

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 honorable. The applicant requests a narrative reason change to "Secretarial Authority" with the corresponding authority AR 635-200, Chapter 5.

The applicant seeks relief contending, in effect, the command used the incomplete notice procedure. Chapter 14 requires a board procedure notification of separation advising the service member of the right to a board. The notice the applicant received advised the applicant, the applicant would be entitled to a board only if the applicant had served six years or more. Because the commander recommended an other than honorable discharge, the applicant should have been advised in the notice the applicant was entitled to a board. The applicant enlisted on 24 August 2006. The applicant served in Iraq from 1 February 2007 to 28 June 2008 and earned a Combat Infantry Badge while deployed. The applicant was in a HUMVEE accident, which the applicant's medical records described the incident and indicated the applicant did not lose consciousness during the traumatic event. The accident occurred around May 2007 according to the Line of Duty (LOD) report. The applicant received a diagnosis for post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI) from the medical evaluation board (MEB) and Department of Veterans Affairs (VA) examinations. After the accident, the applicant struggled with substance abuse and alcohol dependence. The applicant's struggles with alcohol and substance abuse involved incidents of misconduct, which became the basis of the administrative discharge. In addition to the administrative discharge, the applicant's command also processed the applicant for a medical discharge. The MEB found the PTSD was service disqualifying and referred the applicant to a Physical Evaluation Board (PEB). Instead of proceeding to medically discharge the applicant, the command separated the applicant under Army Regulation (AR) 635-200, Chapter 14. The Notice of Separation was dated 6 January 2009. The applicant received inadequate notice of separation that did not advise the applicant of the right to an administrative board. The applicant is entitled to special consideration of the Department of Veterans Affairs (VA) records diagnosing PTSD.

b. Board Type and Decision: In a records review conducted on 23 July 2024, the Board voted by a 3-2 vote determined that the applicant's discharge was inequitable based on the applicant's PTSD and service record outweighed the applicant's misconduct. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), the separation code to JKN. The Board voted to change the reentry eligibility code to RE-3. The Board determined the characterization of service was proper and equitable and voted not to change it.

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: Misconduct (Drug Abuse)/AR 635-200, paragraph 14-12c(2)/JKK/RE-4/General, Under Honorable Conditions that was upgraded by a previous ADRB on 16 November 2015 to Pattern of Misconduct /AR 635-200, Paragraph 14-12b / JKA / RE-4 / Honorable

b. Date of Discharge: 26 February 2009

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 6 January 2009 / The applicant was notified the applicant was entitled to an administrative separation board if the applicant had six or more years of active and Reserve military service on the date of the initiation of the recommendation for separation. If the applicant was entitled to have the applicant's case heard by an administrative separation board, the applicant may submit a conditional waiver of that right.

(2) Basis for Separation: The applicant was informed of the following reasons: On 13 August 2008, the applicant received a Field Grade Article 15 for wrongful use of marijuana and cocaine; disorderly conduct; resisting arrest; driving while drunk; and two specifications for drinking underage. On 24 November 2008, the applicant received a Field Grade Article 15 for drinking underage.

(3) Recommended Characterization: Under Other Than Honorable Conditions

(4) Legal Consultation Date: 15 January 2009

(5) Administrative Separation Board: On 15 January 2009, the applicant was advised by counsel the applicant was entitled to an administrative separation board because the applicant was being considered for a separation under other than honorable conditions. The applicant conditionally waived consideration of the case before an administrative separation board, contingent upon receiving a characterization of service no less favorable than general (under honorable conditions) discharge.

On 10 February 2009, the separation authority approved the conditional waiver.

(6) Separation Decision Date / Characterization: 10 February 2009 / General (Under Honorable Conditions) / The separation authority determined the applicant should be processed under administrative provisions instead of medical disability channels because the applicant's condition was not a direct or substantial contributing cause of the misconduct and there were no other circumstances in the case which warranted continued disability processing.

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 24 August 2006 / 3 years, 17 weeks

b. Age at Enlistment / Education / GT Score: 18 / GED / 108

c. Highest Grade Achieved / MOS / Total Service: E-3 / 11B10, Infantryman / 2 years, 6 months, 1 day

d. Prior Service / Characterizations: None

e. **Overseas Service / Combat Service:** SWA / Iraq (1 February 2007 – 28 June 2007)

f. **Awards and Decorations:** NDSM, GWOTSM, ICM-CS, ASR, CIB

g. **Performance Ratings:** NA

h. **Disciplinary Action(s) / Evidentiary Record:** Electronic Copy of DD Form 2624, 25 February 2008, reflects the applicant tested positive for THC 57 (marijuana) and COC 4330 (cocaine), during a Command Directed (CO) urinalysis testing, conducted on 13 February 2008.

