

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 upgraded in recognition of their honorable service and dedication to duty. The applicant served for six and a half years in the U.S. Army, reenlisting twice and completing their first term honorably. The applicant contends wanting to use their Post-9/11 GI Bill benefits to pursue higher education and continue contribute positively to society. An upgrade would enable access to earned benefits support personal growth and reintegration.

b. Board Type and Decision: In a records review conducted on 27 May 2025, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's alcohol-related misconduct. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code and RE code were proper and equitable and voted not to change them.

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: Alcohol Rehabilitation Failure / AR 635-200, Chapter 9 / JPD / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 22 July 2010**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 5 May 2010

(2) Basis for Separation: Under the provisions of AR 635-200, Chapter 9 Alcohol or other drug abuse rehabilitation failure the applicant was informed of the following reasons: failing the Army Substance Abuse Program (ASAP).

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

(4) Legal Consultation Date: 6 May 2010

(5) Administrative Separation Board: On 26 May 2010, the applicant was notified to appear before an administrative separation board and advised of rights.

On 11 June 2010, the administrative separation board convened, and the applicant appeared with counsel. During the board it was mentioned by a witness something unspecified happened to the applicant downrange while clearing houses. It was also mentioned the applicant was coping with harassment from their unit. During the applicant's testimony they mentioned how they experienced IED attacks downrange. The applicant also mentions how the signature on the conditions on liberty privileges revocation memorandum is not theirs. The board determined sufficient evidence did support the reason listed in the notification memorandum. The board recommended the applicant's discharge with a characterization of service of general (under honorable conditions).

(6) Separation Decision Date / Characterization: 23 June 2010 / The separation authority noted the applicant clearly had no potential for useful service under the conditions of full mobilization. / General (Under Honorable Conditions)

4. SERVICE DETAILS:

- a. Date / Period of Enlistment:** 7 January 2010 / 4 years
- b. Age at Enlistment / Education / GT Score:** 27 / High School Graduate / 94
- c. Highest Grade Achieved / MOS / Total Service:** E-5 / 13B2O, Cannon Crewmember / 6 years, 5 months, 18 days
- d. Prior Service / Characterizations:** RA, 5 February 2004 – 6 January 2010 / HD
- e. Overseas Service / Combat Service:** Korea (12 April 2006 – 6 May 2007); SWA / Iraq (5 September 2008 – 17 August 2009; 22 June 2004 – 2 February 2006);
- f. Awards and Decorations:** ARCOM, NDSM, GWOTEM, GWOTSM, ICM-CS, ASR, OSR-2
- g. Performance Ratings:** 1 February 2009 – 21 October 2009 / Marginal
- h. Disciplinary Action(s) / Evidentiary Record:** FG Record of Proceedings under Article 15, Uniform Code of Military Justice, 15 October 2009, for failing to follow preventive measure and driving while under the influence of alcohol. The punishment consisted of a reduction to E-4, forfeiture of \$1063 pay per month for two months, and extra duty and restriction for 45 days.

Rehabilitation Summary Memorandum, 19 March 2010, reflects the applicant initially presented to the Army Substance Abuse Program (ASAP) in October 2009 following a referral for driving under the influence (DUI). A full evaluation on 26 October 2009 led to a diagnosis of alcohol dependence, and the applicant was enrolled in ASAP. They were referred to an intensive outpatient program (IOP) at Rock Bottom Place, with their first scheduled appointment on 27 October 2009. The applicant missed this and two subsequent scheduled appointments without documented justification. On 2 November 2009, the applicant was admitted to Cedar Springs Hospital and diagnosed with anxiety, depression, and poly-substance abuse. They were discharged on 10 November 2009 and re-referred to Rock Bottom for continued IOP treatment. The applicant was re-admitted to Rock Bottom on 12 November 2009 and discharged on 12 February 2010 due to non-compliance, having attended only 14 of 36 scheduled group sessions. IOP structure required attendance of three groups per week over six weeks. At the time of documentation, the applicant's continued substance use and lack of adherence to

treatment were cited as detrimental to unit readiness. Despite multiple opportunities for rehabilitation, their progress was considered poor, with a guarded prognosis. Under Army Regulation 600-85, the applicant met the criteria for a Chapter 9 separation due to rehabilitation failure.

