

**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 change to the narrative reason and reentry eligibility (RE) code.

The applicant seeks relief contending, in effect, since the discharge, the applicant has been working and coping with the issues encountered while serving. Receiving mortar fires in Afghanistan were traumatic experiences which the applicant could not adjust to or endure. After having been in combat, the applicant did not know what to expect and went a year without treatment and resorted to self-medicating with beer and cocaine. The applicant is currently enrolled in counseling, is working steadily, and meets with M. L., Veterans Service Officer, for peer-to-peer counseling sessions.

b. **Board Type and Decision:** In a records review conducted on 13 December 2023, 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:** Misconduct (Minor Infractions) / AR 635-200, Chapter 14-12a / JKN / RE-3 / Honorable

b. **Date of Discharge:** 6 January 2015

c. **Separation Facts:** The applicant's complete case separation file is void from the Army Military Human Resource Record (AMHRR), however, the AMHRR contains the separation authority's decision memorandum.

(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:** 8 December 2014 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

a. **Date / Period of Enlistment:** 7 February 2012 / 4 years

b. **Age at Enlistment / Education / GT Score:** 19 / High School Graduate / 102

c. **Highest Grade Achieved / MOS / Total Service:** E-4 / 12N10, Horizontal Construction Specialist / 2 years, 11 months

d. **Prior Service / Characterizations:** None

e. **Overseas Service / Combat Service:** SWA / Afghanistan (23 September 2012 – 5 March 2013)

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

g. **Performance Ratings:** NA

h. **Disciplinary Action(s) / Evidentiary Record:** The applicant's Enlisted Record Brief (ERB), 7 January 2015, reflects the applicant's Assignment Eligibility Availability code (L) reflects the applicant was eligible for PCS reassignment, subject to normal PCS TOS restrictions. There was no termination date. The ERB did not reflect any flagging action. The applicant was reduced from E-4 to E-2, effective 14 November 2014.

The applicant's DD Form 214 reflects the applicant had not completed the first full term of service. The applicant was discharged under the authority of AR 635-200, paragraph 14-12a, with a narrative reason of Misconduct (Minor Infractions). The DD Form 214 was authenticated with the applicant's electronic signature. The applicant had no lost time.

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

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

(1) **Applicant provided:** County of Atascosa Veterans Service Officer letter, 8 April 2015, rendered by the Veteran Service Officer, indicates the applicant experienced traumatic events while deployed, and has improved through professional counseling and regrets the problems with drugs, alcohol, and self-medication.

VA Clinical Psychologist letter, 10 May 2016, reflects the applicant, a dedicated Soldier, has been coping with symptoms of PTSD related to funerals and Afghanistan deployment. The applicant used substances to cope with the symptoms of hyper-vigilance, anxiety, and intrusive memories.

(2) **AMHRR Listed:** None

5. **APPLICANT-PROVIDED EVIDENCE:** DD Form 149; DD Form 214; and third-party letter. Additional Evidence: DD Form 293 and Clinical Psychologist letter.

6. **POST SERVICE ACCOMPLISHMENTS:** The applicant is enrolled in counseling and is steadily employed.

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 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.

(4) 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.

(5) Paragraph 14-12a addresses minor disciplinary infractions, defined as a pattern of misconduct, consisting solely of minor military disciplinary infractions.

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 "JKN" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, Misconduct (Minor Infractions).

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-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

**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 change to the narrative reason and RE-code.

The applicant's 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 electronic signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 14, paragraph 14-12a, by reason of Misconduct (Minor Infractions), with a characterization of service of honorable.

The applicant contends the combat experiences in Afghanistan were traumatic experiences, which the applicant was unable to handle or endure, and without treatment, the applicant self-medicated with beer and cocaine. The applicant provided a third-party letter from a clinical psychologist which described the applicant having to cope with the symptoms of PTSD by using substances after returning from combat and supported the applicant's PTSD contention. The applicant's AMHRR contains no documentation of PTSD diagnosis. The ARBA sent a letter to the applicant at the address in the application on 23 June 2015 requesting documentation to support a PTSD diagnosis but received a third-party letter from a Veterans Service Officer, who related to the applicant receiving professional counseling for the traumatic experiences while deployed.

The applicant contends receiving counseling and has obtained a steady employment. 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 [REDACTED] the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor, after applying liberal consideration, found the that applicant's Post Traumatic Stress symptoms (VA service connection for Chronic Adjustment Disorder) that, in part, warranted a previous Board to upgrade the applicant's discharge characterization to HD now warrants reconsideration of applicant's discharge narrative reason.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the applicant's Chronic Adjustment Disorder existed during the applicant's military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the applicant's Chronic Adjustment Disorder (Subthreshold PTSD) mitigates the applicant's wrongful drug use offense as there is a nexus between substance abuse and self-medication.

(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 Chronic Adjustment Disorder outweighed the cocaine use. However, the Board determined that the applicant's previously upgraded narrative reason is proper and equitable because, while the applicant's behavioral health outweighed the applicant's wrongful drug use warranting a change in characterization of service and a narrative

reason change, the applicant's behavioral health conditions did not fully excuse the applicant's misconduct and the applicant was previously granted a more favorable narrative reason.

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

(1) The applicant contends the combat experiences in Afghanistan were traumatic experiences, which the applicant was unable to handle or endure, and without treatment, the applicant self-medicated with beer and cocaine. The Board determined that the applicant's Chronic Adjustment Disorder outweighed the cocaine use. However, the Board determined that the applicant's previously upgraded narrative reason is proper and equitable because, while the applicant's behavioral health outweighed the applicant's wrongful drug use warranting a change in characterization of service and a narrative reason change, the applicant's behavioral health conditions did not fully excuse the applicant's misconduct and the applicant was previously granted a more favorable narrative reason - "Minor Infractions."

(2) The applicant contends receiving counseling and has obtained a steady employment. The Board considered this contention and determined that the applicant's previously upgraded narrative reason is proper and equitable because, while the applicant's behavioral health outweighed the applicant's wrongful drug use warranting a change in characterization of service and a narrative reason change, the applicant's behavioral health conditions did not fully excuse the applicant's misconduct and the applicant was previously granted a more favorable narrative reason - "Minor Infractions."

**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.

**d. Rationale for Decision:**

The Board determined the discharge is proper and equitable as a prior ADRB has upgraded the discharge with a Character of Honorable, therefore no further relief is available.

(1) The Board voted not to change the applicant's reason for discharge or accompanying SPD code because, while the applicant's behavioral health outweighed the applicant's wrongful drug use warranting a change in characterization of service and a narrative reason change, the applicant's behavioral health conditions did not fully excuse the applicant's misconduct and the applicant was previously granted a more favorable narrative reason - "Minor Infractions." Therefore, the applicant's previously upgraded narrative reason was discharged was both proper and equitable.

(2) 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:**

X

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