

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, suffering from post-traumatic stress disorder (PTSD). After serving approximately six years active and three years in the National Guard, the applicant was discharged under general conditions. The applicant contends serving honorably and only having a few adverse incidents before their discharge and believes an honorable discharge reflects their entire service record more accurately. The applicant desires access to benefits not for themselves but for their child. They argue the benefits would support their child's education and well-being. This request, they believe, acknowledges their service and emphasizes their commitment to building a better future for their family.

- b. **Board Type and Decision:** In a records review conducted on 16 June 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Depression outweighing the applicant's DUI and FTR offenses. 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. Board member names available upon request.

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:** 4 September 2008
- c. **Separation Facts:**

- (1) **Date of Notification of Intent to Separate:** 12 August 2008

(2) Basis for Separation: The applicant was informed of the following reasons: On 13 December 2007, the applicant received a memorandum of reprimand from Colonel B. for driving while under the influence of alcohol. The memorandum of reprimand was filed in the applicant's OMPF. On 26 June 2008, the applicant received a Field Grade Article for failing to be at their appointed place of duty on four separate occasions, disobeying a lawful order from a noncommissioned officer, and for driving while their license was suspended. The applicant had been counseled for further misconduct.

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

(4) Legal Consultation Date: 13 August 2008

(5) Administrative Separation Board: On 13 August 2008, the applicant unconditionally waived consideration of the case before an administrative separation board.

(6) Separation Decision Date / Characterization: 18 August 2008 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 24 November 2004 / 5 years

b. Age at Enlistment / Education / GT Score: 23 / High School Graduate / 107

c. Highest Grade Achieved / MOS / Total Service: E-5 / 68W2O, Health Care Specialist / 8 years, 3 months, 5 days

d. Prior Service / Characterizations: RA, 30 September 2002 – 23 November 2004 / HD

e. Overseas Service / Combat Service: Germany, SWA / Iraq (3 May 2003 – 31 July 2004; 16 November 2005 – 11 November 2006)

f. Awards and Decorations: ARCOM-3, AAM, PUC, AGCM, NDSM, GWOTEM, GWOTSM, ICM-CS, ASR, OSR-2, CMB

g. Performance Ratings: March 2005 – February 2006 / Fully Capable
1 March 2006 – 30 November 2006 / Among the Best
1 December 2006 – 31 July 2007 / Among the Best
1 August 2007 – 30 April 2008 / Marginal

h. Disciplinary Action(s) / Evidentiary Record: Military Police Report, 4 September 2007, reflects the applicant was charged with Driving Under the Influence and speeding.

Memorandum Of Reprimand, 13 December 2007, reflects the applicant was driving while impaired. After being stopped for reckless driving on 13 October 2007, the applicant was administered a breathalyzer test, which showed their blood alcohol content was .212 grams of alcohol per 210 milliliters of breath. The applicant was cited with driving under the influence of alcohol, open container and public indecency.

Memorandum For Commander, MEDDAC, Summary of Army Substance Abuse Program (ASAP), 3 March 2008, reflects the Rehabilitation Team met on 12 February 2008. The team determined the applicant had failed to comply with treatment plans and goals. The applicant had continued to drink while enrolled in the ASAP program. Further rehabilitation efforts in a military environment were not practical considering the applicant's lack of progress. The considered opinion of the ASAP staff, in consultation with the commander, was the applicant be separated from military service as a rehabilitation failure.

FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 26 June 2008, for failing to go at the time prescribed to their appointed place of duty on four occasions (between

19 October 2007 and 22 January 2008). The applicant disobeyed a lawful order on two occasions between (8 June and 9 June 2008). The punishment consisted of a reduction to E-4.

Numerous Developmental Counseling Forms for overall performance of an NCO; UCMJ; chapter initiation; failure to report and notification of a flagging action.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: Mental Status Evaluation (MSE), 13 June 2008, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant was mentally responsible, had a clear-thinking process, and had the mental capacity to understand and participate in the proceedings. The applicant was diagnosed with: Axis I: Alcohol Dependence, Mood Disorder Secondary to General Medical Condition.

