

**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, completing the Alcohol Rehabilitation Program and receiving a Prime for Life Certificate of completion. An upgrade would allow the applicant to pursue reenlistment.

b. **Board Type and Decision:** In a records review conducted on 12 December 2024, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's PTSD, Depressive Disorder NOS, Anxiety Disorder NOS, TBI, and IPV mitigating the Alcohol Rehabilitation Failure basis for separation. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code were proper and equitable and voted not to change them. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's BH diagnoses warranting consideration prior to reentry of military service.

*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:** 10 September 2012

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 25 July 2012

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant was enrolled in the Army Substance Abuse Program for alcohol abuse on 19 April 2012. The applicant failed to demonstrate commitment to their treatment for alcohol abuse and has been designated as an alcohol rehabilitation failure by the rehabilitative team and the Commander.

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

(4) **Legal Consultation Date:** 30 July 2012

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

**(6) Separation Decision Date / Characterization:** undated / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

- a. Date / Period of Enlistment:** 27 October 2010 / 3 years, 21 weeks
- b. Age at Enlistment / Education / GT Score:** 20 / High School Graduate / 99
- c. Highest Grade Achieved / MOS / Total Service:** E-3 / 11B1P, Infantryman / 2 years, 3 months, 14 days
- d. Prior Service / Characterizations:** USAR, 27 May 2010 – 26 October 2010 / NA
- e. Overseas Service / Combat Service:** Alaska, SWA / Afghanistan (18 December 2011 – 1 February 2012)
- f. Awards and Decorations:** NDSM, GWOTSM, ASR
- g. Performance Ratings:** NA
- h. Disciplinary Action(s) / Evidentiary Record:** Commander's Report, undated, reflects the applicant received FG Article 15, 9 July 2012, for 1 specification of Article 86, 6 specifications of Article 91, UCMJ. The punishment consisted of a reduction to E-1; forfeiture of \$745 pay per month for two months; and extra duty for 30 days. The applicant received a CG Article 15, 11 May 2012, for 1 specification of Article 86 and 1 specification of Article 91, UCMJ. The punishment consisted of a reduction to E-2 (suspended); forfeiture of \$389 pay (suspended), and extra duty and restriction for 14 days.

General Officer Memorandum of Reprimand, 21 May 2012, reflects the applicant was reprimanded for driving under the influence of alcohol in Anchorage, Alaska on 14 April 2012.

Summary of Army Substance Abuse Program Rehabilitation Failure, 6 July 2012, reflects the applicant was an Investigation/Apprehension referral to ASAP on 19 April 2012, following a DUI charge. As a result of the referral, they were enrolled in the Army Substance Abuse Program (ASAP). The applicant was scheduled for twelve groups and attended three. The applicant was also scheduled for individual counseling sessions and attended two. In addition, the applicant was scheduled to attend the two day Prime for Life alcohol and drug education class and failed to complete the class as scheduled. In consultation with Command, it was determined the applicant has failed to achieve satisfactory progress as evidenced by non-compliance with ASAP treatment recommendations. The exhibited behavior indicated the applicant had not used the treatment tools made available to them, and their prognosis for successful completion was poor. The applicant's demonstrated lack of motivation and treatment non-compliance were contributing factors in declaring the applicant a rehabilitation failure.

Memorandum for Record, 23 July 2012, reflects the applicant was command referred to the Army Substance Abuse Program (ASAP) on 19 April 2012 following a DUI charge. The applicant was scheduled for twelve groups and only attended three. The applicant was scheduled for individual counseling sessions and attended two. The applicant was scheduled for the two day Prime for Life alcohol and drug education class and failed to complete the class. The applicant had failed to achieve satisfactory progress and had demonstrated no motivation to help oneself in the ASAP treatment recommendation. It was determined the applicant had failed their rehabilitation.

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

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

(1) **Applicant provided:** None

(2) **AMHRR Listed:** Report of Medical Examination, 20 April 2012, the examining medical physician noted anxiety the in the comments section:

Report of Medical History, 20 April 2012, the examining medical physician noted diagnosed with anxiety in March 2012. Trouble falling asleep and staying asleep since moving to Alaska in March 2011; better with current medications in the comments section.

**5. APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge; Prime for Life Certificate; Certificate of Release or Discharge from Active Duty; Orders 230-0172.

