

**1. Applicant's Name:**

- 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 period under review is general (under honorable conditions). The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, the discharge is inequitable because of their post-traumatic stress disorder (PTSD) with chronic alcoholism. The applicant was diagnosed with this mental health disorder shortly after returning from their first deployment and received their first driving under the influence (DUI) charge. The applicant received a letter of reprimand because of misconduct; their licenses were revoked, they received a healthy fine, and they had to complete the Alcohol Substance Abuse Program (ASAP). During the time in the program, the applicant was diagnosed with PTSD with chronic alcoholism. While in treatment, the applicant received another ticket for driving with a suspended license. Although the applicant was in treatment and pending a medical board, they were discharged for a pattern of misconduct. The applicant was reduced from E-4, promotable, to E-3, received extra duty for 45 days, and no pay for 45 days. The applicant lost their family and their career because of their drinking and PTSD. The applicant was separated one week before their expiration term of service (ETS). Before the deployment, the applicant had never been in any trouble and had a promising future and career. There are things a person sees and hears they will never be able to come back from. The applicant will not elaborate but currently suffers from those experiences. Loving and caring family members help the applicant better cope with the situation. The Department of Veterans Affairs (VA) plays a key role in their life as well. The applicant is a commercial driver's license (CDL) driver, hauling hazardous material (HAZMAT); coaches their child's softball team; and is enrolled in college, pursuing a degree in biology. The applicant's goal is to coach high school-level softball. The applicant's case should be considered for an upgrade in accordance with the Hagel and Carson Memorandums because the applicant's case involves service-connected PTSD. The applicant further details the contentions in the application.

b. **Board Type and Decision:** In a records review conducted on 23 January 2025, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

*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:** Misconduct (Serious Offense) / AR 635-200, Paragraph 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 24 June 2011

c. **Separation Facts:**

- (1) Date of Notification of Intent to Separate:** NIF
- (2) Basis for Separation:** NIF
- (3) Recommended Characterization:** NIF
- (4) Legal Consultation Date:** NIF
- (5) Administrative Separation Board:** NIF
- (6) Separation Decision Date / Characterization:** NIF

**4. SERVICE DETAILS:**

- a. Date / Period of Enlistment:** 16 January 2008 / 3 years, 23 weeks
- b. Age at Enlistment / Education / GT Score:** 21 / HS Graduate / 94
- c. Highest Grade Achieved / MOS / Total Service:** E-4 / 92F10, Petroleum Supply Specialist / 3 years, 5 months, 9 days / The applicant's AMHRR reflects the applicant has prior inactive service in the Army Reserve, but the period is not reflected on the DD Form 214.
- d. Prior Service / Characterizations:** USAR, 31 May 2007 – 4 June 2007 / NA
- e. Overseas Service / Combat Service:** Hawaii, SWA / Iraq (8 September 2009 – 17 July 2010)
- f. Awards and Decorations:** NDSM, GWOTSM, ICM-CS, ASR, OSR-2, OSB-2 / The applicant's AMHRR reflects award of the ARCOM, however, the award is not reflected on the DD Form 214.
- g. Performance Ratings:** NA
- h. Disciplinary Action(s) / Evidentiary Record:** Hawaii Armed Services Police report, 19 September 2010, reflects the applicant was arrested for driving under the influence of alcohol. After being stopped for making an illegal U-Turn. The police officer noticed a strong odor of alcohol emitting from the applicant's breath and administered a standardized field sobriety test, which the applicant failed. The applicant was transported to the police station and submitted a breath test, which resulted in a blood alcohol content (BAC) of .140 percent.

General Officer Memorandum Of Reprimand, 7 October 2010, reflects the applicant was driving under the influence of alcohol. After being stopped for making an illegal U-Turn on 19 September 2010, and the officer observing the smell of alcohol emanating from the applicant's breath, a subsequent breathalyzer test revealed the applicant's BAC level was 0.14 percent. The applicant submitted a rebuttal statement.

Orders 161-0002, 10 June 2011, revoked by Orders 168-0020, 17 June 2011, reflect the applicant was to be reassigned to the U.S. Army Transition Point and released from active duty on 26 June 2011 from the Regular Army and assigned to the Army Reserve Control Group (Reinforcement), with a terminal date of Reserve obligation of 30 May 2015.

Orders 168-0021, 17 June 2011, reflect the applicant was to be reassigned to the U.S. Army Transition Point and discharged on 24 June 2011 from the Regular Army.

The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty), reflects the applicant had not completed the first full term of service. The applicant was discharged under the authority of AR 635-200, paragraph 14-12c, with a narrative reason of Misconduct (Serious Offense). The DD Form 214 was authenticated with the applicant's electronic signature.

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

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

**(1) Applicant provided:** Confidential Summary, 30 June 2022, reflects the applicant was rated: 50 percent for flat foot condition; 0 percent foot condition; 70 percent for PTSD; 10 percent for limited flexion of knee; 10 percent for knee condition; and 50 percent for sleep apnea syndromes.

Department of Veterans Affairs letter, 30 June 2022, rated 100 percent disabled.