Military Police Report, 6 April 2008, reflects the applicant was apprehended for: drunken driving; driving with no valid operator's license issued; refusal to submit to a preliminary breath test; and maximum speed limits (on post). Investigation revealed a Military Police Officer observed the applicant traveling in a high rate of speed and initiated a traffic stop. The applicant had a strong odor of an alcoholic beverage emitting from the applicant's person. The applicant had no valid operator's license issued to the applicant. A field sobriety test indicated multiple signs of impairment and the applicant refused to submit to a preliminary breath test. The applicant was apprehended and transported to the police station and submitted to an Intoxilyzer 5000 tests with a result of .233 percent blood alcohol content (BAC).

General Officer Memorandum Of Reprimand, 8 April 2008, reflects the applicant was driving while impaired. After being stopped for speeding on 6 April 2008, the applicant refused to submit to a preliminary breath test. The applicant was arrested, transported to the police station, and submitted to a breath test, resulting in a BAC of .233.

Memorandum for Record, subject: [Applicant], 12 May 2008, reflects the applicant was out of ranks for the morning formation. The applicant did not respond when a Soldier knocked on the applicant's barracks room door. A person from the housing office and a Military Police Officer met the applicant's platoon sergeant at the applicant's room to unlock the door. The applicant was in the room, asleep, with several beer bottles in the room. The commander gave the platoon sergeant permission to transport the applicant to the Military Police Station and the applicant submitted to a breath alcohol test, resulting in a BAC of 0.096 percent. The applicant admitted to drinking more than a couple of beers and taking four Tylenol PM pills to sleep.

CID Report of Investigation - Final, 13 May 2008, reflects an investigation established probable cause to believe the applicant committed the offense of Wrongful Use of a Controlled Substance when on 13 February 2008, the applicant admitted, during a unit inspection, to using cocaine, marijuana, and methamphetamines at a party on 8 and 10 February 2008.

Field Grade Article 15, 11 August 2008, for:

The applicant resisted apprehension by Officer J. D., an armed force police officer (22 July 2008);

The applicant physically controlled a vehicle, to wit: a passenger car, while the applicant's alcohol concentration level exceeded .08 grams of alcohol per 210 liters of breath 6 April 2008;

The applicant wrongfully used marijuana (between 15 January and 13 February 2008);

The applicant wrongfully used cocaine (between 7 and 13 February 2008);

The applicant, on two occasions, violated Kansas Statutes Annotated (KSA), section 41-727, by consuming alcohol while under the legal age of 21 (31 April and 22 July 2008; and

The applicant was drunk and disorderly (22 July 2008).

The punishment consisted of a reduction to E-1; forfeiture of \$673 pay per month for two months; extra duty for 45 days; restriction for 45 days (suspended); and an oral reprimand.

Record Of Supplementary Action Under Article 15, UCMJ, 19 November 2008, reflects the suspended portion of the punishment imposed on 13 August 2008, was vacated for: Article 134, consuming alcohol under the age of 21.

Field Grade Article 15, 24 November 2008, for wrongfully violating KSA section 41-427, by consuming alcohol while under the legal drinking age (25 October 2008). The punishment consisted of a forfeiture of \$673 pay; extra duty and restriction for 45 days; and an oral reprimand.

Memorandum, subject: Separation Under AR 635-200 [Applicant], 11 January 2009, reflects the applicant's defense counsel requested the separation authority process the applicant's separation through the physical disability system, based on injuries sustained in the line of duty.

Memorandum for Record, subject: Medical review of [Applicant] Chapter packet, 9 February 2009, reflects Major B. L., Chief, Community Mental Health Services (CMHS) opined the applicant's medical condition was not a substantial contributing cause of the misconduct and there were no other circumstances of the case which warranted continued disability processing.

Two letters of support from the applicant's spouse and parent, describing the changes in the applicant's behavior after the deployment.

Five Developmental Counseling Forms, for being informed of the policy of no consumption of alcohol in Warrior Transition Unit's barracks rooms; lying to a noncommissioned officer; underage drinking; failing to follow physical profile, drinking while taking prescription medicine; and pending separation under AR 635-200, Chapter 14.

i. Lost Time / Mode of Return: 2 days (AWOL, 22 October 2007 – 23 October 2007)

j. Behavioral Health Condition(s):

(1) Applicant provided: QTC Review Post Traumatic Stress Disorder (PTSD) Disability Benefits Questionnaire, 13 June 2014, reflecting the applicant was diagnosed with PTSD; alcohol abuse; cannabis abuse. The Report of Medical Assessment showed PTSD, rollover accident with head injury, TBI, headaches, alcohol/cannabis use.

