

**1. Applicant's Name:** [REDACTED]**a. Application Date:** 26 April 2021**b. Date Received:** 26 April 2021**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

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

The applicant seeks relief contending, in effect, suffering from alcoholism upon returning from deployment. The applicant was charged with DUI, which led to the discharge. The applicant has since attended AA meetings, seen a psychologist, and maintained sobriety. The applicant desires to make a change to better oneself, one's job, and one's child. The applicant and the family have made great strides. The applicant's spouse issued an ultimatum: sobriety or divorce. The applicant made the decision to become sober and has never looked back. The applicant struggled after losing the job but overcame the difficulties. An honorable characterization of service would open new doors for the applicant, provide employment to support the family, and provide emotional and financial assistance. The applicant has discovered new strategies to cope with the PTSD and anxiety with the help of the spouse, psychologist, and AA meetings. The applicant needed assistance but refused to seek it following an Afghanistan tour and was using alcohol to self-medicate. As a person, spouse, and parent, the applicant has matured and grown. The applicant requests assistance on a regular basis with no problems. The applicant recognizes and accepts the need for assistance in coping with the PTSD and anxiety.

**b. Board Type and Decision:** In a records review conducted on 10 October 2024, and by a 5-0 vote, the Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's Alcohol Rehabilitation Failure. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and the reentry eligibility code to RE-3. The Board determined the narrative reason/SPD code were 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:** Alcohol Rehabilitation Failure / AR 635-200, Chapter 9 / JPD / RE-4 / General (Under Honorable Conditions)

**b. Date of Discharge:** 24 September 2013**c. Separation Facts:**

**(1) Date of Notification of Intent to Separate:** 6 August 2013

**(2) Basis for Separation:** The applicant was informed of the following reasons: In consultation with the applicant's rehabilitation team, the applicant has been declared a rehabilitation failure in the Army Substance Abuse Program.

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

**(4) Legal Consultation Date:** 6 August 2013

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

**(6) Separation Decision Date / Characterization:** 9 September 2013 / General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 19 September 2011 / 4 years

**b. Age at Enlistment / Education / GT Score:** 20 / GED / NIF

**c. Highest Grade Achieved / MOS / Total Service:** E-3 / 12N10, Horizontal Construction Specialist / 2 years, 6 days

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

**e. Overseas Service / Combat Service:** SWA / Afghanistan (10 June 2012 – 4 March 2013)

**f. Awards and Decorations:** ACM-CS, NDSM, GWOTSM, ASR, NATOMDL

**g. Performance Ratings:** NA

**h. Disciplinary Action(s) / Evidentiary Record:** Two Developmental Counseling Forms for driving under the influence, speeding, and violating General Order No. 1 by consuming alcoholic beverages while deployed in Afghanistan.

Army Substance Abuse Program (ASAP) Enrollment form, 20 March 2013, reflects the applicant was command-referred in the ASAP.

Summary of Army Substance Abuse Program Rehabilitation Failure memorandum, 19 June 2013, reflects the applicant's rehabilitation team met on 19 June 2013, and determined the applicant had not made satisfactory progress toward achieving the criteria for successful rehabilitation as outlined in AR 600-85, paragraph 3-2 and 3-3. Further rehabilitation efforts in a military environment were not justified considering the applicant's lack of progress. Discharge from military service should be initiated within 60 calendars of the memorandum.

General Officer Memorandum Of Reprimand, 23 August 2013, reflects the applicant was operating a motor vehicle while under the influence of alcohol. After being stopped for speeding on 7 June 2013, the applicant's test revealed a blood alcohol content of .188 and was charged with DUI.

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

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

**(1) Applicant provided:** The applicant provided a letter from a clinical neuropsychologist, 11 March 2015, which shows the applicant has the following diagnoses:

300.02 Generalized Anxiety Disorder with features of Posttraumatic Stress Disorder  
780.52 Insomnia Disorder  
327.23 Rule out Obstructive Sleep Apnea Hypopnea  
303.90 Alcohol Use Disorder: Moderate remission  
294.10 Possible Mild Neurocognitive Disorder due to concussion: with Moderate difficulty with inhibition on complex task that includes cognitive flexibility  
V62.22 Personal History of Military Deployment; knee problems; migraine headaches

**(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:** DD Form 293 (cited attachments are NIF).

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant has attended AA meetings, seen a psychologist, and has maintained the sobriety and made great strides with the family.

