

**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, suffering from PTSD and resulting an inability to focus and sleep well and led them to abuse alcohol. Rather than the chain of command hearing the applicant's pleas and helping them get the correct treatment, they treated the applicant as an alcoholic and failed to understand what was beneath the surface. The applicant states the high level of stress drove them to depression and was later diagnosed with Post Traumatic Stress Disorder (PTSD) by the Veteran Affairs (VA). The applicant contends doing everything asked of them and their chain of command failed to assist them with their extensive knowledge of resources, which could have accommodated their situation. The applicant states because of their discharge, they lost their education benefits.

**b. Board Type and Decision:** In a records review conducted on 25 March 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the separating alcohol-related misconduct. 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. Accordingly, the narrative reason for separation changed to Misconduct (Minor Infractions) with a corresponding separation code of JKN and reentry code of RE-3.

*Please see Section 9 of this document for more details regarding the Board's decision.  
Board member names available upon request.*

**3. DISCHARGE DETAILS:**

**a. Reason / Authority / Codes / Characterization:** Alcohol Rehabilitation Failure / AR 635-200, Chapter 9 / JPD / RE-4 / General (Under Honorable Conditions)

**b. Date of Discharge:** 2 May 2008**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 20 April 2008

**(2) Basis for Separation:** The applicant was informed of the following reasons: The applicant had continued use of alcohol while enrolled in ASAP with a recommendation by the chief counselor to classify the applicant as a rehabilitation failure.

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

**(4) Legal Consultation Date:** 21 April 2008

**(5) Administrative Separation Board: NA**

**(6) Separation Decision Date / Characterization:** 23 April 2008 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 9 November 2004 / 4 years

**b. Age at Enlistment / Education / GT Score:** 21 / High School Graduate / 92

**c. Highest Grade Achieved / MOS / Total Service:** E-4 / 21J10, Construction Equipment Operator / 3 years, 5 months, 24 days

**d. Prior Service / Characterizations:** None

**e. Overseas Service / Combat Service:** SWA / Iraq (22 October 2005 – 14 October 2006)

**f. Awards and Decorations:** NDSM, GWOTSM, ASR, OSR, CAB, ICM-BS

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** CG Article 15, 4 October 2007, on or about 19 September 2007, did treat with contempt SSG P., a noncommissioned officer, then known by the applicant to be a noncommissioned officer, who was then in the execution of their office, by lying to them. The punishment consisted of extra duty for 14 days.

CG Article 15, 18 January 2008, on or about 3 December 2007, found drunk while on duty. The punishment consisted of a reduction to E-2; forfeiture of \$340 and extra duty and restriction for 14 days.

Summary of Army Substance Abuse Program Rehabilitation Failure Memorandum, 28 March 2008, indicates the applicant was Command referred for treatment on 7 February 2007, for a driving under the influence (DUI). On 15 January 2007, following a comprehensive biopsychosocial assessment on 12 March 2007, the applicant was enrolled in the ASAP on 4 April 2007. The applicant received services for DSM-1V-TR Diagnostic Code 305.00 Alcohol and completed treatment on 27 June 2007. The applicant was command referred for treatment a second time on 11 December 2007, for drunk on duty with a breathalyzer reading of .153. Following a comprehensive biopsychosocial re-assessment on 19 December 2007, the applicant was re-enrolled in the Army Substance Abuse Program on 19 December 2007. The applicant received services for DSM-IV-TR Diagnostic Code 305.20 305.00 Alcohol Abuse RIO Dependence. The applicant missed 4 of 19 appointments scheduled. The applicant's participation in the initial group sessions appeared promising, as they reported a desire for sobriety but failed to show up for scheduled sessions. The applicant appeared to be unwilling to commit to the agreed-upon treatment objectives. Considering the treatment opportunities the applicant had had, it appeared they either could not or would not discontinue their substance use. If the applicant's use was not arrested, they would most certainly be involved in another substance-related incident. After almost six months of rehabilitation services, and the applicant response to treatment; it would be appropriate for the command to consider and initiate appropriate administrative action.

FG Article 15, 4 April 2008, on or about 26 March 2008, because of wrongful previous overindulgence in intoxicating liquor or drugs incapacitated for the proper performance of their duties. Between 24 and 26 March 2008, fail to go at the time prescribed to their appointed place of duty, on three occasions. The punishment consisted of a reduction to E-1; forfeiture of \$674 pay per month for two months and extra duty and restriction for 45 days.