Privilege Revocation Memorandum, 8 April 2010, reflects the applicant had to remain within the confines of the post unless granted written approval from the Commander or 1SG. Additionally, the applicant had to sign in with the CQ every four hours, remain within the brigade area unless accompanied by an escort, refrain from operating a POV on post, reside in the barracks, and abstain from consuming or possessing alcohol within the barracks. Failure to adhere to these stipulations could have resulted in UCMJ action.

Orthopedic Surgery Service Memorandum, 12 April 2010, reflects the applicant required rehabilitation and recovery prior to being considered for deployment for training purposes or for real world missions. The applicant was planned for left knee ACL surgery on 29 April 2010. The commander authorized the procedure.

CG Record of Proceedings under Article 15, Uniform Code of Military Justice, 22 April 2010, reason is illegible. The punishment consisted of a reduction to E-3, forfeiture of \$448 (both suspended), and extra duty and restriction for 14 days.

Record Of Supplementary Action Under Article 15, UCMJ, 22 April 2010, reflects the suspended portion of the punishment imposed on 22 April 2010, was vacated for having received a lawful order from their superior commissioned officer to not consume alcohol or possess it in their barracks room did on or about 16 April 2010 willfully disobey the same in violation of Article 90 UCMJ.

Army Substance Abuse Program Social Worker Memorandum, 19 April 2010, reflects a memorandum requested by a E-6 concerning the timeline of conversation and history of substance abuse treatment of the applicant. The applicant was referred to the Army Substance Abuse Program (ASAP) and an intensive outpatient program (IOP) beginning in October 2009. While initially scheduled for 18 group sessions and three individual sessions, the applicant missed several early appointments. In November 2009, the applicant was hospitalized and diagnosed with anxiety, depression, and poly-substance use. Following discharge from the hospital, the applicant re-engaged with treatment at Rock Bottom Recovery Center, attending 14 of 36 scheduled group sessions. The program discharged the applicant in February 2010 for non-completion due to attendance issues. In March 2010, ASAP staff met with the applicant and re-initiated a treatment plan involving another round of IOP. The applicant acknowledged consuming alcohol during treatment periods and reported difficulty attending scheduled sessions. Despite support from leadership and rescheduling efforts, there are no records confirming attendance at the second round of sessions, and a second discharge from the program was recommended. During this period, the applicant also requested assistance with medication management and was referred for follow-up care. The documented history reflects challenges with treatment adherence and consistent participation, which were key factors considered in the applicant's separation process.

Report of Proceedings by Investigating Officer/Board of Officers, 11 June 2010, reflects the investigating officer found by unanimous decision, that there is sufficient evidence to support the basis for separation.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) **Applicant provided:** None

(2) **AMHRR Listed:** Report of Behavioral Health Evaluation (BHE), 8 April 2010, reflects the applicant was mentally responsible with a loosely connected thinking process and had the mental capacity to understand and participate in the proceedings. The applicant had a diagnosis of alcohol dependence. The applicant was recommended to have a psychology follow appointment. It was noted barracks restriction was necessary to prevent alcohol use. Also supervised administration of medication was necessary.

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.

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 applicant contends their discharge should be upgraded in recognition of their honorable service and dedication to duty. The applicant served for six and a half years in the U.S. Army, reenlisting twice and completing their first term honorably. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends wanting to use their Post-9/11 GI Bill benefits to pursue higher education and continue contributing positively to society. An upgrade would enable access to earned benefits that support personal growth and reintegration. 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, GAD, and Cognitive 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? **Yes.** The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions mitigate the discharge. Given the nexus between PTSD and the use of substances to self-

medicate, the applicant misconduct characterized by continued alcohol consumption leading to rehabilitation treatment failure 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 alcohol-related misconduct.

b. Response to Contention(s):

(1) The applicant contends their discharge should be upgraded in recognition of their honorable service and dedication to duty. 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 outweighing the applicant's alcohol-related misconduct.

(2) The applicant contends wanting to use their Post-9/11 GI Bill benefits to pursue higher education and continue contributing positively to society. 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 that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the separating 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 applicant did in fact fail rehabilitation. Medical mitigation does not relieve responsibility. Thus, the reason the applicant was discharged was both proper and equitable.

(3) The RE code will not change due to the BH conditions 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

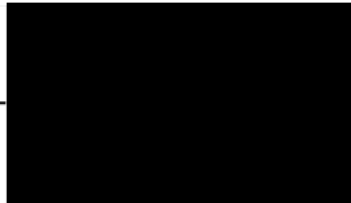
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10. BOARD ACTION DIRECTED:

- 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:

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