

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 was because of a second driving under the influence citation during their enlistment. The applicant and the Department of Veterans Affairs (VA) counselor believe the applicant's drinking was directly related to untreated post-traumatic stress disorder (PTSD). The applicant was having difficulty coping with numerous mental health issues and sought self-medication to cope. The applicant received a positive diagnosis of PTSD prior to their separation and this was known by the command; however, the command opted to discharge the applicant. This is an injustice. The applicant pursued treatment at their regional VA medical center and began taking medication. The applicant has not taken a drink in over two years and their ability to interact with and participate in their has improved. The applicant was unjustly discharged. The applicant earned the rank of Sergeant (SGT) in just over three years. The applicant received various awards and deployed to Iraq to serve the country. The applicant was a good Soldier until the applicant began having issues coping. The applicant would have been an even better Soldier once the applicant was given an opportunity to get themselves in order. The applicant has a letter from the commander as the applicant was leaving the Army, which indicates the applicant was not a bad Soldier. The applicant had a problem and has dealt with it. The applicant believes they were punished sufficiently by the civil authorities and the loss of a career they loved. The applicant would like to rejoin one day or at least join the National Guard or Army Reserve.

b. Board Type and Decision: In a records review conducted on 24 April 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Depression outweighing the applicant's medically mitigated DUI offense. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

*Please see **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: 31 March 2011

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 29 November 2010

(2) Basis for Separation: The applicant was informed of the following reasons: Multiple driving under the influence (DUI) offenses. The applicant was arrested multiple times by the civilian police for DUI.

(3) Recommended Characterization: Under Other Than Honorable Conditions / The intermediate commanders recommended a general (under honorable conditions) characterization of service.

(4) Legal Consultation Date: 6 December 2010

(5) Administrative Separation Board: On 6 December 2010, the applicant conditionally waived consideration of the case before an administrative separation board, contingent upon receiving a characterization of service no less favorable than general (under honorable conditions) discharge.

(6) Separation Decision Date / Characterization: 3 March 2011 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 13 April 2010 / 4 years

b. Age at Enlistment / Education / GT Score: 31 / 2 Years College / 122

c. Highest Grade Achieved / MOS / Total Service: E-5 / 68W20, Health Care Specialist / 6 years, 9 months, 22 days

d. Prior Service / Characterizations: RA, 19 May 2004 – 5 June 2006 / HD
RA, 6 June 2006 – 12 April 2010 / HD

e. Overseas Service / Combat Service: SWA / Iraq (9 April 2007 – 3 June 2008)

f. Awards and Decorations: ARCOM, AAM-4, AGCM-2, NDSM, GWOTSM, ICM-CS, NCOPDR, ASR, OSR, CMB

g. Performance Ratings: 30 September 2009 – 8 September 2010 / Marginal

h. Disciplinary Action(s) / Evidentiary Record: Washington State DUI Arrest Report Narrative, 10 August 2010, reflects a Washington State Police Officer observed the applicant traveling 40 miles per hour (mph) in a 30 mph zone. A traffic stop was initiated and the officer smelled the strong odor of intoxicants coming from the applicant's breath. The applicant was administered a preliminary breath test, which resulted in a .196 percent BAC. The applicant was transported to the police station, read their rights, and refused to take the breath test. The applicant made suicidal threats to the officer.

Court Order, 8 September 2010, reflects the applicant was charged with DUI, with .15 BAC, and sentenced to 365 days in jail, 363 days suspended, and fined / court cost \$866; theft 3,

sentenced to 365 days in jail, suspended; DUI, no test, sentenced to 365 days in jail (265 days suspended, 9 days served), and fine / court cost \$1121.

Two Personnel Action forms, reflect the applicant's duty status changed from Present for Duty (PDY) to Confined, effective 30 August 2010, and the applicant was reduced from E-5 to E-4, effective 8 September 2010.

Memorandum, subject: Emergency Command Directed Evaluation [Applicant], 20 September 2010, reflects the applicant was evaluation at the Behavioral Health Clinic because on 30 August 2010, the applicant was arrested by Tacoma police for DUI and made suicidal statements to the arresting officer. The clinical psychologist recommended a plan for treatment and evaluation, but no changes in duty status because the applicant met psychiatric retention requirements.

General Officer Memorandum of Reprimand, 21 October 2010, reflects the applicant was driving under the influence of alcohol. After being stopped for travelling 41 miles per hour (mph) in a posted 30 mph zone on 8 September 2010, the applicant refused to take a lawfully requested intoximeter test.

Five Developmental Counseling Forms, for initial counseling; suicidal statements made during DUI arrest; being command referred to the Army Substance Abuse Program (ASAP), and being involved in a verbal altercation with their spouse.

i. Lost Time / Mode of Return: 21 days (Confined 30 August 2010 – 19 September 2010) / Released from Confinement

j. Behavioral Health Condition(s):

(1) Applicant provided: Department of Veterans Affairs (VA) letter, page 2, (date unavailable) reflects the VA rated the applicant 50 percent disability for PTSD.

(2) AMHRR Listed: Report of Mental Status Evaluation, 24 September 2010, reflects the applicant may not have met the standards of AR 40-501 as the applicant may have met the criteria for a diagnosis of PTSD and / or bipolar disorder. The applicant required clearance by psychiatry for the processing of a Chapter 14.

Report of Medical Examination, 28 September 2010, the examining medical physician noted the in the summary of defects and diagnosis section: History of dyspepsia, anxiety, and sleep problems for two years.