Numerous Developmental Counseling Forms, for reporting late to formation; failing to shave; various acts of misconduct.

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

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

**(1) Applicant provided:** Veterans Affairs Rating Decision, 15 May 2009, reflects an evaluation of 30 percent for post-traumatic stress disorder (PTSD).

**(2) AMHRR Listed:** None

**5. APPLICANT-PROVIDED EVIDENCE:** Certificate of Release or Discharge from Active Duty' Application for the Review of Discharge; ARCOM Certificate; AAM Certificate; Certificate of Vocational Skills Training; two Recommendations for Award VA Rating Decision.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant sought treatment for their mental health from the VA.

**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.

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 Memorandum, 28 March 2008, the applicant was Command referred for treatment on 7 February 2007, for a driving under the influence (DUI). On 15 January 2007, following a comprehensive biopsychosocial assessment on 12 March 2007, the applicant was enrolled in the ASAP on 4 April 2007. The applicant received services for DSM-IV-TR Diagnostic Code 305.00 Alcohol and completed treatment on 27 June 2007. The applicant was command referred for treatment a second time on 11 December 2007, for drunk on duty with a breathalyzer reading of .153. Following a comprehensive biopsychosocial re-assessment on 19 December 2007, the applicant was re-enrolled in the Army Substance Abuse Program on 19 December 2007. The applicant received services for DSM-IV-TR Diagnostic Code 305.20 305.00 Alcohol Abuse RIO Dependence. The applicant missed 4 of 19 appointments scheduled. The applicant's participation in the initial group sessions appeared promising, as they reported a desire for sobriety but failed to show up for scheduled sessions. The applicant appeared unwilling to commit to the agreed-upon treatment objectives. Considering the treatment opportunities the applicant had had, it appeared they either could not or would not discontinue their substance use. If the applicant's use was not arrested, they would most certainly be involved in another substance-related incident. After almost six months of rehabilitation services, and the applicant's response to treatment; it would be appropriate for the command to consider and initiate appropriate administrative action.

The applicant contends being diagnosis with PTSD. The applicant provided a Veterans Affairs Rating Decision, 15 May 2009, reflecting an evaluation of 30 percent for post-traumatic stress disorder (PTSD). The AMHRR is void of a mental status evaluation.

The applicant contends not receiving the proper support from their chain of command. The applicant did not submit any evidence, other than the applicant's 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 would allow educational benefits through the GI Bill. Eligibility for veteran's benefits to include educational benefits under the Post-9/11 or Montgomery GI Bill does 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.

The applicant contends seeking treatment 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, the applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially mitigating diagnoses/experiences: PTSD, Depression, and various Adjustment Disorders.

**(2)** Did the condition exist, or experience occur during military service? **Yes.** The Board found the applicant is 30 percent service connected for PTSD.

**(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 PTSD and the use of substances to self-medicate, the applicant's continued alcohol use resulting in being declared a 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 separating alcohol-related misconduct.

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

**(1)** The applicant contends being diagnosis with PTSD. The Board liberally considered this contention, found it valid, and determined that the applicant's Post Traumatic Stress Disorder outweighed the separating alcohol-related misconduct.

(2) The applicant contends not receiving the proper support from their chain of command. The Board considered this contention during proceedings, but ultimately did not address it in detail due to an upgrade being granted based on medical mitigation.

(3) The applicant contends an upgrade would allow educational benefits through the GI Bill. 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.

c. The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the separating alcohol-related misconduct. 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. Accordingly, the narrative reason for separation changed to Misconduct (Minor Infractions) with a corresponding separation code of JKN, and reentry code of RE-3.

**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 alcohol-related misconduct. Thus, the prior characterization is no longer appropriate.

(2) The Board voted to change the reason for discharge and accompanying SPD code under the same pretexts. The new reason for discharge and SPD are Misconduct (Minor Infractions)/JKN.

(3) The RE code was changed to RE-3 (waivable entry). This 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:** RE-3
- e. **Change Authority to:** AR 635-200

**Authenticating Official:**

3/28/2025



## ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000485

### 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