

**1. Applicant's Name:** [REDACTED]**a. Application Date:** 26 April 2021**b. Date Received:** 26 April 2021**c. Counsel:** [REDACTED]**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 and a narrative reason change to "Secretarial Authority."

The applicant seeks relief contending, in effect, voluntarily joining the Army to fight for their country during the Iraq war. Prior to their second tour in Iraq, the applicant served honorably and incurred no infractions. However, the applicant saw some of the worst war has to offer, and because of the trauma they experienced in combat, they developed post-traumatic stress disorder (PTSD). There is ample evidence of the existence of their PTSD during and after their time in combat, and their trauma mitigated and outweighs their misconduct. Since the applicant's time in Iraq, they have fought for over 10 years to overcome the invisible wounds they suffered. In the process, the applicant has had to come to grips with their grief and find healthier ways to overcome their trauma and lead a productive life. In doing so, the applicant has demonstrated admirable resolve, and their post-service conduct shows their failures as a Soldier were an aberration in their life. They respectfully request the Board should view the applicant's PTSD as a mitigating factor, upgrade their discharge to honorable, change their narrative reason for separation to "Secretarial Authority" and make corresponding changes to the SPD and Reenlistment Code.

**b. Board Type and Decision:** In a records review conducted on 6 February 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Anxiety, and Depression outweighing the applicant's medically mitigated illegal substance abuse and alcohol-related offenses. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to 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 found insufficient mitigating factors to warrant a narrative reason change to Secretarial Authority. The Board determined the reentry code is proper and equitable and voted not to change it.

*Please see Section 9 of this document 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, Chapter 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

**b. Date of Discharge:** 17 January 2012

**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 10 November 2011

**(2) Basis for Separation:** The applicant was informed of the following reasons: The applicant was found drunk on duty on diverse occasions.

**(3) Recommended Characterization:** Under Other Than Honorable Conditions / The Intermediate commanders recommended General (Under Honorable Conditions).

**(4) Legal Consultation Date:** 16 November 2011

**(5) Administrative Separation Board:** On 16 November 2011, 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.

On 15 December 2011, the applicant's conditional waiver was approved.

**(6) Separation Decision Date / Characterization:** 15 December 2011 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 7 October 2007 / NIF

**b. Age at Enlistment / Education / GT Score:** 33 / High School Graduate / 121

**c. Highest Grade Achieved / MOS / Total Service:** E-5 / 19D20 2B, Calvary Scout / 6 years, 5 months, 27 days

**d. Prior Service / Characterizations:** RA, 21 July 2005 – 6 October 2007 / HD

**e. Overseas Service / Combat Service:** SWA / Iraq (7 February 2007 – 11 April 2008; 27 August 2009 – 6 July 2010)

**f. Awards and Decorations:** ARCOM-2, ACGM-2, NDSM, GWOTSM, ICM-2CS, NCOPDR, ASR, OSR-2, CAB

**g. Performance Ratings:** 1 May 2008 – 30 June 2010 / Fully Capable  
1 July 2010 – 30 June 2011 / Fully Capable

**h. Disciplinary Action(s) / Evidentiary Record:** FG Article 15, 1 November 2011, found drunk on two occasions (between 13 and 14 September 2011). The punishment consisted of a reduction to E-4; forfeiture of \$1162 pay per month for two months (suspended); and extra duty and restriction for 45 days.

Three Developmental Counseling Forms, for being drunk on duty.

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

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

**(1) Applicant provided:** Progress notes printed on 21 December 2012, reflect a diagnosis of Alcohol dependence; depression and PTSD.

Consult requests, printed on 21 December 2012, reflect a service connection rated disability of 70 percent for PTSD.

**(2) AMHRR Listed:** None

*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; lawyers brief with exhibits A through L and medical records.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant has obtained employment; volunteering in the community; sought treatment for their mental health from multiple organizations and successfully completed the beacon House Association's Drug and Alcohol Treatment Program and is starting a new business.

**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-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

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.

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 applicant contends the narrative reason for the discharge needs changed to Secretarial Authority. The applicant was separated under the provisions of Chapter 14, paragraph 14-12c, AR 635-200 with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Misconduct (Serious Offense)," and the separation code is "JKQ." Army Regulation 635-8 (Separation Processing and Documents), governs the preparation of the DD Form 214, and dictates the entry of the narrative reason for separation, entered in block 28 and separation code, entered in block 26 of the form, will be as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation stipulates no deviation is authorized. There is no provision for any other reason to be entered under this regulation.

