

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 honorable. The applicant requests a narrative reason change and reentry (RE) code change.

The applicant seeks relief contending, in effect, under the circumstances, they believe they deserve a second chance to serve the country. The applicant was caught with one beer after completing a 30-day alcohol rehabilitation program. The applicant had a beer on approximately day 10 post-rehabilitation at dinner and a sergeant caught and reported them to their first sergeant (1SG), who then reported the applicant to their commander. The applicant believes the punishment was too harsh. The applicant requests a narrative reason change and a reentry code change to be eligible to reenlist. The applicant would like to prove themselves to their superiors, fellow Soldiers, and the country. The applicant was young and did not understand what they would lose by their actions. The applicant is still young but has matured and had realized the mistakes they have made. The applicant accepts full responsibility for their poor judgment and actions they chose to follow. All the applicant wanted was to follow in their parent's and grandparent's footsteps, who served the country 20 years in the military.

b. Board Type and Decision: In a records review conducted on 1 April 2025, and by a 5-0 vote, the Board, based on the applicant's Major Depressive Disorder outweighing the Alcohol Rehabilitation Failure, determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a. Accordingly, the narrative reason for separation changed to Misconduct (Minor Infractions) with a separation code of JKN. The Board determined the reentry eligibility code was proper and equitable and voted not to change it.

*Please see **Board Discussion and Determination** section 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 / Honorable

b. Date of Discharge: 16 December 2010**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 7 December 2010

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant continued to use alcohol while enrolled in the Army Substance Abuse Program (ASAP) and had not followed the treatment recommendation. The applicant was command-referred to the ASAP on Fort Sill to help them in their further rehabilitation. They were counseled for drinking on

3 November 2010 while in Garfield's restaurant. Because of the applicant's risk for further substance-related incidents, this incident was reported to their ASAP counselor, and after consulting with the counselor, the applicant was declared a rehabilitative failure. The command has exhausted all attempts to assist the applicant in overcoming their alcohol usage and separation under the provisions of Chapter 9, Army Regulation, was warranted.

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

(4) Legal Consultation Date: On 7 December 2010, the applicant waived legal counsel.

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 13 December 2010 / Honorable

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 1 April 2010 / 6 years

b. Age at Enlistment / Education / GT Score: 20 / GED / NIF

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92Y10, Unit Supply Specialist / 3 years, 4 months, 4 days

d. Prior Service / Characterizations: USAR, 13 August 2007 – 30 July 2008 / HD
IADT, 11 October 2007 – 19 March 2008 / UNC
(Concurrent Service)
RA, 31 July 2008 – 31 March 2010 / HD

e. Overseas Service / Combat Service: Korea / None

f. Awards and Decorations: AAM, NDSM, GWOTSM, KD SM, ASR, OSR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Army Substance Abuse Program (memo), 7 December 2010, reflects the applicant was enrolled in an outpatient program on 22 October 2010, after attending an inpatient program in Texas. The applicant continued to abuse alcohol and not follow treatment recommendations. The ASAP Counselor determined the applicant was at risk for further substance-related incidents and met the criteria for rehabilitation failure in accordance with Army Regulation 600-85.

Numerous Developmental Counseling Forms for being informed of their recent marriage responsibilities; having average monthly performance; failing to follow a direct order; being commended for completing the program at the University of Behavioral Health; failing diagnostic Army Physical Fitness Test; being borderline compliant with the Army Weight Control Program; being notified of a Class A inspection; failing the shave before physical training; being commended for going to mental health and ASAP appointments; drinking alcohol while enrolled in the ASAP.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: Report of Mental Status Evaluation, 13 November 2010, reflects the applicant had been evaluated and the physician found inpatient hospitalization was warranted. The treatment would focus on substance abuse and depressive symptoms. The applicant expressed intermittent suicidal ideation. The clinical psychologist recommended if the applicant were not to be transported to the hospital, they be restricted to the unit area, ordered to consume alcohol, and monitored with a battle buddy.

Report of Mental Status Evaluation, 4 November 2010, reflects the applicant was cleared for any administrative actions deemed appropriate by the command. The applicant could understand and participate in administrative proceedings; was mentally responsible; but did not meet mental health retention requirements. The applicant had an impairing psychiatric condition, which required treatment, and was not motivated to continue military service. The applicant was diagnosed with alcohol dependence, dysthymic disorder, and antisocial personality disorder.

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; two self-authored statements; and three third-party statements.

6. POST SERVICE ACCOMPLISHMENTS: The applicant no longer drinks, is enrolled into college, and has a full-time job.

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) 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.

(4) 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-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

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.

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 a narrative reason change and reentry code change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

The evidence of the Army Military Human Resource Record (AMHRR) reflects the applicant was enrolled in an outpatient program on 22 October 2010, after attending an inpatient program in Texas. The applicant continued to abuse alcohol and not follow treatment recommendations. The commander in consultation with the ASAP Counselor determined the applicant was at risk for further substance-related incidents and met the criteria for rehabilitation failure in accordance with Army Regulation 600-85.