**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.

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-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 evidence of Army Military Human Resource Record (AMHRR) indicates on 6 July 2012, the unit commander in consultation with the Clinical Director/Army Substance Abuse Program (ASAP), declared the applicant a rehabilitation failure. The exhibited behavior indicated the applicant had not used the treatment tools made available to them, and the prognosis for successful completion was poor.

The applicant contends they completed the Alcohol Rehabilitation Program and received a Prime for Life Certificate of completion. The applicant provided a Prime for Life Certificate which reflects they completed a 14 hour training from 7 to 8 July 2012. The AMHRR reflects a Summary of Army Substance Abuse Program Rehabilitation Failure (memo), 6 July 2012, which reflects the applicant was an Investigation/Apprehension referral to ASAP on 19 April 2012 following a DUI charge. As a result of the referral, they were enrolled in the Army Substance Abuse Program (ASAP). The applicant was scheduled for twelve groups and attended three. The applicant was also scheduled for individual counseling sessions and attended two. In addition, the applicant was scheduled to attend the two day Prime for Life alcohol and drug education class and failed to complete the class as scheduled. In consultation with Command, it was determined the applicant had failed to achieve satisfactory progress as evidenced by non-compliance with ASAP treatment recommendations. The exhibited behavior indicated the applicant had not used the treatment tools made available to them, and their prognosis for

successful completion was poor. The applicant's demonstrated lack of motivation and treatment non-compliance were contributing factors in declaring the applicant a rehabilitation failure. 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 "4." An RE code of "4" cannot be waived, and the applicant is no longer eligible for reenlistment matter.

#### **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's Medical Advisor, a voting member, 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, Anxiety Disorder NOS, Depressive Disorder NOS, TBI, and IPV.

**(2)** Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant was diagnosed in service with an Adjustment Disorder, PTSD, Depressive Disorder NOS, and Anxiety Disorder NOS which is also service connected by the VA. The medical record also reveals an in-service history of IPV and TBI.

**(3)** Does the condition or experience excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that there is evidence of multiple mitigating BH conditions. The applicant was diagnosed in service with an Adjustment Disorder, PTSD, Depressive Disorder NOS, and Anxiety Disorder NOS which is also service connected by the VA. The medical record also reveals an in-service history of IPV and TBI. Given the nexus between PTSD, Depressive Disorder NOS, Anxiety Disorder NOS, TBI, IPV, 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 PTSD, Depressive Disorder NOS, Anxiety Disorder NOS, TBI, and IPV outweighed the Alcohol Rehabilitation Failure basis for separation.

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

**(1)** The applicant contends they completed the Alcohol Rehabilitation Program and received a Prime for Life Certificate of completion. The Board liberally considered this contention and determined the applicant did not successfully complete the Alcohol Rehabilitation Program and Prime for Life programs based on the evidentiary record.

**(2)** The applicant desires to rejoin the military service. The Board considered this contention and voted to maintain the RE-code at RE-4. An RE-4 is appropriate for an Alcohol Rehabilitation Failure discharge.

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c. The Board determined that the characterization of service was inequitable based on the applicant's PTSD, Depressive Disorder NOS, Anxiety Disorder NOS, TBI, and IPV mitigating the applicant's Alcohol Rehabilitation Failure basis for separation. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable. The Board determined the narrative reason/SPD code were proper and equitable and voted not to change them. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to applicant's BH diagnoses and drug rehabilitation failure. However, the applicant may request a personal appearance hearing to address further issues before a Board. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's PTSD, Depressive Disorder NOS, Anxiety Disorder NOS, TBI, and IPV mitigated the separating misconduct of Alcohol Rehabilitation Failure. Thus, the prior characterization is no longer appropriate.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code as the reason the applicant was discharged was both proper and equitable. The applicant did in fact fail the rehabilitation program.

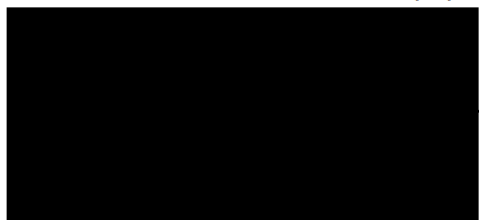
(3) The RE code will not change due to the reason for the separation.

**10. BOARD ACTION DIRECTED:**

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

**Authenticating Official:**

2/28/2025

**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  
UOTH – Under Other Than  
Honorable Conditions  
VA – Department of Veterans  
Affairs