**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 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 evidence in the applicant's AMHRR indicates on 19 June 2013, the unit commander in consultation with the Clinical Director/Army Substance Abuse Program (ASAP), declared the applicant a rehabilitation failure. The applicant did not have the potential for continued military service because of having a history of alcohol problems, which started while forward deployed in Afghanistan when caught drinking alcoholic beverages, and most recently received a DUI while speeding and enrolled in ASAP.

The applicant contends the narrative reason for the discharge needs changed. The applicant was separated under the provisions of Chapter 9, AR 635-200 with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "alcohol rehabilitation failure," and the separation code is "JPD." 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 using alcohol to self-medicate but has discovered new strategies to cope with the PTSD and anxiety with the help of the spouse, psychologist, and AA meetings as the applicant needed assistance but refused to seek it following an Afghanistan tour. The applicant submitted a letter from a clinical neuropsychologist, 11 March 2015, reflecting several diagnoses. The applicant's AMHRR contains no documentation of PTSD diagnosis.

The applicant contends an upgrade would open new doors by obtaining employment to support the family and to provide emotional and financial assistance. The Board does not grant relief to gain employment or enhance employment opportunities. Eligibility for veterans' benefits 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.

The applicant contends having matured and grown as a man, spouse, and parent. The applicant's AMHRR shows the applicant met entrance qualification standards to include age.

The applicant contends having attended AA meetings, seen a psychologist, and maintained sobriety and made great strides with the family. 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's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially-mitigating diagnoses/experiences: PTSD. Additionally, the applicant asserts Anxiety, which may be sufficient evidence to establish the existence of a condition that could mitigate or excuse the discharge.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that the applicant is diagnosed and service connected by the VA for PTSD. Service connection establishes that the PTSD existed during 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 behavioral health conditions mitigate the discharge. Given the nexus between PTSD and self-medicating with substances, the applicant's PTSD mitigates the Alcohol Rehabilitation Failure that led to the separation. The applicant's self-asserted Anxiety is subsumed under the diagnosis of PTSD and is inconsequential given the full mitigation for PTSD.

(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 Post Traumatic Stress Disorder outweighed the applicant's Alcohol Rehabilitation Failure.

b. Response to Contention(s):

(1) The applicant contends using alcohol to self-medicate but has discovered new strategies to cope with the PTSD and anxiety with the help of the spouse, psychologist, and AA meetings as the applicant needed assistance but refused to seek it following an Afghanistan tour. The Board liberally considered this contention and determined that the applicant's Post Traumatic Stress Disorder outweighed the applicant's Alcohol Rehabilitation Failure. Therefore, a discharge upgrade is warranted.

(2) The applicant contends the narrative reason for the discharge needs changed. The Board considered this contention but determined that the applicant's Alcohol Rehabilitation Failure narrative reason for separation is proper and equitable given that a change to a

Misconduct narrative reason would not constitute an upgrade and that a change to Secretarial Authority is not warranted.

(3) The applicant contends an upgrade would open new doors by obtaining employment to support the family and to provide emotional and financial assistance. The Board considered this contention but does not grant relief to gain employment or enhance employment opportunities.

(4) The applicant contends having matured and grown as a man, spouse, and parent. The Board considered the applicant's post-service accomplishments and credited them in the decision to upgrade the discharge.

(5) The applicant contends having attended AA meetings, seen a psychologist, and maintained sobriety and made great strides with the family. The Board considered the applicant's post-service accomplishments and credited them in the decision to upgrade the discharge.

c. The Board determined that the characterization of service was inequitable based on the applicant's Post Traumatic Stress Disorder outweighing the applicant's Alcohol Rehabilitation Failure. Accordingly, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and the reentry eligibility code to RE-3. The Board determined the narrative reason/SPD code were proper and equitable and voted not to change it.

**d. Rationale for Decision:**

(1) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder outweighed the applicant's Alcohol Rehabilitation Failure. Thus, the prior characterization is no longer appropriate.

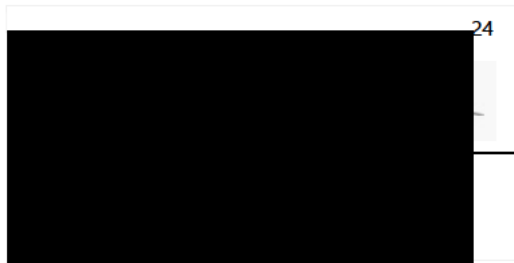
(2) The Board voted not to change the applicant's reason for discharge or accompanying SPD code as the reason the applicant was discharged was both proper and equitable.

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

**10. BOARD ACTION DIRECTED:**

- a. Issue a New DD-214: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD Code to: No Change
- d. Change RE Code to: RE-3
- e. Change Authority to: AR 635-200

**Authenticating Official:**



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