**(2) AMHRR Listed:** None

*The ARBA's medical advisor reviewed DoD and VA medical records and not solely those documents listed in 4j(1) and (2) above.*

**5. APPLICANT-PROVIDED EVIDENCE:** Certificate of Release or Discharge from Active Duty; two Application for the Review of Discharge; separation orders; Individual Sick Slip; Physical Profile; Developmental Counseling Form; self-authored statement; Confidential Summary (medical); and VA letter.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant is a CDL driver, hauling hazardous material (HAZMAT); coaches their child's softball team; and is enrolled in college, pursuing a degree in biology.

**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's Army Military Human Resources Record (AMHRR) is void of the specific circumstances concerning the events which led to the discharge from the Army. The applicant's AMHRR contains a GOMOR for DUI, which is supported by a police report but is void of a separation packet. The record contains a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was authenticated by the applicant's electronic signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 14, paragraph 14-12c, by reason of Misconduct (Serious Offense), with a characterization of service of general (under honorable conditions).

The applicant contends combat-related PTSD, with chronic alcoholism, affected behavior which led to the discharge. The applicant provided medical documents reflecting the applicant was diagnosed with PTSD and sleep apnea, and the VA rated the applicant 70 percent disabled for PTSD. The applicant's AMHRR is void of a mental status evaluation.

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

The applicant contends being discharged one week before their ETS. The applicant's AMHRR reflects the applicant received orders to be released from active duty and transferred to the USAR Control Group (Reinforcement), effective 26 June 2011, because of their military service obligation; however, the orders were revoked. Subsequently, the applicant received orders and was discharged on 24 June 2011 under AR 635-200, paragraph 14-12c, for misconduct (serious offense). The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends a medical evaluation board was under process at the time of the separation proceedings. The Department of Defense disability regulations do not preclude a disciplinary separation while undergoing a medical board. Appropriate regulations stipulate separations for misconduct take precedence over potential separations for other reasons. Whenever a member is being processed through the Physical Evaluation Board and is subsequently processed for an involuntary administrative separation or referred to a court-martial for misconduct, the disability evaluation is suspended. The Physical Evaluation Board case remains in suspense pending the outcome of the non-disability proceedings. If the action includes either a punitive or administrative discharge for misconduct, the medical process is stopped, and the board report is filed in the member's medical record.

The applicant contends being a CDL driver, hauling hazardous material (HAZMAT); coaching; and being enrolled in college. 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: Adjustment Disorder, PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant was diagnosed in service with an Adjustment Disorder and PTSD, and the VA has service connected the PTSD.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions do not mitigate the discharge. The basis of separation is not contained in the file. Without the basis of separation, the Board cannot determine if the applicant's Adjustment

Disorder or PTSD contributed to the misconduct that led to the separation, so there is no mitigation.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the available evidence did not support a conclusion that the applicant's Post Traumatic Stress Disorder and Adjustment Disorder outweighed the applicant's discharge due to a lack of information surrounding the applicant's offenses.

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

(1) The applicant contends combat-related PTSD, with chronic alcoholism, affected behavior which led to the discharge. The Board liberally considered this contention but determined that the available evidence did not support a conclusion that the applicant's Post Traumatic Stress Disorder and Adjustment Disorder outweighed the applicant's discharge due to a lack of information surrounding the applicant's offenses.

(2) The applicant contends good service, including a combat tour. The Board considered the applicant's 3 years of service, including a combat tour in Iraq, but could not find that the applicant's record outweighed the applicant's discharge due to a lack of information regarding the applicant's misconduct.

(3) The applicant contends being discharged one week before their ETS. The Board considered this contention but lacked sufficient information to determine if the applicant's length of service outweighed the applicant's offenses.

(4) The applicant contends a medical evaluation board was under process at the time of the separation proceedings. The Board considered this contention but held that an administrative separation in lieu of medical separation proceedings is permitted by AR 635-200. Therefore, based on available information, the Board found that the separation is proper and equitable.

(5) The applicant contends being a CDL driver, hauling hazardous material; coaching; and being enrolled in college. The Board considered the applicant's post-service accomplishments but did not find that they outweighed the applicant's discharge.

**c.** The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the issues before the Board. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

**d. Rationale for Decision:**

(1) The Board voted not to change the applicant's characterization of service because, despite applying liberal consideration to all evidence before the Board, the applicant's Post Traumatic Stress Disorder and Adjustment Disorder did not outweigh the misconduct due to a lack of information surrounding the applicant's offenses. The Board also considered the applicant's contentions regarding good service and post-service accomplishments but found that the totality of the applicant's record does not warrant a discharge upgrade. The applicant did not present any issues of impropriety for the Board's consideration. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due

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process. Therefore, the applicant's General discharge was proper and equitable as the applicant's misconduct fell below that level of meritorious service warranted for an upgrade to Honorable discharge.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, as 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.

**10. BOARD ACTION DIRECTED:**

- a. **Issue a New DD-214 / Separation Order:** No
- b. **Change Characterization to:** No Change
- c. **Change Reason / SPD Code to:** No Change
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** No Change

**Authenticating Official:**

2/7/2025

**X**

Presiding Officer, COL, U.S. ARMY

Army Discharge Review Board

**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