

**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, previous decisions have severely impacted their life. However, these experiences have molded the applicant into a productive and career-oriented individual beneficial to society and their country. The applicant has been able to utilize appropriate coping mechanisms and has not resorted to alcohol. The applicant realizes alcohol is not the option for solving any problem. The applicant has developed alternative techniques for coping throughout the years. The applicant is a productive member of society and an active member of the church. The applicant has gone to school and attained a bachelor's in health care administration. The applicant will be able to further their education and obtain a master's degree by gaining access to needed scholarships and funding with the assistance in changing their discharge. Consideration of the applicant's service to their country merits a second chance for the applicant.

**b. Board Type and Decision:** In a records review conducted on 5 December 2024, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's Alcohol Rehabilitation Failure. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and the reentry code to RE-3. The Board determined the narrative reason/SPD code were proper and equitable and voted not to change them.

*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:** Alcohol Rehabilitation Failure / AR 635-200, Chapter 9 / JPD / RE-4 / General (Under Honorable Conditions)

**b. Date of Discharge:** 6 December 2006**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 2 November 2006

**(2) Basis for Separation:** The applicant was informed of the following reasons: The applicant was arrested on the Fort Knox, Kentucky military installation on 2 April 2006, for a DUI. As a result, the applicant was enrolled into the Army Substance Abuse Program (ASAP) on or about 17 July 2006. On 27 August 2006, the applicant was once again arrested for a DUI. This resulted in the substance abuse counselor at ASAP, classifying the applicant as a rehabilitation failure. The

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counselor recommended the applicant be considered for separation. The Army and the command has afforded the applicant professional assistance to resolve their condition. The applicant's choice of high-risk alcohol abuse leaves the command with no choice but to classify the applicant as a rehabilitation failure.

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

**(4) Legal Consultation Date:** 3 November 2006

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

**(6) Separation Decision Date / Characterization:** 9 November 2006 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 4 June 2004 / NIF

**b. Age at Enlistment / Education / GT Score:** 23 / High School Graduate / 114

**c. Highest Grade Achieved / MOS / Total Service:** E-5 / 19K20, M1 Armor Crewman / 4 years, 7 months, 28 days

**d. Prior Service / Characterizations:** RA, 9 April 2002 – 3 June 2004 / HD

**e. Overseas Service / Combat Service:** SWA / Iraq (15 March 2004 – 15 March 2005)

**f. Awards and Decorations:** ARCOM, AAM, AGCM, NDSM, ICM, ASR, OSR / The applicant's AMHRR reflects award of the GWOTSM, however, the award is not reflected on the applicant's DD Form 214.

**g. Performance Ratings:** April 2005 – March 2006 / Marginal

**h. Disciplinary Action(s) / Evidentiary Record:** Military Police Desk Blotter, 27 August 2006, reflects the applicant was charged with Driving Under the Influence (DUI) second offense and failure to obey order and regulation.

Summary of Army Substance Abuse Program Rehabilitation Failure memorandum, 2 October 2006, reflects the applicant was evaluated by the Army Substance Abuse Program (ASAP) on 17 July 2006, due to a DUI. The applicant denied any alcohol problem but due to the DUI they met the criteria for Alcohol Abuse. The applicant was enrolled in ASAP, in an intensive group and they agreed to no alcohol use. The applicant continued alcohol use and did receive another DUI while enrolled. The applicant was a poor candidate for further rehabilitation efforts and the case was returned to command with a recommendation for separation or other action deem appropriate by the command.

General Officer Memorandum of Reprimand, 8 November 2006, reflects the applicant was apprehended for driving a motor vehicle while intoxicated. The applicant's blood alcohol content at the time was 159, well above the legal limit. The applicant's actions brought great discredit to the noncommissioned officer corps and the command.

Developmental Counseling Forms, for a DUI and chapter nine separation.

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

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

(1) **Applicant provided:** None

(2) **AMHRR Listed:** None

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

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant is a productive member of society and an active member of the church and attained a bachelor's in health care administration.

**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.

Summary of Army Substance Abuse Program Rehabilitation Failure memorandum, 2 October 2006, reflects the applicants was evaluated by the Army Substance Abuse Program (ASAP) on 17 July 2006, due to a DUI. The applicant denied any alcohol problem but due to the DUI they met the criteria for Alcohol Abuse. The applicant was enrolled in ASAP, in an intensive group and they agreed to no alcohol use. The applicant continued alcohol use and did receive another DUI while enrolled. The applicant was a poor candidate for further rehabilitation efforts and the case was returned to command with a recommendation for separation or other action deem appropriate by the command.

The applicant contends using alcohol as a coping mechanism. The applicant did not submit any evidence, other than the applicant's statement, to support the contention. The AMHRR is void of a mental status evaluation.

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 third-party statements provided with the application reflect on the applicant's change in attitude and outlook on life. The author's state the applicant is deserving of a second chance and is an exemplary role model.

The applicant contends being a productive member of society and an active member of the church and attained a bachelor's in health care administration. 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'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.

**(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 and PTSD, and the VA has service connected the PTSD.

**(3)** Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions mitigate the discharge. Given the nexus between PTSD 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 outweighed the applicant's Alcohol Rehabilitation Failure.

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

**(1)** The applicant contends using alcohol as a coping mechanism. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's Alcohol Rehabilitation Failure.

**(2)** 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.

**(3)** The applicant contends being a productive member of society and an active member of the church and attained a bachelor's in health care administration. 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 outweighing the applicant's Alcohol Rehabilitation Failure.

**c.** The Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's Alcohol Rehabilitation Failure. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and the reentry code to RE-3. The Board determined the narrative reason/SPD code were proper and equitable and voted not to change them.

**d.** Rationale for Decision:

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(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder outweighed the applicant's 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.

(3) The RE code will change to RE-3.

**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:** RE-3
- e. **Change Authority to:** AR 635-200

**Authenticating Official:**

12/30/2024



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