

**1. Applicant's Name:**

- 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 period under review is honorable. The applicant requests a narrative reason change.

The applicant seeks relief contending, in effect, the discharge was because of alcohol. The Army treated the applicant for two years and the rating from the Department of Veterans Affairs (VA) proves the alcohol issue was caused by the Army. The applicant was discharged because of an alcohol-related incident. After the applicant's combat deployment in 2010, the applicant developed post-traumatic stress disorder (PTSD) and anxiety disorder, which ultimately led to the applicant's alcohol abuse. The applicant was treated while enrolled in the Army Substance Abuse Program (ASAP), and a medical evaluation board (MEB) found the applicant unfit for duty. The commanding general decided to separate the applicant by administrative separation instead of medical disability processing. The VA awarded the applicant disability for service-connected PTSD, with alcohol abuse in remission. The Army medical records reflect the applicant was being treated for alcohol abuse upon returning from combat in Afghanistan and was discharged because of alcohol abuse. The applicant was in treatment for PTSD, alcohol abuse, migraines, and a sleep disorder at the time the applicant was driving under the influence. On 19 September 2019, the Army Board of Correction of Military Records (ABCMR) determined the discharge to be incorrect and awarded the applicant an honorable discharge. The medical discharge which was originally granted through the disability evaluation system should be upheld since the reason for denying the medical discharge was unwarranted and verified to be unwarranted as evident by the applicant's discharge being upgraded to honorable. The VA initially rated the applicant's PTSD at 50 percent disability but the rating has been increased to 100 percent. The applicant has been on a steady decline since 2011.

b. **Board Type and Decision:** In a records review conducted on 12 November 2024, and by a 5-0 vote, the Board denied the request upon finding the separation was both proper and equitable.

*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:** Secretarial Authority / AR 635-200, Paragraph 5-3 / JFF / RE-1 / Honorable

b. **Date of Discharge:** 15 January 2013

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** NIF

(2) **Basis for Separation:** NIF

(3) **Recommended Characterization:** NIF

(4) **Legal Consultation Date:** NIF

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

(6) **Separation Decision Date / Characterization:** NIF

**4. SERVICE DETAILS:**

a. **Date / Period of Enlistment:** 11 April 2011 / 4 years

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

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 12B10, Combat Engineer / 4 years, 1 month, 27 days

d. **Prior Service / Characterizations:** ARNG, 19 November 2008 – 31 December 2008 / HD  
RA, 1 January 2009 – 10 April 2011 / HD

e. **Overseas Service / Combat Service:** SWA / Afghanistan (19 January 2010 – 13 January 2011)

f. **Awards and Decorations:** AAM, AGCM, NDSM, AFCM-2CS, GWOTSM, NCOPDR, ASR, OSR, NATOMDL / The applicant's AMHRR reflects the applicant was awarded the MUC; however, the award is not reflected on the applicant's DD Form 214.

g. **Performance Ratings:** NA

h. **Disciplinary Action(s) / Evidentiary Record:** Orders 008-0004, 8 January 2013, reflect the applicant was to be reassigned to the U.S. Army Transition Point and discharged on 15 January 2013 from the Regular Army.

The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty), reflects the applicant had completed the first full term of service. The applicant was discharged under the authority of AR 635-200, paragraph 5-3, with a narrative reason of Secretarial Authority. The DD Form 214 was not authenticated with the applicant's electronic signature.

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

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

(1) **Applicant provided:** Medical Record Consultation Sheet, 15 February 2012, reflecting Behavioral Health determined the applicant was nondeployable.

Chronological Record of Medical Care, 31 July 2012, reflecting the applicant was in an MEB process related to anxiety disorder, not otherwise specified (NOS), which was revised to PTSD. In June 2011 the applicant was referred to ASAP for an alcohol-related incident. In August 2011 the applicant was reevaluated and diagnosed with adjustment disorder. The applicant's medical records indicated the applicant did not meet the criteria for PTSD. In February 2012, the applicant had another alcohol-related incident and continued treatment in

ASAP. On 16 March 2012, the applicant was found to fall below retention standards for generalized anxiety disorder (GAD) and was referred to an MEB. The applicant continued to be treated for GAD and alcohol dependence. A review of the VA evaluation, 14 June 2012, includes diagnoses of PTSD and alcohol abuse in remission.

