

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, being deployed to Afghanistan after initial entry training. The applicant returned with the horrible news their significant other, the applicant's child's parent, cheated and was having a child. Their significant other was going to move in with someone else, with the applicant's child. The applicant and their significant other planned to move to Fort Huachuca, the assignment the applicant selected when the applicant reenlisted. The applicant moved to Arizona and had no one to greet them. The unit was deployed and the rear detachment was very unprofessional. The applicant became an alcoholic and the leadership did not care. The applicant enrolled in the Army Substance Abuse Program and began attending Mental Health, was evaluated, and informed the applicant was suffering from depression, anxiety, and post-traumatic stress disorder (PTSD). The applicant was charged with driving under the influence (DUI) off post, and the unit turned their backs on the applicant. The unit began paperwork to discharge the applicant with the promise the applicant would receive their GI Bill because the applicant reenlisted and technically finished the initial contract. The applicant had been on active duty for two years and the first year they paid \$1,200. The applicant is a parent who is just trying to make a better life for their family. The applicant served the country in combat and was ill when the applicant returned. The applicant desires to attend school and be able to provide. The applicant is a combat veteran who deserves the right not to be looked down on because of a decision which did not involve the military. The applicant is attending the North American Trade School in Heating Ventilation and Air Conditioning (HVAC) program and an upgrade would change their life. The applicant fought for the GI Bill.

b. Board Type and Decision: In a records review conducted on 27 February 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's Traumatic Brain Injury, Depression, Anxiety, and Adjustment Disorder, and Post Traumatic Stress Disorder outweighing the applicant's FTR 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, and the reentry code to RE-3.

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: Pattern of Misconduct / AR 635-200, Paragraph 14-12b / JKA / RE-4 / General (Under Honorable Conditions)

b. Date of Discharge: 8 June 2012

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 4 May 2012

(2) Basis for Separation: The applicant was informed of the following reasons: The applicant drove on post after driving privileges were revoked, drove on a suspended license after a DUI, and missed accountability formation on divers occasions.

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

(4) Legal Consultation Date: 7 May 2012

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 9 May 2012 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 1 October 2010 / 6 years

b. Age at Enlistment / Education / GT Score: 22 / HS Graduate / 92

c. Highest Grade Achieved / MOS / Total Service: E-4 / 92A1P, Automated Logistical Specialist / 3 years, 9 months, 18 days

d. Prior Service / Characterizations: RA, 21 August 2008 – 30 September 2010 / HD

e. Overseas Service / Combat Service: Germany, SWA / Afghanistan (4 December 2009 – 25 October 2010)

f. Awards and Decorations: AAM, NDSM, ACM-2CS, GWOTSM, NCOPDR, ASR, OSR-2, NATOMDL

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: Company Grade Article 15, 24 August 2011, for failing to obey an order not to drive on post (2 July 2011). The punishment consisted of a reduction to E-3; forfeiture of \$429 pay (suspended); and extra duty and restriction for 14 days.

General Officer Memorandum Of Reprimand, 5 December 2011, reflects the applicant was driving under the influence of alcohol. The applicant failed several field sobriety tests. The applicant consented to two breathalyzer tests, which registered .179 and .170 blood alcohol content.

Four Developmental Counseling Forms, for being late for formation; failing to report; and pending separation.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: None

(2) AMHRR Listed: Report of Mental Status Evaluation, 15 December 2011, reflects the applicant could understand and participate in administrative proceedings. The provider recommended ASAP referral, if it had not been accomplished. The electronic record did not display ASAP encounters. The applicant was referred for evaluation of PTSD and diagnosed with rule out PTSD per Captain F.

Report of Medical Examination, 10 February 2012, reflects the examining medical physician noted in the summary of defects section: mild traumatic brain injury; adjustment disorder; and post-traumatic stress disorder (PTSD).

Memorandum, 5 April 2012, reflects a judge advocate attorney requested clarification regarding the mental status evaluation. A Behavioral Health Services psychologist indicated the applicant was seen between 28 December 2011 and 15 February 2012. The psychologist never diagnosed the applicant with PTSD, but the applicant did meet the symptoms criteria. It appeared PTSD or PTSD symptoms were a significant contribution to the applicant's misconduct or job performance.

The ARBA's medical advisor reviewed DoD and VA medical records and not solely those documents listed in 4j(1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: Application for Correction of Military Record; Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; Enlistment / Reenlistment Document.

6. POST SERVICE ACCOMPLISHMENTS: The applicant is attending the North American Trade School in the Heating Ventilation and Air Conditioning (HVAC) program.

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 14-12b, addresses a pattern of misconduct consisting of either discreditable involvement with civilian or military authorities or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the Uniform Code of Military Justice, Army Regulations, the civilian law and time-honored customs and traditions of the Army.

