

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE
AR20210000294**

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, requesting an upgrade of their discharge and a change to the narrative reason for separation to have access to all VA benefits. The applicant is currently receiving treatment for Post Traumatic Stress Disorder (PTSD) and is rated at 100 percent. The applicant informed their chain of command the rehabilitation program was not working and requested a transfer to a civilian in-patient treatment program but was denied. The applicant believes their PTSD is a result of their deployment to Iraq in 2007 through 2008.

b. Board Type and Decision: In a records review conducted on 18 March 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 **Board Discussion and Determination** section for more detail 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: 17 December 2009

c. Separation Facts

(1) Date of Notification of Intent to Separate: 7 October and 9 December 2009

(2) Basis for Separation: The applicant was informed of the following reasons: On or about 20 March 2009, the applicant was enrolled in the Alcohol and Substance Abuse Program Outpatient Program Level I. On or about 29 July 2009, due to their continued use of alcohol while on the program the applicant was declared a rehabilitation failure and was recommended for this chapter.

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

(4) Legal Consultation Date: 8 October 2009

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(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 11 December 2009 / General
(Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 15 November 2006 / 3 years, 26 weeks

b. Age at Enlistment / Education / GT Score: 18 / GED / 89

c. Highest Grade Achieved / MOS / Total Service: E-3 / 91B10, Wheeled Vehicle
Mechanic / 3 years, 1 month, 3 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq (3 September 2007 – 30 October
2008)

f. Awards and Decorations: AAM, NDSM, GWOTSM, ICM-CS, ASR, OSR, CAB

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: FG Article 15, 10 January 2008, on or
about 7 December 2007, resist being apprehended and disorderly conduct. The punishment
consisted of a reduction to E-1, forfeiture of \$670 pay per month for two months and extra duty
for 45 days.

FG Article 15, 21 January 2009, on or about 1 December 2008, violate a lawful general
regulation by wrongfully consuming alcohol while under the age of 21. On or about 2 December
2008, without authority, fail to go at the time prescribed to their appointed place of duty. The
punishment consisted of a reduction to E-1, forfeiture of \$673, and extra duty and restriction for
45 days and Oral reprimand.

Summary of Army Substance Abuse Program Rehabilitation Failure Memorandum, 29 July
2009, reflects the applicant's rehabilitation team met on 29 July 2009 to address the applicant's
continued use of alcohol. The first sergeant advised the applicant had another alcohol-related
incident on 28 July 2009, and as a result, would not be considered for retention. The applicant
was declared a rehabilitation failure and recommended for a Chapter 9 discharge.

Numerous Developmental Counseling Forms, for various acts of misconduct.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: Chronological Record of Medical Care, 8 April 2009, reflects a
diagnosis of adjustment disorder and anxiety disorder.

Progress notes, printed on 20 January 2011, reflect a diagnosis of PTSD and depression.

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Department of Veterans Affairs Rating Decision, 12 September 2012, reflects a diagnosis of post-traumatic stress disorder with major depressive disorder with psychotic features and personality disorder, NOS cluster B traits, with an evaluation of 100 percent.

(2) AMHRR Listed: Report of Mental Status Evaluation, 14 September 2009, reflects a diagnosis of Axis I: Alcohol Dependence and meets retention requirements.

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; three Applications for the Review of Discharge; Developmental Counseling Form; two VA Rating Decisions; Certificate of Training; Army Achievement Medal Certificate; Certificate of Affiliation; six letters of support; Enlisted Record Brief; medical records; education plan; email from B.G.

6. POST SERVICE ACCOMPLISHMENTS: The applicant 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

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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.

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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.

Summary of Army Substance Abuse Program Rehabilitation Failure (memo), 29 July 2009, reflects the applicant's rehabilitation team met on 29 July 2009 to address the applicant's continued use of alcohol. The first sergeant advised the applicant had another alcohol-related incident on 28 July 2009 and, as a result, would not be considered for retention. The applicant was declared a rehabilitation failure and recommended for a Chapter 9 discharge.

The applicant contends the narrative reason for the discharge needs changed. The applicant was separated under the provisions of Chapter 9, AR 635-200 with a general (under honorable conditions) 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 the 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 entry of any other reason under this regulation.

The applicant contends receiving treatment for Post Traumatic Stress Disorder (PTSD) and is rated at 100 percent. The applicant provided a Chronological Record of Medical Care, 8 April 2009, reflecting a diagnosis of adjustment disorder and anxiety disorder. Progress notes, printed on 20 January 2011, reflect a diagnosis of PTSD and depression. A Department of Veterans Affairs Rating Decision, 12 September 2012, reflects a diagnosis of post-traumatic stress disorder with major depressive disorder with psychotic features and personality disorder, NOS cluster B traits, with an evaluation of 100 percent. The AMHRR includes a Report of Mental Status Evaluation, 14 September 2009, reflecting a diagnosis of Axis I: Alcohol Dependence and meets retention requirements. The separation authority considered the mental status evaluation.

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The applicant informed their chain of command the rehabilitation program was not working and requested a transfer to a civilian in-patient treatment program, which was denied. The applicant did not submit evidence other than their statement, to support the contention. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends an upgrade of the discharge would allow veterans benefits. Eligibility for veteran's benefits 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 contends good service, including a combat tour. The third-party statements provided with the application reflect the applicant's outstanding work ethic and leadership skills. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

The applicant contends seeking help for their mental health from 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, MDD, Anxiety Disorder NOS, Adjustment Disorder.

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

(3) Does the condition or experience actually 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 alcohol to self-medicate, the applicant's continued use of alcohol, resulting in rehabilitation 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 applicant's alcohol-related misconduct.

b. Response to Contention(s):

(1) The applicant contends receiving treatment for Post-Traumatic Stress Disorder (PTSD) and is rated at 100 percent. The Board liberally considered this contention and

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determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's alcohol-related misconduct.

(2) The applicant contends the narrative reason for the discharge needs changed. The Board considered this contention but determined the narrative reason should not change. The applicant's PTSD does mitigate the applicant's basis for separation but does not warrant a change as the applicant was involuntarily separate, and the behavioral health condition does not fully excuse the applicant's responsibility for the rehabilitation failure.

(3) The applicant informed their chain of command the rehabilitation program was not working and requested a transfer to a civilian in-patient treatment program but was denied. The Board considered this contention but determined that AR 600-85 does not require that an applicant receive a transfer to civilian in-patient treatment prior to processing for administrative separation.

(4) The applicant contends an upgrade of the discharge would allow veterans benefits. 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.

(5) The applicant contends good service, including a combat tour. The Board considered the applicant's three years of service, including a combat tour in Iraq, but determined that the applicant's service record did not merit further upgrade beyond that decided based on medical mitigation.

c. 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.

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 under the same pretexts, and the reason the applicant was discharged was both proper and equitable.

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

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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:



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