Memorandum of Agreement, subject: Treatment Plan Memorandum of Agreement, 28 September 2010, reflects a mental health professional found the applicant was alcohol dependent and recommended a treatment plan.

Report of Mental Status Evaluation, 21 October 2010, reflects the applicant was diagnosed with alcohol dependence; and adjustment disorder with mixed disturbance of conduct and emotions. The applicant presented with personality traits and an alcohol-related disorder. The applicant met the medical retention standards defined in AR 40-501.

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; VA letter; and Statement of Service.

6. POST SERVICE ACCOMPLISHMENTS: The applicant pursued treatment at the VA, began taking medication, and has been sober for two years.

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) Paragraph 3-8 states characterization will be determined by the Soldier's military record which includes the Soldier's behavior and performance of duty during the current enlistment or period of service to which the separation pertains, plus any extensions prescribed by law and regulation or effected with the consent of the Soldier. Prior service activities including, but not limited to, records of convictions by courts-martial, records of nonjudicial punishment, records of absence without leave, or commission of other offenses for which punishment was not imposed. To the extent such matters are considered on the issue of retention or separation, the record of proceedings will reflect express direction such information will not be considered on the issue of characterization.

(5) 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.

(6) 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.

(7) Paragraph 14-12c prescribes a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense

warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12c, misconduct (serious offense).

f. Army Regulation 601-210, (Regular Army and Reserve Components Enlistment Program), governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes. RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

8. SUMMARY OF FACT(S): The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

The applicant requests an upgrade to honorable. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

The applicant contends being diagnosed with PTSD, which affected behavior and led to the discharge. The applicant provided evidence reflecting the VA rated the applicant 50 percent disabled for PTSD. The applicant's AMHRR contains documentation which supports an in-service diagnosis. The record shows the applicant underwent a mental status evaluation (MSE) on 24 September 2010, which indicates the applicant may not have met the standards of AR 40-501 as the applicant may have met the criteria for a diagnosis of PTSD and / or bipolar disorder. The applicant required clearance by psychiatry for the processing of a Chapter 14. The applicant underwent an MSE on 21 October 2010, which reflects the applicant was diagnosed with alcohol dependence and adjustment disorder with mixed disturbance of conduct and emotions. The applicant presented with personality traits and an alcohol-related disorder. The applicant met the medical retention standards defined in AR 40-501. The MSEs were considered by the separation authority.

The applicant contends good service, including a combat tour.

The applicant contends the command unjustly discharged the applicant because they knew the applicant had PTSD. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

The applicant desires to rejoin the military service. 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 "3." There is no basis upon which to grant a change to the reason or the RE code. An RE Code of "3" indicates the applicant requires a waiver before being allowed to reenlist. Recruiters can best advise a former service member as to the Army's needs at the time and are required to process waivers of reentry eligibility (RE) codes if appropriate.

The applicant contends pursuing treatment at the VA, taking medication, and being sober for two years. 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, Depression.

(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, PTSD, Depression, and the VA has service connected the 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. The applicant was diagnosed in service with an Adjustment Disorder, PTSD, Depression, and the VA has service connected the PTSD. Given the nexus between PTSD, Depression, and self-medicating with substances, the DUI that led to the separation 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 and Depression outweighed the applicant's medically mitigated DUI offense.

b. Response to Contention(s):

(1) The applicant contends being diagnosed with PTSD, which affected behavior and led to the discharge. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder and Depression outweighed the applicant's medically mitigated DUI offense.

(2) The applicant contends good service, including a combat tour. The Board considered this contention during proceedings, but ultimately did not address the contention due the applicant's requested relief being granted based on the applicant's Post Traumatic Stress Disorder and Depression outweighing the applicant's medically mitigated DUI offense.

(3) The applicant contends the command unjustly discharged the applicant because they knew the applicant had PTSD. The Board considered this contention during proceedings, but ultimately did not address the contention due the applicant's requested relief being granted based on the applicant's Post Traumatic Stress Disorder and Depression outweighing the applicant's medically mitigated DUI offense.

(4) The applicant desires to rejoin the military service. The Board considered this contention and voted to maintain the RE-code at RE-3, based on the applicant's behavioral health conditions requiring a waiver prior to reentry. Recruiters can best advise a former service member as to the Army's needs at the time and are required to process waivers of reentry eligibility (RE) codes, if appropriate

(5) The applicant contends being sober for two years. The Board considered this contention during proceedings, but ultimately did not address the contention due the applicant's requested relief being granted based on the applicant's Post Traumatic Stress Disorder and Depression outweighing the applicant's medically mitigated DUI offense.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder and Depression outweighing the applicant's medically mitigated DUI offense. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder and Depression outweighed the applicant's medically mitigated DUI offense. Thus, the prior characterization is no longer appropriate.

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

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

10. BOARD ACTION DIRECTED:

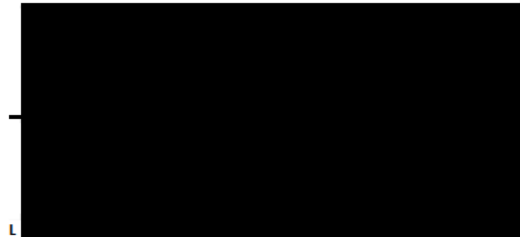
- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD Code to:** Misconduct (Minor Infractions)/JKN
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** AR 635-200

Authenticating Official:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000423

6/27/2025



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