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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 12b, pattern of misconduct.

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

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

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

The applicant contends suffering from depression, anxiety, and PTSD, and the conditions along with family issues affected behavior, which led to the discharge. The applicant's AMHRR contains documentation which supports an in-service diagnosis. The record shows the applicant underwent a medical examination on 10 February 2012, and the physician noted mTBI; adjustment disorder, and PTSD. The applicant underwent a mental status evaluation (MSE) on 15 December 2011, which indicates the applicant could understand and participate in administrative proceedings. The applicant was diagnosed with rule out PTSD and referred for

evaluation for PTSD. The applicant was seen by Behavioral Health and a psychologist indicated they never diagnosed the applicant with PTSD, but indicated PTSD or PTSD symptoms were a significant contribution to the applicant's misconduct or job performance. The documents in the applicant's AMHRR were considered by the separation authority.

The applicant contends not receiving any help with their alcohol issue. The AMHRR does not include any indication or evidence of arbitrary or capricious actions by the command.

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

The applicant contends attending the North American Trade School in the Heating Ventilation and Air Conditioning (HVAC) program. 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.

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.

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: Adjustment Disorder, TBI. Additionally, the applicant asserts Depression and Anxiety, which may be sufficient evidence to establish the existence of a condition that could mitigate or excuse the discharge.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board found that the applicant was diagnosed in service with an Adjustment Disorder and TBI and is service connected by the VA for PTSD. Service connection establishes that the PTSD also existed during military service. In addition, the applicant self-asserts Depression and Anxiety during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partially.** The Board determined, based on the BMA's opine, that the applicant's behavioral health conditions partially mitigate the discharge. Given the nexus between PTSD and avoidance, missing accountability formations is mitigated. However, neither an Adjustment Disorder, TBI, PTSD, asserted Depression, or asserted Anxiety provide mitigation for driving on post after driving privileges were revoked or driving on a suspended license since none of these BH conditions interfere with the ability to distinguish between right and wrong and act in accordance with the right.

(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 Traumatic Brain Injury, Depression, Anxiety, and Adjustment Disorder, and Post Traumatic Stress Disorder outweighed the applicant's FTR offenses. The Board determined that the applicant's medically unmitigated offenses of driving on post after losing driving privileges and driving on a suspended license did not rise to a level to negate meritorious service.

b. Response to Contention(s):

(1) The applicant contends suffering from depression, anxiety, and PTSD, and the conditions along with family issues affected behavior, which led to the discharge. The Board liberally considered this contention and determined that the applicant's Traumatic Brain Injury, Depression, Anxiety, and Adjustment Disorder, and Post Traumatic Stress Disorder outweighed the applicant's FTR offenses. The Board determined that the applicant's offenses of driving on post after losing driving privileges and driving on a suspended license did not rise to a level to negate meritorious service. Therefore, a discharge upgrade is warranted.

(2) The applicant contends not receiving any help with their alcohol issue. 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 Traumatic Brain Injury, Depression, Anxiety, and Adjustment Disorder, and Post Traumatic Stress Disorder outweighing the applicant's FTR offenses.

(3) The applicant contends good service, including a combat tour. 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 Traumatic Brain Injury, Depression, Anxiety, and Adjustment Disorder, and Post Traumatic Stress Disorder outweighing the applicant's FTR offenses.

(4) The applicant contends attending the North American Trade School in the Heating Ventilation and Air Conditioning (HVAC) program. 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 Traumatic Brain Injury, Depression, Anxiety, and Adjustment Disorder, and Post Traumatic Stress Disorder outweighing the applicant's FTR offenses.

(5) 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 Traumatic Brain Injury, Depression, Anxiety, and Adjustment Disorder, and Post Traumatic Stress Disorder outweighing the applicant's FTR 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, and the reentry code to RE-3.

d. Rationale for Decision:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210000564**

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Traumatic Brain Injury, Depression, Anxiety, and Adjustment Disorder, and Post Traumatic Stress Disorder outweighed the applicant's FTR offenses. The Board determined that the applicant's medically unmitigated offenses of driving on post after losing driving privileges and driving on a suspended license did not rise to a level to negate meritorious service.

(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.

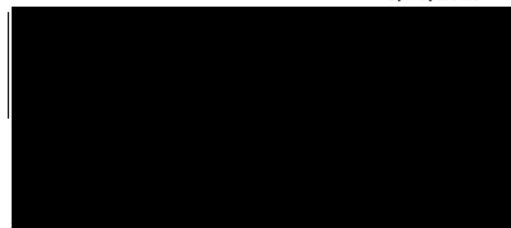
(3) The RE code will change to RE-3.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD Code to: Misconduct (Minor Infractions)/JKN
- d. Change RE Code to: RE-3
- e. Change Authority to: AR 635-200

Authenticating Official:

3/12/2025



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