

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 improper given the circumstances surrounding two incidents: a failed urinalysis and a drunk and disorderly charge, both of which involved alcohol use and were directly tied to untreated post-traumatic stress disorder (PTSD) following deployment to Iraq. The applicant asserts alcohol use served as a form of self-medication for combat-related trauma and mental health issues. These incidents occurred after the applicant had already completed a 28-day inpatient substance abuse program at Red River Hospital and had sought continued behavioral health support upon returning to post. Despite making ongoing efforts to address mental health and substance use issues, the applicant was discharged without full consideration of these mitigating medical factors. The applicant further contends the discharge failed to acknowledge their prior record of honorable service. The applicant served in Iraq from December 2004 to December 2006, without any disciplinary issues and was recognized with multiple medals and badges, including the Combat Action Badge (CAB), which is not reflected in the DD Form 214. The applicant was also being prepared for promotion to E-5 when the behavioral issues began. Following the discharge, the applicant continued treatment through the Department of Veterans Affairs in Massachusetts, engaging in both inpatient and outpatient programs for PTSD, anxiety, and substance abuse. The applicant is currently rated at 60 percent service-connected disability and remains on a waitlist for additional care. Based on the entirety of the service record, combat-related trauma, and continued treatment efforts, the applicant respectfully requests an upgrade to an honorable discharge.

b. Board Type and Decision: In a records review conducted on 22 May 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the circumstances surrounding the discharge (Anxiety, Depression, PTSD diagnoses) outweighing the discharge. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14- 12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

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

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Pattern of Misconduct / AR 635-200, Chapter 14-12b / JKA / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 29 June 2007

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 12 June 2007

(2) Basis for Separation: Under the provisions of AR 635-200, Chapter 14, Paragraph 14-12b, the applicant was informed of the following reasons: the applicant received a Field Grade Article 15 on 4 April 2007 for failure to report on two occasions, they willfully and wrongfully damaged a vehicle and was drunk and disorderly. The applicant was also pending a Field Grade Article 15 for wrongful use of drugs.

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

(4) Legal Consultation Date: 12 June 2007

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: On 19 June 2007, the separation authority approved the applicant's separation under the provisions of AR 635-200, Chapter 14-12b, Pattern of Misconduct.

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 18 July 2006 / 3 years

b. Age at Enlistment / Education / GT Score: 22 / High School Graduate / 100

c. Highest Grade Achieved / MOS / Total Service: E-4 / 19D10 D3, Calvary Scout / 2 years, 6 months, 29 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq (5 December 2006 – 30 November 2006)

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

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Military Police Report, 7 March 2007, reflects the applicant was apprehended for: wrongful damaging of private property (on post). The applicant and another Soldier fled the scene and were later apprehended. The applicant admitted to consuming alcohol.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 4 April 2007, for failing to be at appointed place of duty on or about 6 April 2007, wrongfully damaging private property in the sum of about \$916.80, and being drunk and disorderly on or about 5 March 2007. The punishment consisted of a reduction to E-1 forfeiture of \$650 pay per month for one month, and extra duty and restriction for 45 days.

Electronic Copy of Specimen Custody Document – Drug Testing, 13 April 2007, reflects the applicant tested positive for COC 397 (cocaine) and THC 93 (marijuana) during a Probable Cause (PO) urinalysis testing conducted on 9 April 2007.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 14 June 2007, for wrongfully using cocaine (between 6 and 9 April 2007). The punishment consisted of a forfeiture of \$650 pay per month for two months and restriction for 45 days.

Record Of Supplementary Action Under Article 15, UCMJ, 15 June 2006, reflects the suspended portion of the punishment imposed on 4 April 2007, was vacated for Article 112a, the applicant wrongfully used cocaine and marijuana.

Five Developmental Counseling Forms for notification of urinalysis results (unsigned by counselor and applicant), not being at place of duty, failure to appear at appointed place of duty, revoke drinking privileges, drunk and disorderly and damage to private property.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: Report of Medical History, 5 June 2007, the examining medical physician noted in the comments section: Anxiety and PTSD was being treated.

Report of Mental Status Evaluation, 27 April 2007, 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 command was advised to consider the influence of these conditions. The applicant presented with acute posttraumatic stress symptoms and was in treatment. The mental health provider noted the applicant presented with significant combat related symptoms and recommended a chapter 5-17 in lieu of a chapter 14.

VA Service Connected Decision Rating, 8 January 2010, reflects the applicant was granted 50 percent service connected rating for post-traumatic stress disorder, panic disorder with agoraphobia effective 30 June 2007. It also reflects service treatment records from 28 December 2004 through 29 June 2007, reflect the applicant was diagnosed with chronic PTSD in May 2007.