Department of Veterans Affairs Rating Decision, 7 February 2011, reflects a diagnosis of PTSD and alcohol abuse in sustained partial remission, with an overall combined rating at 80 percent.

Department of Veterans Affairs letter, J. E., psychiatrist, 9 March 2011, reflects the applicant was 70 percent service connected for PTSD, combat related. The symptoms of PTSD continue to interfere with the applicant's occupational functioning, preventing them from maintaining employment.

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

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

5. APPLICANT-PROVIDED EVIDENCE: Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; self-authored letter; Department of Veterans Affairs Rating Decision; Department of Veterans Affairs letter; medical records; Mental Status Evaluation; three NCO Evaluation Reports; ARCOM Certificate; Service School Academic Evaluation Report.

6. POST SERVICE ACCOMPLISHMENTS: The applicant has sought treatment from the VA for their mental health.

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.

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 available evidence reflects the applicant was notified of the intent to discharge them from the U.S. Army for receiving a memorandum of reprimand from Colonel B., for driving while under the influence of alcohol. The memorandum of reprimand was filed in the applicant's OMPF. On 26 June 2008, the applicant received a Field Grade Article for failing to be at their

appointed place of duty on four separate occasions, disobeying a lawful order from a noncommissioned officer, and for driving while their license was suspended. 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 a pattern of misconduct.

The applicant contends suffering from PTSD. The applicant provided a Mental Status Evaluation, 13 June 2008, reflecting the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant was mentally responsible, had a clear-thinking process, and had the mental capacity to understand and participate in the proceedings. The applicant was diagnosed with: Axis I: Alcohol Dependence, Mood Disorder Secondary to General Medical Condition. A Department of Veterans Affairs Rating Decision, 7 February 2011, reflecting a diagnosis of PTSD and alcohol abuse in sustained partial remission, with an overall combined rating at 80 percent. A Department of Veterans Affairs letter, J. E, psychiatrist, 9 March 2011, reflecting the applicant is 70 percent service connected for PTSD, combat related. The symptoms of PTSD continue to interfere with their occupational functioning, preventing them from maintaining employment. The AMHRR includes the previously described MSE. The separation authority considered the MSE.

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

The applicant contends an upgrade of the discharge would allow veterans' and educational benefits through the GI Bill. Eligibility for veteran's 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.

The applicant sought treatment for their mental health at the VA. 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.

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, Depressive Disorder.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board found the applicant is 70 percent service connected for PTSD.

(3) Does the condition or experience excuse or mitigate the discharge? **Partially.** The Board determined, based on the Board Medical Advisor's opine, that the applicant's behavioral health conditions partially mitigate the discharge. Given the nexus between PTSD/Depression and the use of substances to self-medicate and the nexus between PTSD and avoidant

behavior, the applicant's DUI and FTR offenses are mitigated. However, the offense of driving on a suspended license is not mitigated as the misconduct is not natural sequela of either BH condition as neither rendered the applicant unable 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 Post Traumatic Stress Disorder and Depression outweighed the DUI and FTR offenses. The Board found that the applicant's medically unmitigated offense of driving on a suspended license did not rise to a level to negate meritorious service.

b. Response to Contention(s):

(1) The applicant contends suffering from PTSD. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder and Depression outweighed the DUI and FTR offenses. The Board found that the applicant's medically unmitigated offense of driving on a suspended license did not rise to a level to negate meritorious service.

(2) The applicant contends good service, including two combat tours. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder and Depression outweighing the applicant's DUI and FTR offenses.

(3) The applicant contends an upgrade of the discharge would allow veterans' and educational benefits through the GI Bill. 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 the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Depression outweighing the applicant's DUI and FTR offenses. 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.

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 and Depression outweighed the DUI and FTR offenses. 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 given the BH condition(s) and service connection. The current code is consistent with the procedural and substantive requirements of the regulation.

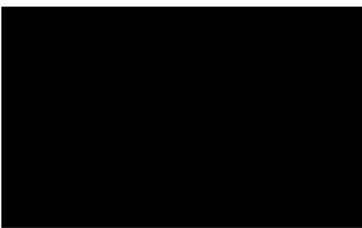
ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE
AR20210000183

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:

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
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