

**1. Applicant's Name:** [REDACTED]**a. Application Date:** 26 April 2021**b. Date Received:** 26 April 2021**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

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

The applicant seeks relief contending, in effect, the discharge characterization of General remains inequitable due to previously undiagnosed post-traumatic stress disorder (PTSD), which contributed to the behaviors leading to separation. The applicant contends PTSD and anxiety were not properly identified or treated at the time of discharge but are now recognized and managed through care at the Department of Veterans Affairs. The applicant contends alcohol use was a symptom of untreated mental health conditions and has since completed a 14-month faith-based rehabilitation program to support long-term recovery. The applicant contends that, despite over 13 years of honorable service, a general discharge unjustly limits access to full Post-9/11 GI Bill benefits, of which only 60 percent are currently available. The applicant seeks complete restoration of education benefits to support continued self-improvement and provide a better life for their family.

**b. Board Type and Decision:** In a records review conducted on 27 May 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Anxiety Disorder 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 details regarding the Board's decision.*

*Board member names available upon request.*

**3. DISCHARGE DETAILS:**

**a. Reason / Authority / Codes / Characterization:** Misconduct (Serious Offense) / AR 635-200, Chapter 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

**b. Date of Discharge:** 13 July 2007**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 7 May 2007

**(2) Basis for Separation:** The applicant was informed of the following reasons: The applicant received a Field Grade Article 15 on 4 April 2007 for failing to go to their appointed place of duty (work call) at the time prescribed and being incapacitated for the proper performance of their

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE****AR20210000186**

duties due to wrongful previous overindulgence in intoxicating liquor or drugs. On 25 February 2007, the applicant was arrested for driving under the influence & drunk driving in Suffolk, Virginia. The applicant received a GOMOR that was filed in their OMPF for driving while intoxicated on 26 August 2006, which they were convicted of by the Newport News Virginia General District Court on 14 November 2006.

**(3) Recommended Characterization:** Under Other Than Honorable Conditions

**(4) Legal Consultation Date:** 8 May 2007

**(5) Administrative Separation Board:** On 7 June 2007, the applicant was notified to appear before an administrative separation board and advised of rights.

On 15 June 2007, the administrative separation board convened, and the applicant appeared with counsel. The board determined a preponderance of the evidence did support the reason of commission of a serious offense listed in the notification memorandum. The board recommended the applicant's discharge with a characterization of service of under other than honorable conditions.

On 21 June 2007, the separation authority approved the findings and recommendations of the administrative separation board.

**(6) Separation Decision Date / Characterization:** 21 June 2007 / Under Other Than Honorable Conditions

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 19 April 2005 / Indefinite

**b. Age at Enlistment / Education / GT Score:** 30 / High School Graduate / 102

**c. Highest Grade Achieved / MOS / Total Service:** E-6 / 15R3P 8D Y1, Attack Helicopter Repairer / 13 years, 9 months, 7 days

**d. Prior Service / Characterizations:** RA, 7 October 1993 – 7 April 1999 / HD.

RA, 8 April 1999 – 7 October 2002 / HD

RA, 8 October 2002 – 18 April 2005 / HD

**e. Overseas Service / Combat Service:** SWA / Bosnia (10 October 1997 – 24 June 1998); Afghanistan (4 August 2002 – 1 December 2002); Iraq (2 January 2005 – 31 December 2005)

**f. Awards and Decorations:** ARCOM-2, AAM, AGCM-3, NDSM, AFEM, GWOTEM, GWOTSM, AFSM, ICM-B, NCOPDR-2, ASR, OSR-2, NATOMDL

**g. Performance Ratings:** May 2003 – March 2004 / Among the Best

April 2004 – March 2005 / Fully Capable

April 2005 – March 2006 / Fully Capable

1 April 2006 – 31 March 2007 / Fully Capable

**h. Disciplinary Action(s) / Evidentiary Record:** Army Substance Abuse Program (ASAP) Enrollment form, 27 August 2006, reflects the applicant was command-referred in the ASAP because of drinking under the influence.

Inmate Serving Weekend Incarceration, 20 March 2006, reflects instructions given to the applicant in order to serve their time on the weekends.

Warrant of Arrest- Misdemeanor, 27 August 2006, reflects the applicant was wanted for a class one misdemeanor for violation of city code 26-72/18.2-266/18.2-270.

Military Police Report, 18 December 2016, reflects the applicant was apprehended for driving while intoxicated by civil authorities. The applicant was pending adjudication of this offense in the general district court, traffic division. The applicant's unit was notified.

Rules for Non-Consecutive Day Sentencing, 14 November 2006, reflects a letter to the applicant from the court allowing them to serve their time on the weekends rather than spending the full time in jail. The report date was 17 November 2006.