Progress Notes, 30 November 2009, reflects the applicant was blown up by an IED and knocked out by the force of the blast which was a direct hit on their vehicle. The applicant refused medical treatment after the incident due to pride. The applicant reported blacking out a couple of times after the incident. The applicant's records reflect they received treatment for PTSD, alcohol abuse, anxiety disorder due to general medical conditions. It also mentions panic attacks and depression.

(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 the Review of Discharge; Certificate of Release or Discharge from Active Duty; Report of Medical Examination; Report of Mental Status Evaluation; Record of Proceedings under Article 15, UCMJ; VA Service Connected Disability Decision Document; Progress Notes.

6. POST SERVICE ACCOMPLISHMENTS: Sought treatment through the VA and received a 60 percent disability rating from 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 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 applicant contends the discharge was improper given the circumstances surrounding two incidents: a failed urinalysis and a drunk and disorderly charge, both of which involved alcohol use and were directly tied to untreated post-traumatic stress disorder (PTSD) following a deployment to Iraq. The applicant provided a mental status evaluation (MSE) they underwent on 27 April 2007, indicating the applicant was mentally responsible and recognized right from wrong. The MSE indicates a diagnosis of acute PTSD supporting the applicant's contention. The applicant's AMHRR includes no documentation of a PTSD diagnosis.

The applicant contends alcohol use served as a form of self-medication for combat-related trauma and mental health issues. These incidents occurred after the applicant had already completed a 28-day inpatient substance abuse program at Red River Hospital and had sought continued behavioral health support upon returning to post. Despite making ongoing efforts to address mental health and substance use issues, the applicant was discharged without full consideration of these mitigating medical factors. Army Regulation 600-85, paragraph 7-3, entitled Voluntary (self) identification and Referral, states voluntary (self) ID is the most desirable method of identifying substance use disorder. The individual whose performance, social conduct, interpersonal relations, or health becomes impaired because of these problems has the personal obligation to seek help. Soldiers seeking self-referral for problematic substance use may access services through BH services for a SUD evaluation. The Limited Use Policy exists to encourage Soldiers to seek help proactively. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends the discharge failed to acknowledge their prior record of honorable service. The applicant served in Iraq from December 2004 to December 2006, without any disciplinary issues and was recognized with multiple medals and badges, including the Combat Action Badge (CAB), which was not reflected in the DD Form 214. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28. The applicant may apply to the Army Board for Correction of Military Records (ABCMR) using the enclosed DD Form 149 or obtained from a Veterans' Service Organization to update their DD Form 214 with the missing CAB.

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's Medical Advisor, a voting member, 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, Depression.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with PTSD, Anxiety, and Depression, and the VA has service connected the PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of BH conditions that provide partial mitigation for the basis of separation. The applicant was diagnosed in service with PTSD, Anxiety, and Depression, and the VA has service connected the PTSD. Given the nexus between PTSD, Anxiety, Depression, avoidance, and the use of substances for self-medication, the FTRs, drunk and disorderly, and wrongful use of drugs are mitigated. However, willfully damaging a vehicle is not mitigated by PTSD, Anxiety, or Depression because there is no natural sequela between these conditions and damaging a vehicle, and the conditions do not interfere with the ability to understand that damaging another person's vehicle is wrong.

(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, and Depression outweighed the applicant's offenses of FTR, Drunk and Disorder, and illegal substance abuse.

b. Response to Contentions:

(1) The applicant contends the discharge was improper given the circumstances surrounding two incidents: a failed urinalysis and a drunk and disorderly charge, both of which involved alcohol use, and were directly tied to untreated post-traumatic stress disorder (PTSD) following deployment to Iraq.

The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder, Anxiety, and Depression outweighed the applicant's offenses of FTR, Drunk and Disorder, and illegal substance abuse. Therefore, a discharge upgrade is warranted.

(2) The applicant contends alcohol use served as a form of self-medication for combat-related trauma and mental health issues.
The Board considered this contention valid.

(3) The applicant contends the discharge failed to acknowledge their prior record of honorable service.
The Board acknowledged this contention during proceedings.

c. The Board determined the discharge is inequitable based on the circumstances surrounding the discharge (Anxiety, Depression, PTSD diagnoses). Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14- 12a, the narrative reason for

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separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

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, Anxiety, and Depression outweighed the applicant's offenses of FTR, Drunk and Disorder, and illegal substance abuse. Thus, the prior characterization is no longer appropriate.

(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.

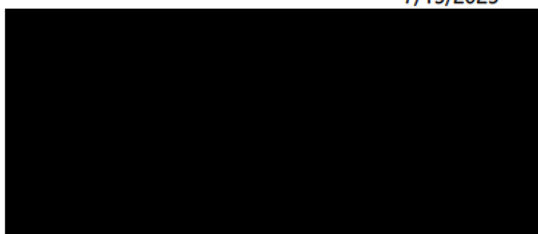
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes**
- b. Change Characterization to: Honorable**
- 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:

7/15/2025



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
UOTH – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs