

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, is 100 percent service-related disabled. The applicant suffers from Post Traumatic Stress Disorder (PTSD) and Military Sexual Trauma (MST) while serving in Iraq from 2009 to 2010. When the applicant returned from the deployment, they started self-medication to unsee some of the things they witnessed. The applicant started having issues while at Fort Bliss directly related to the PTSD and MST and was discharged. The applicant completed several courses, including airborne training.

b. Board Type and Decision: In a records review conducted on 13 March 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Military Sexual Trauma, Major Depression, and Anxiety outweighing the separating Alcohol Rehabilitation Failure. 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 Chapter 15, the narrative reason for separation to Secretarial Authority, and the corresponding separation code to JFF. 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: Alcohol Rehabilitation Failure / AR 635-200, Chapter 9 / JPD / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 24 November 2010

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 15 November 2010

(2) Basis for Separation: The applicant was informed of the following reasons: On 17 May 2010, the applicant was enrolled in the Army Substance Abuse Program (ASAP) for alcohol dependence. The applicant received inpatient ASAP treatment with an emphasis on relapse prevention. The applicant returned from the inpatient treatment in June 2010. On 11 October 2010 1SG C. was notified the applicant had an alcohol related incident over the weekend.

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

(4) Legal Consultation Date: 16 November 2010

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 18 November 2010 / General
(Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 8 February 2007 / 5 years, 22 weeks

b. Age at Enlistment / Education / GT Score: 26 / bachelor degree / 98

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92F10, Petroleum Supply Specialist / 3 years, 9 months, 17 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: SWA / Iraq (6 May 2009 – 6 May 2010)

f. Awards and Decorations: ARCOM-2, AGCM, NDSM, GWOTSM, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: FG Article 15, 25 February 2009, on or about 13 October 2008, physically control a vehicle while drunk. The punishment consisted of a reduction to E-2 (suspended), forfeiture of \$754 pay, and extra duty for 20 days.

Summary of Army Substance Abuse Program Rehabilitation Failure (memo), 11 October 2010, reflects the applicant had a medical diagnosis of Alcohol Dependence. The applicant was enrolled in the Army Substance Abuse Program (ASAP) on 17 May 2010. Since then, the applicant had been provided inpatient ASAP treatment with an emphasis on relapse prevention. The applicant returned from inpatient in June 2010 and began a one-year outpatient follow-up. On 11 October 2010, the PCM was notified by 1SG C. the applicant had an alcohol related incident over the weekend. The 1SG further indicated the applicant would be chaptered out of the military. Based on this information, the applicant failed to adhere to the established treatment plan by failing to refrain from the usage of mood-altering chemicals. On 11 October 2010, the Rehabilitation Treatment Team determined the applicant was a rehabilitation failure and provisions of paragraph 4-7b, AR 600-85 are applicable. The command was cleared to move forward with any administrative action deemed necessary.

Four Developmental Counseling Forms, for being drunk and disorderly while enrolled in ASAP; driving while intoxicated; reported incidences of being overly intoxicated upon return from deployment and already completing the ASAP; and drunk in the barracks and ASAP referral.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: VA Rating Decision letter, 7 March 2012; does not state the nature of the disability or rating.

(2) AMHRR Listed: Health Record, 21 October 2010, reflects the following problems: insomnia; anxiety; alcohol abuse continuous; dysthymic disorder; alcohol dependence; alcohol induced sleep disorder; depression; major depression recurrent moderate; social phobia; ADHD, combined type.

Report of Medical History, 21 October 2010, the examining medical physician noted anxiety and social phobia in the comments section.

The ARBA's medical advisor reviewed DoD and VA medical records, including documents listed in 4j(1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Certificate of Release or Discharge from Active Duty; VA Rating Decision letter; Recommendation for Award; Battalion Commander's recommendation memorandum.

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the application.

7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the

time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. Army Regulation 15-180 (Army Discharge Review Board), sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) provides the basic authority for the separation of enlisted personnel.

(1) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(2) Paragraph 3-7a states an Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(3) Paragraph 3-7b states a General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(4) Chapter 9 outlines the procedures for discharging individuals because of alcohol or other drug abuse. A member who has been referred to the Army Substance Abuse Program (ASAP) for alcohol or drug abuse may be separated because of inability or refusal to participate in, cooperate in, or successfully complete such a program if there is a lack of potential for continued Army service and rehabilitation efforts are no longer practical.

(5) Paragraph 9-4 stipulates the service of Soldiers discharged under this section will be characterized as honorable or under honorable conditions unless the Soldier is in entry-level status and an uncharacterized description of service is required. An honorable discharge is mandated in any case in which the Government initially introduces into the final discharge process limited use evidence as defined by AR 600-85.

(6) Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JPD" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 9, for alcohol rehabilitation failure.

f. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1 defines reentry eligibility (RE) codes: RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

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

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

The evidence of the Army Military Human Resource Record (AMHRR) indicates on 11 October 2010, the Rehabilitation Treatment Team determined the applicant was a rehabilitation failure and the provisions of paragraph 4-7b, AR 600-85, were applicable.

The applicant contends being 100 percent service-related disabled. The applicant suffers from PTSD and MST from serving in Iraq from 2009 to 2010. When they returned, they started self-medicating as a way of unseeing some things they witnessed while being deployed. The applicant provided a VA Rating Decision letter, 7 March 2012; however, the letter does not state the nature of the disability or rating. The AMHRR includes a Health Record, 21 October 2010, reflecting the following problems: insomnia, anxiety, alcohol abuse continuous, dysthymic disorder, alcohol dependence, alcohol-induced sleep disorder, depression, major depression recurrent moderate, social phobia, ADHD, combined type. A Report of Medical History, 21 October 2010, the examining medical physician noted anxiety and social phobia in the comments section. The separation authority considered the Health Record and Report of Medical History.

The applicant contends good service, including a combat tour, attending many courses, and graduating from Airborne training. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

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: Major Depression, Anxiety, Social Phobia, Dysthymic Disorder, PTSD, and MST.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board found that the applicant was diagnosed in service with Major Depression, Anxiety, Social Phobia, Dysthymic Disorder and is service connected by the VA for PTSD related to combat and MST. Service connection establishes that PTSD and MST also existed during military service.

(3) Does the condition or experience excuse or mitigate the discharge? **Yes.** The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions mitigate the discharge. Given the nexus between Major Depression, Anxiety, PTSD, MST, and self-medicating with substances, the alcohol rehabilitation failure 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, Military Sexual Trauma, Major Depression, and Anxiety outweighed the Alcohol Rehabilitation Failure.

b. Response to Contention(s):

(1) The applicant contends being 100 percent service-related disabled. The applicant suffers from PTSD and MST from serving in Iraq from 2009 to 2010. When they returned, they started self-medicating to unsee some things they witnessed while deployed. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder, Military Sexual Trauma, Major Depression, and Anxiety outweighed the applicant's Alcohol Rehabilitation Failure. Therefore, a discharge upgrade is warranted.

(2) The applicant contends good service, including a combat tour, attending many courses, and graduating from Airborne training. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the applicant's Post Traumatic Stress Disorder, Military Sexual Trauma, Major Depression, and Anxiety outweighing the applicant's Alcohol Rehabilitation Failure.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Military Sexual Trauma, Major Depression, and Anxiety outweighing the applicant's Alcohol Rehabilitation Failure. 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, Chapter 15, and the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board determined the reentry code is proper and equitable and voted not to change it.

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210000481****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, Military Sexual Trauma, Major Depression, and Anxiety outweighed the separating Alcohol Rehabilitation Failure. Thus, the prior characterization is no longer appropriate.

(2) The Board voted to change the reason for discharge to Secretarial Authority under the same pretexts. Thus, the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JFF.

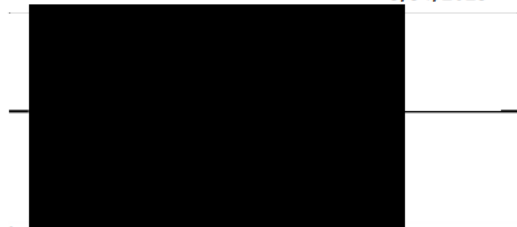
(3) The RE code will not change given the BH conditions and service connection. The current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes**
- b. Change Characterization to: Honorable**
- c. Change Reason / SPD Code to: Secretarial Authority / JFF**
- d. Change RE Code to: No Change**
- e. Change Authority to: AR 635-200**

Authenticating Official:

3/31/2025



Leg

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