The applicant contends family issues affected their behavior and ultimately caused the discharge. The applicant provided a third-party letter from a family member to support the contention. The applicant's AMHRR reflects the applicant had been evaluated and the examining physician determined inpatient hospitalization was warranted. The treatment would focus on substance abuse and depressive symptoms. The applicant expressed intermittent suicidal ideation. The record shows the applicant underwent a mental status evaluation (MSE)

on 4 November 2010, which indicates the applicant was mentally responsible but did not meet mental health retention standards. The separation authority considered the documents in the applicant's AMHRR.

The applicant contends youth and immaturity affected the applicant's behavior at the time of the discharge. The AMHRR shows the applicant met entrance qualification standards, including age.

The applicant contends having one beer after completing a 30-day alcohol rehabilitation program. The applicant's AMHRR reflects the applicant was in an outpatient program when the applicant consumed alcohol. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends the narrative reason for the discharge needs to be changed. The applicant was separated under the provisions of Chapter 9, AR 635-200, with an honorable discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "alcohol rehabilitation failure," and the separation code is "JPD." Army Regulation 635-8 (Separation Processing and Documents) governs preparation of the DD Form 214 and dictates the entry of the narrative reason for separation, entered in block 28, and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

The applicant requests a reentry eligibility (RE) code change. Soldiers processed for separation are assigned reentry codes based on their service records or the reason for discharge. Based on Army Regulation 601-210, the applicant was appropriately assigned an RE code of "4." An RE code of "4" cannot be waived, and the applicant is no longer eligible for reenlistment.

The applicant contends they are no longer drinking, are enrolled in college, and have a full-time job. 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 third-party statements provided with the application speak highly of the applicant. They all recognize the applicant's good conduct after leaving the Army.

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: MDD and Depressive Disorder NOS.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant has in-service diagnoses of MDD and Depressive Disorder NOS.

(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. The applicant has in-service BH conditions of MDD and Depressive Disorder NOS. Given the nexus between the BH conditions and the use of substances to self-medicate, the applicant continued alcohol use while enrolled in ASAP 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 Major Depressive Disorder outweighed the Alcohol Rehabilitation Failure.

b. Response to Contention(s):

(1) The applicant contends family issues affected their behavior and ultimately caused the discharge. The Board liberally considered this contention and determined that the applicant's Major Depressive Disorder outweighed the Alcohol Rehabilitation Failure. Therefore, a discharge upgrade is warranted.

(2) The applicant contends youth and immaturity affected the applicant's behavior at the time of the discharge. The Board considered this contention during proceedings, but ultimately did not address it in detail due to an upgrade being granted based on the applicant's Major Depressive Disorder outweighing the Alcohol Rehabilitation Failure.

(3) The applicant contends having one beer after completing a 30-day alcohol rehabilitation program. The Board considered this contention during proceedings, but ultimately did not address it in detail due to an upgrade being granted based on the applicant's Major Depressive Disorder outweighing the Alcohol Rehabilitation Failure.

(4) The applicant contends the narrative reason for the discharge needs to be changed. The Board considered this contention during proceedings, but ultimately did not address it in detail due to an upgrade being granted based on the applicant's Major Depressive Disorder outweighing the Alcohol Rehabilitation Failure.

(5) The applicant requests a reentry eligibility (RE) code change. The Board considered this contention and determined that the applicant's reentry eligibility code should remain at RE-4 given the applicant's diagnosed behavioral health conditions.

(6) The applicant contends they are no longer drinking, are enrolled into college, and have a full-time job. The Board considered this contention during proceedings, but ultimately did not address it in detail due to an upgrade being granted based on the applicant's Major Depressive Disorder outweighing the Alcohol Rehabilitation Failure.

c. The Board, based on the applicant's Major Depressive Disorder outweighing the Alcohol Rehabilitation Failure, determined the narrative reason for the applicant's separation is now inequitable. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a. Accordingly, the narrative reason for separation changed to Misconduct (Minor Infractions) with a separation code of JKN. The Board determined the reentry eligibility code was proper and equitable and voted not to change it.

d. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service as the applicant already holds an honorable characterization and further relief is not available.

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(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) based on medical mitigation of the applicant's alcohol-related misconduct. Thus, the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

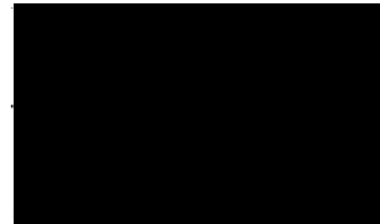
(3) The RE code will not change. The current code is also consistent with the procedural and substantive requirements of the regulation in view of the applicant's diagnosed behavioral health conditions.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: No Change
- 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:

4/7/2025



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