Department of Veterans Affairs psychological examination, February 2009, which are not in the file, and after reaching out to the applicant, the applicant was unable to provide a copy of the documents.

(2) AMHRR Listed: Physical Profile (temporary), 15 August 2008, reflects the applicant had heel pain and PTSD, medical conditions with various limitations, including no driving or alcohol if taking any controlled medications.

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: DD Form 214; DD Form 293; Legal Brief; QTC Review Post Traumatic Stress Disorder (PTSD) Disability Benefits Questionnaire; VA psychological examination; and academic transcripts.

6. POST SERVICE ACCOMPLISHMENTS: The applicant submitted academic transcripts, which are not in the file, and the applicant was unable to provide a copy of the document.

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 600-85, (The Army Substance Abuse Program), paragraph 10-12a defines the Limited Use Policy and states unless waived under the circumstances listed in paragraph 10-13d, Limited Use Policy prohibits the use by the government of protected evidence against a Soldier in actions under the UCMJ or on the issue of characterization of service in administrative proceedings. Additionally, the policy limits the characterization of discharge to "Honorable" if protected evidence is used. Protected evidence under this policy includes: Results of command-directed drug or alcohol testing that are inadmissible under the MRE; Results of a drug or alcohol test collected solely as part of a safety mishap investigation undertaken for accident analysis and the development of countermeasures; Information concerning drug or alcohol abuse or possession of drugs incidental to personal use, including the results of a drug or alcohol test, collected as a result of a Soldier's emergency medical care solely for an actual or possible alcohol or other drug overdose.

e. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), provides the basic authority for the separation of enlisted personnel.

(1) Paragraph 1-34 (previously 1-33), provides Soldiers undergoing administrative separation under chapter 14, are eligible for referral to and completion of the MEB proceedings phase of the disability evaluation system (DES). The administrative separation procedures will continue but the separation authority will not take final action. If the MEB finds the Soldier does not meet medical retention standards and referral to the PEB is warranted the Soldier's general court-martial convening authority (GCMCA) must direct in writing, whether to proceed with the DES process or administrative separation. The GCMCA's written directive must address whether the Soldier's medical condition is the direct or substantial contributing cause of the conduct that led to the recommendation for administrative separation, and or whether other circumstances of the individual case warranted disability processing instead of further processing for administrative separation.

(2) Paragraph 2-3, entitled Notice, provides when the reason for separation requires the notification procedure, the commander will notify the Soldier in writing that his or her separation has been recommended in accordance with this regulation and various rights, including the least favorable characterization of service or description of separation he or she could receive; the type of discharge and character of service recommended by the initiating commander; the right to consult with military counsel; and the right to a hearing before an administrative separation board if he or she had 6 years or more of total active and reserve service on the date of initiation of recommendation of separation.

(3) Paragraph 2-4, entitled Notice of administrative board procedure, provides when the reason for separation requires the administrative board procedure, the commander will notify the Soldier in writing that his or her separation has been recommended in accordance with this regulation and various rights, including the right to consult with military counsel; to consult with a civilian counsel at his or her own expense; and the right to a hearing before an administrative separation board.

(4) Chapter 3, Section II provides the authorized types of characterization of service or description of separation.

(5) 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.

(6) Paragraph 3-7e states no Soldier will be discharged per this regulation under other than honorable conditions unless afforded the right to present his/her case before an administrative discharge board.

(7) 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.

(8) 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.

(9) 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.

f. 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.

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

The applicant's separation packet includes an electronic DD Forms 2624 (Specimen Custody Document for Drug Testing), which show the urinalysis test coded "CO," which indicates "Command Directed." The government introduced these documents into the discharge process. The Command Directed Testing is limited use information as defined in AR 600-85. Use of this information mandates award of an honorable discharge. The period under review is honorable.

The applicant contends being diagnosed with PTSD and TBI, and the conditions affected behavior, which led to the discharge. The applicant submitted medical documents reflecting the applicant was diagnosed with PTSD; alcohol abuse; and cannabis abuse, and an assessment showed PTSD; rollover accident with head injury, TBI; headaches, and alcohol/cannabis use. The applicant provided third party letters from the applicant's spouse and parent, which described the applicant's change in behavior after returning from combat. The applicant provided other medical documents, which are unavailable for review. The applicant's AMHRR reflects the applicant was on profile for PTSD. The record is void of a mental status evaluation.

