

1. Applicant's Name: [REDACTED]**a. Application Date:** 26 April 2021**b. Date Received:** 26 April 2021**c. Counsel:** [REDACTED]**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant's Requests and Issues: The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable.

The applicant seeks relief contending, in effect, being enrolled in Alcohol Substance Abuse Program (ASAP) for alcohol abuse when beer was found in their barracks room. The applicant was given a breath test, which was negative for alcohol; however, since beer was found in the barracks room, the applicant was considered in possession and was deemed a rehabilitation failure. After this incident, the applicant continued with the rehabilitation program, increasing attendance and in the process met all the treatment goals and the problem was considered clinically in remission. There were no further incidents since February 2014. The applicant created an aftercare plan, which included better choices, thinking ahead, and making plans. The applicant was considered successfully completing the rehabilitation program; however, due to being separated from the Army, officially it is listed as unsuccessful. Since being discharged, the applicant has obtained full time employment working 40 plus hours weekly, and more recently, the applicant is starting a part-time job. The applicant would like to attend college soon. The applicant believes this one time incident due to their age at the time and being in another country, the applicant made poor decisions. The applicant has learned from their mistakes and continues to work towards becoming a better person.

b. Board Type and Decision: In a records review conducted on 25 June 2024, and by a 3-2 vote, the Board determined that the characterization of service was inequitable based on the applicant's alcohol rehabilitation progress, and post service accomplishments outweighing 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 and RE code were proper and equitable and voted not to change as the applicant being accountable for the misconduct and the severity of the applicant's BH conditions, respectively.

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: 19 June 2014**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 20 May 2014

(2) Basis for Separation: The applicant was informed of the following reasons: On 6 January 2014, the applicant was enrolled in the Alcohol Substance Abuse Program (ASAP) for underage drinking. The applicant had a subsequent alcohol related incident on 5 March 2014, where the applicant was found to be drinking underage. The applicant was deemed an ASAP failure on 7 May 2014.

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

(4) Legal Consultation Date: 21 May 2014

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 2 June 2014 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 3 July 2012 / 4 years

b. Age at Enlistment / Education / GT Score: 18 / High School Graduate / 105

c. Highest Grade Achieved / MOS / Total Service: E-3 / 15T10, UH-60 Helicopter Repairer / 1 year, 11 months, 17 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Korea / None

f. Awards and Decorations: GWOTSM, KDSM, ASR, OSR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record: CG Article 15, 18 April 2014, for violating a lawful general regulation by wrongfully consuming alcohol while under the age of 21 on or about 15 March 2014; and violating a lawful general regulation by wrongfully possessing alcohol while under the age of 21 on or about 15 March 2014. The punishment consisted of a reduction to E-2; forfeiture of \$400; extra duty and restriction for 14 days; and oral reprimand.

Summary of Army Substance Abuse Program Rehabilitation Failure (memo), 7 May 2014, reflects because of a Command directed referral for underage drinking, the applicant was diagnosed with Alcohol Related Disorder, NOS and recommended for ASAP outpatient treatment including weekly outpatient group sessions as well as maintaining total abstinence from alcohol and illegal drugs. The applicant agreed to these recommendations, both verbally and in writing, during the rehabilitation team meeting with the command on 16 January 2014. The applicant began treatment on 22 January 2014 and since then had completed 13 sessions. According to CPT B., the applicant had used alcohol on at least one occasion since enrolled into treatment as evidenced by witness statements. It is the clinical determination of this agency IAW AR 600-85 and Army Directive 2012-07 the applicant is a Rehabilitation Failure.

Developmental Counseling Form, for drinking underage, due to a 12 pack of beer and mostly empty bottle of liquor found in the applicant's room, in addition to the statements made by the roommate, others in the barracks, and the SDO.

i. Lost Time / Mode of Return: None

j. Behavioral Health Condition(s):

(1) Applicant provided: ASAP Outpatient Discharge Summary, 12 June 2014, reflects the applicant was a command referral for underage drinking. The summary contains a diagnosis.

Patient Progress Report, 12 June 2014, reflects the applicant was released from the ASAP. The applicant's in-progress evaluation was good, and the counselor recommended terminating treatment and separation. The unit commander's appraisal of the applicant's performance was satisfactory. The reason for separation from the ASAP programs was "Separation/Termination as Alcohol Abuse Rehab Failure."

(2) AMHRR Listed: None

The ARBA's medical advisor reviewed DoD and VA medical records, including documents listed in 4j(1) and (2) above.

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293; DA Form 7095; DA Form 7096; DA Form 4466; DD Form 214; two third-party letters.

6. POST SERVICE ACCOMPLISHMENTS: The applicant has obtained full time employment working 40 plus hours weekly; is starting a part-time; and plans to attend college soon.

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.