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

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

**(1) Applicant provided:** VA Service Connected Disability Decision letter, 7 December 2010, reflects the applicant received a service-connected disability of 10 percent for anxiety effective 12 February 2009.

Report of Mental Status Evaluation Memorandum, 21 March 2007, reflects the applicant had a chronic history of anxiety and tension manifested by constant worry, negative outlook on life, poor self-esteem, poor sleep/concentration, interpersonal passivity and fear of public speaking. The applicant had poor ASAP intervention due to underlying anxiety not being addressed. The applicant was scheduled for medical intervention.

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

Report of Mental Status Evaluation, 30 April 2007, reflects the applicant could understand and participate in administrative proceedings; could appreciate the difference between right and wrong. The evaluation of the report was based on the applicant self-report, clinical assessment, and information provided by the applicant's commander.

*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; Applicant Statement; VA Service Connected Disability Decision Letter; Report of Mental Status Evaluation Memorandum; two Teen Challenge Training Center Certificate; two Certificates of Release or Discharge from Active Duty.

**6. POST SERVICE ACCOMPLISHMENTS:** Start here. Completed a 14-month drug and alcohol program.

**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 14-12c prescribes a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c, misconduct (serious offense).

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 characterization of General remains inequitable due to previously undiagnosed post-traumatic stress disorder (PTSD) and anxiety, which contributed to the behaviors leading to separation. The applicant contends these conditions are now recognized and treated by the VA. The applicant provided a VA service connected disability letter which supported the applicant's contention. The applicant's AMHRR includes no documentation of a PTSD diagnosis. The AMHRR shows the applicant underwent a mental status evaluation (MSE) on 21 March 2007, indicating the applicant was mentally responsible and recognized right from wrong. The MSE indicates a diagnosis of anxiety, and the applicant was scheduled for a medication evaluation. The separation authority considered the MSE.

The applicant contends alcohol use was a symptom of untreated mental health conditions and has since completed a 14-month faith-based rehabilitation program to support long-term recovery. The Army Discharge Review Board is authorized to consider post-service factors in the recharacterization of a discharge. No law or regulation provides for the upgrade of an unfavorable discharge based solely on the passage of time or good conduct in civilian life after leaving the service. The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character.

The applicant contends despite over 13 years of honorable service, a general discharge unjustly limits access to full Post-9/11 GI Bill benefits, of which only 60 percent are currently available. The applicant seeks full restoration of education benefits to support continued self-improvement and provide a better life for their family. Eligibility for veterans' benefits, including educational benefits under the Post-9/11 or Montgomery GI Bill, does not fall within the purview of the Army Discharge Review Board. Accordingly, the applicant should contact a local Department of Veterans Affairs office for further assistance.

## **9. BOARD DISCUSSION AND DETERMINATION:**

**a.** As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

**(1)** Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially mitigating diagnoses/experiences: PTSD and Anxiety Disorder NOS.

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

**(3)** Does the condition or experience excuse or mitigate the discharge? **Yes.** The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions mitigate the discharge. Given the nexus between Post Traumatic Stress Disorder and Anxiety Disorder and the use of substances to self-medicate, the applicant's FTR due to over-indulgence of alcohol and DUI offenses are 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 and Anxiety Disorder outweighed the applicant's DUI and FTR offenses.

**b. Response to Contention(s):**

(1) The applicant contends the discharge characterization of General remains inequitable due to previously undiagnosed post-traumatic stress disorder (PTSD) and anxiety, which contributed to the behaviors leading to separation. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder and Anxiety Disorder outweighed the applicant's DUI and FTR offenses. Therefore, a discharge upgrade is warranted.

(2) The applicant contends alcohol use was a symptom of untreated mental health conditions and has since completed a 14-month faith-based rehabilitation program to support long-term recovery. The Board considered this contention during proceedings, but ultimately did not address the contention in detail due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder and Anxiety Disorder outweighing the applicant's DUI and FTR offenses.

(3) The applicant contends despite over 13 years of honorable service, a General discharge unjustly limits access to full Post-9/11 GI Bill benefits, of which only 60 percent are currently available. 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 Anxiety Disorder 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 Anxiety Disorder outweighed the applicant's 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

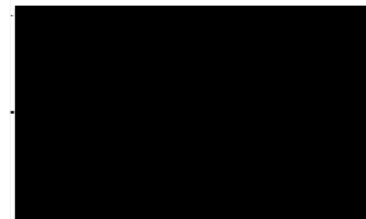
AR20210000186

## 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:

5/28/2025



### Legend:

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