Medical Evaluation Board Proceedings, 16 August 2012, reflecting the MEB determined the medical condition, generalized anxiety disorder (GAD), fell below the medical retention standards, and the medical conditions migraine headaches, alcohol dependence, and other medical conditions did not fall below the medical retention standards. The applicant did not agree with the findings and recommendation.

Medical evaluation board counsel memorandum, 4 September 2012, reflecting the applicant disagreed with the MEB findings. The MEB diagnosed the applicant with anxiety disorder. The applicant's compensation and pension (C&P) examination diagnosed the applicant with PTSD. The MEB must accept the VA's diagnosis unless the examination failed to meet certain criteria. The MEB determined the migraines were medically acceptable. The applicant requested reconsideration of the behavioral health condition, to be diagnosed as PTSD, and for the migraines to be determined as medically unacceptable.

Army Medical Department Activity memorandum, 18 September 2012, reflecting the applicant appealed the MEB and requested PTSD be redesignated as PTSD and the migraines be found to have failed medical retention standards. The Assistant Deputy Commander for Clinical Services (DCCS) responded to the applicant's appeal, indicating reasons why the VA's PTSD diagnosis would not be accepted. The DCCS determined the narrative summary (NARSUM), the C&P examination, and the specialty consultations accurately reflected the applicant's medical conditions and the MEB would be forwarded to the physical evaluation board (PEB) for adjudication.

Army Physical Evaluation Board (PEB) memorandum, 20 November 2012, reflecting the PEB found the applicant physically unfit to continue military service because of generalized anxiety disorder. The PEB requested the VA provide a disability rating percentage, with rationale to the PEB Administration for all referred and claimed conditions.

Department of Veterans Affairs Disability Evaluation System Proposed Rating, 5 December 2012, reflecting the VA assigned a 50 percent evaluation for PTSD (physical evaluation board referred as generalized anxiety disorder, claimed as anxiety disorder, not otherwise specified disturbance) for Disability Evaluation System purposes and proposed entitlement to service-connection for VA benefits. The VA assigned a 30 percent evaluation for migraines, and 10 percent for tinnitus (claimed as ringing in right ear).

Disability Evaluation System (DES) Commander's Performance and Functional Statement (page 2 of 5 and 5 of 5), date unavailable, reflecting the applicant's condition continued to worsen; the applicant received a DWI; and their performance has been going downhill. The applicant was pending separation from the service and was enrolled in ASAP. The commander further describes how the applicant's medical condition affects the applicant's duty performance.

**(2) AMHRR Listed: None**

*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:** Certificate of Release or Discharge from Active Duty; three Applications for Correction of Military Record; two self-authored statements; driver's license

(back); VA letter; PEB letter; numerous medical documents; and Army Board for Correction of Military Records Case Docket Number AR20180016529.

**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)** Chapter 5, provides for the basic separation of enlisted personnel for the convenience of the government.

**(4)** Paragraph 5-1, states that a Soldier being separated under this paragraph will be awarded a characterization of service of honorable, general (under honorable conditions), or an uncharacterized description of service if in entry-level status.

**(5)** Chapter 5-3 (Chapter 15 current regulation) provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memorandums. Secretarial separation authority is normally exercised on a case-by-case basis.

**e.** Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), in effect at the time, provided 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 identified the SPD code of "JFF" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 5, paragraph 5-3, Secretarial Authority.

**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.

**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 a narrative reason change. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

The applicant's Army Military Human Resources Record (AMHRR) is void of the specific facts and circumstances concerning the events which led to the discharge from the Army. The applicant's AMHRR does contain a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was not authenticated by the applicant's signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 5, paragraph 5-3, by reason of Secretarial Authority, with a characterization of service of honorable. The applicant provided a statement indicating the applicant was discharged for driving under the influence and submitted medical documents indicating the applicant had two alcohol-related incidents.

