol dependence by the VA. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's alcohol-related misconduct. Therefore, a discharge upgrade is warranted.

(2) The applicant contends the narrative reason for the discharge should be changed. The Board considered this contention but determined that the narrative reason is proper and equitable. Despite the applicant's mitigated basis for separation, the applicant was involuntarily separated for an Alcohol Rehabilitation Failure, and the behavioral health condition does not fully excuse the applicant's responsibility for the misconduct.

(3) The applicant contends good service, including a combat tour. The Board considered the applicant's two years of service, including a combat tour in Iraq, but determined that further upgrade beyond that decided based on medical mitigation is not warranted.

(4) The applicant contends after returning from Iraq, not being given a fair opportunity to complete alcohol rehab and was discharged with a general (under honorable conditions) discharge. The Board determined that an upgrade to honorable characterization of service is warranted based on medical mitigation.

c. The Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder 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.

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 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.

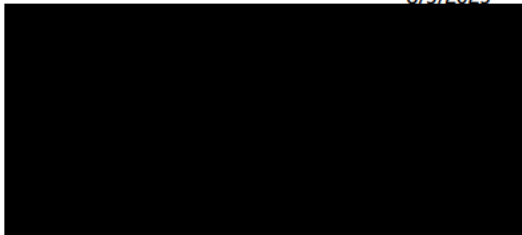
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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:

8/5/2025



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