The applicant contends while enrolled in the ASAP, beer was found in their barracks room. The applicant was given a breath test, which was negative for alcohol; however, since the beer was in the applicant's room, they were considered in possession and caused the applicant to fail ASAP. The applicant continued in ASAP, increasing their attendance and met all the treatment goals and was considered clinically in remission. The applicant provided ASAP Outpatient Discharge Summary, 12 June 2014, which reflects the applicant was a command referral for underage drinking. The summary contains a diagnosis. Patient Progress Report, 12 June 2014, reflects the applicant was released from ASAP. The applicant's in-progress evaluation was good, and the counselor recommended terminating treatment and separation. The unit commander's appraisal of the applicant's performance was satisfactory. The reason for separation from the ASAP programs was "Separation/Termination as Alcohol Abuse Rehab Failure." The AMHRR reflects Summary of Army Substance Abuse Program Rehabilitation Failure (memo), 7 May 2014, which reflects as a result of a Command directed referral for underage drinking, the applicant was diagnosed with Alcohol Related Disorder, NOS and recommended for ASAP outpatient treatment including weekly outpatient group sessions as well as maintaining total abstinence from alcohol and illegal drugs. The applicant agreed to these recommendations, both verbally and in writing, during the rehabilitation team meeting with the command on 16 January 2014. The applicant began treatment on 22 January 2014 and since

then had completed 13 sessions. According to CPT B., the applicant had used alcohol on at least one occasion since enrolled into treatment as evidenced by witness statements. It was the clinical determination of the agency IAW AR 600-85 and Army Directive 2012-07 the applicant was a Rehabilitation Failure.

The applicant contends the event which led to the discharge from the Army was an isolated incident and due to the applicant's age at the time and being in another country, the applicant made a poor decision. Army Regulation 635-200, paragraph 3-5, in pertinent part, stipulates there are circumstances in which the conduct or performance of duty reflected by a single incident provides the basis for a characterization. The AMHRR shows the applicant met entrance qualification standards to include age.

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.

Since being discharged, the applicant has obtained full time employment working 40 plus hours weekly; is starting a part-time; and plans to attend college soon. 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 third-party statements provided with the application reflect the applicant's good character after being discharged from the Army.

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 determined that, based on the Board Medical Advisor opine, the applicant has the following potentially-mitigating diagnoses/experiences: Unspecified Anxiety Disorder, Unspecified Depressive Disorder.

(2) Did the condition exist or experience occur during military service? **No.** The Board determined that, based on the Board Medical Advisor opine, the applicant has no in-service diagnosis.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board determined that, based on the Board Medical Advisor opine, that Unspecified Anxiety Disorder and Unspecified Depressive Disorder do not mitigate the applicant's alcohol rehabilitation failure as the applicant's BH conditions do not mitigate the applicant's alcohol abuse that is the basis for the applicant's rehabilitation failure because the applicant's medical records reflect that the applicant's BH diagnosis were related to stress associated with adjusting to civilian life post-service rather than a condition that occurred or was aggravated by service..

(4) Does the condition or experience outweigh the discharge? **No.** Based on liberally considering all the evidence before the Board, it was determined that the applicant does not have a service connected BH condition that would outweigh the basis of separation: ASAP failure on 7 May 2014. The applicant's VA diagnosed Unspecified Anxiety Disorder and Unspecified Depressive Disorder were not service connected.

b. Response to Contention(s):

(1) The applicant contends while enrolled in ASAP, beer was found in their barracks room. The applicant was given a breath test, which was negative for alcohol; however, since the beer was in the applicant's room, they were considered in possession and caused the applicant to fail ASAP. The applicant continued in ASAP, increasing their attendance and met all the treatment goals and was considered clinically in remission. The Board considered this contention and determined the applicant's ASAP failure documentation includes the applicant had at least one incident of alcohol use while enrolled in the program. However, the Board voted to upgrade the characterization to Honorable based on progress concerning alcohol rehabilitation and post service accomplishments outweighing the applicant's alcohol rehabilitation failure basis for separation.

(2) The applicant contends the event which led to the discharge from the Army was an isolated incident and due to the applicant's age at the time and being in another country, the applicant made a poor decision. 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 progress concerning alcohol rehabilitation and post service accomplishments outweighing the applicant's alcohol rehabilitation failure basis for separation.

(3) 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.

(4) Since being discharged, the applicant has obtained full time employment working 40 plus hours weekly; is starting a part-time; and plans to attend college soon. The Board considered this contention during proceedings, and ultimately voted to upgrade the characterization of service based on the applicant's progress concerning alcohol rehabilitation and post service accomplishments outweighing the applicant's alcohol rehabilitation failure basis for separation.

c. The Board determined that the characterization of service was inequitable based on the applicant's progress concerning alcohol rehabilitation, and post service accomplishments outweighing 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 and RE code were proper and equitable and voted not to change them due to the applicant being accountable for the misconduct and the severity of the applicant's BH conditions. However, the applicant may request a personal appearance hearing to address further 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.

d. Rationale for Decision:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210001013

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's progress concerning alcohol rehabilitation, and post service accomplishments outweighing the applicant's alcohol rehabilitation failure basis for separation. 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 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: 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:

1/30/2025



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
UOTHC – Under Other Than
Honorable Conditions
VA – Department of Veterans
Affairs