The applicant contends the narrative reason for the discharge needs changed. The applicant was separated under the provisions of Chapter 5-3, AR 635-200, with an honorable discharge. The narrative reason specified by Army Regulations, at the time, for a discharge under this paragraph is "Secretarial Authority," and the separation code is "JFF." Army Regulation 635-8 (Separation Processing and Documents), governs 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 combat-related PTSD, alcohol abuse, and sleep disorder affected behavior, which ultimately led to the discharge, and the VA rated the applicant 100 percent disability for PTSD. The applicant provided several medical documents reflecting an MEB diagnosed the applicant with GAD, migraine headaches, alcohol dependence, and other conditions. The MEB found GAD fell below the medical retention standards. The applicant disagreed with the findings and requested reconsideration, to be diagnosed with PTSD and for the migraine headaches to be found medically unacceptable. The VA provided a proposed rating to the PEB of 50 percent disability for PTSD; 30 percent for migraines; and 10 percent for tinnitus. The military service records reflect the military diagnosed the applicant with PTSD but later determined the applicant did not meet the criteria for PTSD. The applicant's AMHRR is void of any medical documents, including a mental status evaluation.

The applicant contends a medical evaluation board was under process at the time of the separation proceedings. The applicant provided medical documents reflecting the underwent an MEB. The Department of Defense disability regulations do not preclude a disciplinary separation while undergoing a medical board. Appropriate regulations stipulate separations for misconduct take precedence over potential separations for other reasons. Whenever a member is being processed through the Physical Evaluation Board and is subsequently processed for an involuntary administrative separation or referred to a court-martial for misconduct, the disability evaluation is suspended. The Physical Evaluation Board case remains in suspense pending the outcome of the non-disability proceedings. If the action includes either a punitive or administrative discharge for misconduct, the medical process is stopped, and the board report is filed in the member's medical record.

The applicant contends the Army Board for Correction of Military Records (ABCMR) upgraded the applicant's discharge to honorable, which proves the original discharge should have been for medical reasons. The applicant's request does not fall within this board's purview. The applicant may apply to the ABCMR, using the enclosed DD Form 149 regarding this matter. A DD Form 149 may also be obtained from a Veterans' Service Organization. supports the applicant's request for a medical discharge.

#### **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? **No.** The Board reviewed DoD and VA medical records and found no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused or mitigated a discharge as the applicant already holds the maximum relief available from the Army Discharge Review Board.

**(2)** Did the condition exist or experience occur during military service? **N/A**

**(3)** Does the condition or experience actually excuse or mitigate the discharge? **N/A**

**(4)** Does the condition or experience outweigh the discharge? **N/A**

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

**(1)** The applicant contends the narrative reason for the discharge needs changed. The Board considered this contention during proceedings but did not address it as the applicant already holds the maximum available relief.

**(2)** The applicant contends combat-related PTSD, alcohol abuse, and sleep disorder affected behavior, which ultimately led to the discharge, and the VA rated the applicant 100 percent disability for PTSD. The Board considered this contention during proceedings but did not address it as the applicant already holds the maximum available relief.

**(3)** The applicant contends a medical evaluation board was under process at the time of the separation proceedings. The Board considered this contention during proceedings but did not address it as the applicant already holds the maximum available relief.

**(4)** The applicant contends the Army Board for Correction of Military Records upgraded the applicant's discharge to honorable, which proves the original discharge should have been for medical reasons. The Board considered this contention during proceedings but did not address it as the applicant already holds the maximum available relief.

**c.** The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a personal appearance hearing to address the issues before the 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.

# ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210000661

## d. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service as the applicant already holds an honorable characterization and further relief is not available.

(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, as the reason the applicant was discharged was both proper and equitable.

(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

## 10. BOARD ACTION DIRECTED:

a. Issue a New DD-214 / Separation Order: No

b. Change Characterization to: No Change

c. Change Reason / SPD Code to: No Change

d. Change RE Code to: No Change

e. Change Authority to: No Change

## Authenticating Official:

11/22/2024

X

Presiding Officer, COL, U.S. ARMY

Army Discharge Review Board

### 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  
UOTHHC – Under Other Than  
Honorable Conditions  
VA – Department of Veterans  
Affairs