The applicant contends the Notification for Separation was inadequate because it did not advise the applicant of the right to an administrative separation board. The applicant's AMHRR reflects the applicant was recommended for an under other than honorable conditions discharge. The commanding officer notified the applicant under the notification procedure, but the proper procedure was the administrative board procedure. The applicant consulted counsel and was advised of the right to an administrative separation board because the applicant was being considered for separation under other than honorable conditions, which the applicant conditionally waived contingent upon receiving a general (under honorable conditions). The conditional waiver was approved by the GCMCA. The applicant's AMHRR does not contain any indication or evidence of arbitrary or capricious actions by the command.

The applicant contends a medical evaluation board was under process at the time of the separation proceedings. The applicant's AMHRR reflects the separation authority considered disability processing, but determined the applicant should be processed under administrative provisions instead of medical disability channels. Army Regulation 635-200, paragraph 1-34 (previously 1-33), provides Soldiers undergoing administrative separation under chapter 14, are eligible for referral to and completion of the MEB proceedings phase of the DES. If the MEB finds the Soldier does not meet medical retention standards and referral to the PEB is warranted the Soldier's GCMCA must direct in writing, whether to proceed with the DES process or administrative separation, and the directive must address whether the Soldier's medical condition contributed to the conduct which led to the separation or whether other circumstances of the individual case warranted disability processing instead of further processing for administrative separation.

The applicant submitted college transcripts, which are unavailable for review. 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 determined that, based on the Board Medical Advisor opine and review of the applicant's official and applicant submitted records, that the applicant has the following potentially-mitigating diagnoses/experiences: PTSD (Chronic PTSD with Depression, Various forms of Adjustment Disorder and Anxiety Disorder NOS are subsumed by PTSD) and Post Concussive Syndrome.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board determined that based on the Board's Medical Advisor opine and the applicant's records that the applicant's PTSD and Post Concussive Syndrome existed during service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partially.** The Board's Medical Advisor applied liberal consideration and opined that the applicant's PTSD mitigates the applicant's offenses of underage drinking, DUI, wrongful use of cocaine and cannabis, drunk and disorderly, and resisting arrest given the nexus between PTSD and using substances to self-medicate. However, the applicant's PTSD does not mitigate the applicant's driving without a valid driver's license as there is no natural sequela between this misconduct and PTSD or Post Concussive Syndrome.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the available evidence did not support a conclusion that the applicant's PTSD and Post Concussive Syndrome outweighed the applicant's medically unmitigated offense of driving without a valid driver's license.

b. Response to Contention(s):

(1) The applicant contends being diagnosed with PTSD and TBI, and the conditions affected behavior, which led to the discharge. The Board liberally considered this contention but determined that the available evidence did not support a conclusion that the applicant's PTSD and Post Concussive Disorder (claimed as TBI) outweighed the applicant's medically unmitigated offense of driving without a valid driver's license. However, the Board found that the applicant's length and quality of service, to include combat service, outweighed the remaining offense of driving without a valid license. Therefore, a discharge upgrade is warranted.

(2) The applicant contends the narrative reason for the discharge needs to be changed to Secretarial Authority, 635-200 Chapter 15. The Board considered this contention but determined the narrative reason should change to Misconduct (Minor Infractions) after considering applicant's mitigated basis for separation but does not warrant a change to Secretarial Authority as the applicant was involuntarily separated for misconduct, and the behavioral health condition does not fully excuse the applicant's responsibility for the misconduct.

(3) The applicant contends the Notification for Separation was inadequate because it did not advise the applicant of the right to an administrative separation board. The Board

considered this contention and determined that the applicant's official record includes the applicant's election of rights memorandum reflecting that the applicant waived the applicant's administrative board, after consulting with military counsel. Therefore, the Board found an upgrade was not warranted based on this contention.

(4) The applicant contends a medical evaluation board was under process at the time of the separation proceedings. The Board considered this contention but found that the suspension of the medical evaluation while processing the applicant's misconduct separation was proper and equitable.

(5) The applicant submitted college transcripts. The Board considered the applicant's post-service accomplishments during proceedings, but found that they did not warrant relief above previously discussed upgrades.

c. The Board determined that the applicant's narrative reason is inequitable based on the applicant's PTSD mitigating the applicant's offenses of underage drinking, DUI, wrongful use of cocaine and cannabis, drunk and disorderly, and resisting arrest and the applicant's service record outweighing the remaining offense of driving without a valid license. Therefore, the Board directed the issue of a new DD Form 214 changing the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board voted to change the reentry eligibility code to RE-3. The Board determined the characterization of service was proper and equitable and voted not to change it.

d. Rationale for Decision:

(1) The Board voted not to change the applicant's characterization of service because the applicant was upgraded to an Honorable discharge by a prior ADRB and no further relief is available.

(2) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) based the applicant's medically mitigated misconduct and the applicant's record of service. 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: No Change
- 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:



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