The applicant contends the separation code (SPD) should be changed. Separation codes are three-character alphabetic combinations that identify reasons for, and types of, separation from active duty. The primary purpose of SPD codes is to provide statistical accounting of reasons for separation. They are intended exclusively for the internal use of DoD and the Military Services

to assist in the collection and analysis of separation data. The SPD Codes are controlled by OSD and then implemented in Army policy AR 635-5-1 (Separation Program Designator (SPD) Codes) to track types of separations the SPD code specified by Army Regulations for a discharge under Chapter 14, paragraph 14-12c, is "JKQ."

The applicant contends being diagnosed with PTSD. The applicant provided Progress notes printed on 21 December 2012, reflecting a diagnosis of Alcohol dependence; depression and PTSD. Consult requests, printed on 21 December 2012, reflect a service connection rated disability of 70 percent for PTSD. The AMHRR is void of a mental status evaluation.

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

The applicant requests a reentry eligibility (RE) code change. 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 third-party statements provided with the application reflect the applicant participated satisfactorily in all phases of the recovery program and displays the willingness to follow directions respecting house rules and policy. The applicant has attended all required 12-Step meetings, individual counseling and group sessions, anger management classes, relapse prevention classes, and parenting classes.

The applicant contends obtaining employment; volunteering in the community and seeking treatment for their mental health from multiple organizations and successfully completed the beacon House Association's Drug and Alcohol Treatment Program and starting a new business. 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: Depression with Anxiety, PTSD.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant was diagnosed in service with Depression with Anxiety and is service connected by the VA for PTSD. Service connection establishes that the applicant's PTSD also existed during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board determined, based on the Board Medical Advisor opine, that the applicant's behavioral health conditions mitigate the applicant's drunk-on duty offenses given the nexus between Depression with Anxiety, PTSD, and self-medicating with substances.

(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, Anxiety, and Depression outweighed the applicant's medically mitigated drunk on duty offenses.

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

(1) The applicant contends being diagnosed with PTSD. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder, Anxiety, and Depression outweighed the applicant's medically mitigated drunk on duty offenses. Therefore, a discharge upgrade is warranted.

(2) The applicant contends the narrative reason for the discharge needs changed to secretarial authority. The Board considered this contention but determined the narrative reason should change to Misconduct (Minor Infractions) after considering applicant's mitigated basis for separation. The Board found that a change to Secretarial Authority was not warranted as the applicant was involuntarily separated for misconduct. The Board found insufficient mitigating factors to fully excuse the applicant's responsibility for the misconduct.

(3) The applicant contends good service, including two combat tours. The Board considered this contention, but determined that the applicant's six years of service, including two combat tours in Iraq, do not warrant further upgrade to Secretarial Authority. The applicant was involuntarily separated for misconduct, and applicant's service record does not fully excuse the applicant's responsibility for the misconduct.

(4) The applicant requests a reentry eligibility (RE) code change. The Board considered this contention and voted to maintain the RE-code at a RE-3 due to the applicant's diagnosed behavioral health conditions requiring a waiver before reentry. 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.

(5) The applicant contends obtaining employment; volunteering in the community and seeking treatment for their mental health from multiple organizations and successfully completed the beacon House Association's Drug and Alcohol Treatment Program and starting a new business. The Board considered this contention during proceedings, but determined that the applicant's post-service accomplishments do not warrant further upgrade above that already decided based on the reason discussed in 9b(1) above as they do not fully excuse the applicant's misconduct.

**c.** The Board determined the discharge is inequitable based on the applicant's Post Traumatic Stress Disorder, Anxiety, and Depression outweighing the applicant's medically mitigated illegal substance abuse and alcohol-related offenses. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed to 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 found insufficient mitigating factors to warrant a narrative reason change to Secretarial

**ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE****AR20210000487**

Authority. 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, Anxiety, and Depression outweighed the applicant's drunk on duty offenses. Thus, the prior characterization is no longer appropriate.

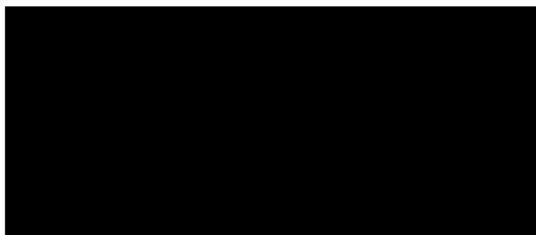
(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN. The Board found insufficient mitigating factors to fully excuse the applicant's misconduct, so a change to Secretarial Authority is not warranted in this case.

(3) The RE code will not change, as the applicant holds behavioral health conditions which require a medical waiver prior to reentry. 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:**



**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