

1. Applicant's Name: [REDACTED]**a. Application Date:** 17 February 2021**b. Date Received:** 17 February 2021**c. Counsel:** None**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**

a. Applicant Requests: The current characterization of service for the period under review is under other than honorable conditions. The applicant did not properly annotate the enclosed application requesting a possible discharge upgrade. The Army Discharge Review Board considered the applicant for a possible upgrade as instructed in pertinent part by Department of Defense Instruction 1332.28, which stipulates a request for review from an applicant without an honorable discharge shall be treated as a request for a change to an honorable discharge unless the applicant requests a specific change to another character of discharge.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect, the applicant sustained disabilities during military service and an upgrade would help the applicant emotionally, mentally, physically, and financially.

Board Type and Decision: In a records review conducted on 09 May 2025, and by a 4-1 vote, the Board determined the discharge is inequitable based on the circumstances surrounding the discharge (OBH, TBI, and PTSD diagnoses) that mitigate the applicant's multiple incidents of DUI. The applicant's length, quality, combat and post service accomplishments outweigh the applicant's misconduct of false statement and concealing a prior DWI conviction. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Misconduct (Serious Offense) / AR 635-200, Paragraph 14-12c / JKQ / RE-3 / Under Other Than Honorable Conditions

b. Date of Discharge: 18 February 2014

c. Separation Facts: The applicant's Army Military Human Resource Record (AMHRR) is void of the complete separation file.

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

(2) Basis for Separation: The applicant was informed of the following reason: The applicant concealed information which if known and considered by the Army at the time of reenlistment, might have resulted in rejection; the applicant was convicted by civil authorities on or about 20 August 2010 by Bell County Court, and on or about 27 July 2007 by Richmond County Court, for Driving While Intoxicated; the applicant operated a vehicle while under the influence of an intoxicant on four separate occasions; additionally, the applicant failed to report the criminal conviction to the chain of command in which the applicant was convicted on or

about 20 August 2010 for Driving while Intoxicated by Bell county, Texas County Court, in accordance with Army Directive 2011-17.

(3) Recommended Characterization: Under Other Than Honorable Conditions

(4) Legal Consultation Date: NIF

(5) Administrative Separation Board: NIF

(6) Separation Decision Date / Characterization: 7 February 2014 / Under Other Than Honorable Conditions

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 31 December 2007 / Indefinite

b. Age at Enlistment / Education / GT Score: 31 / HS Graduate / 96

c. Highest Grade Achieved / MOS / Total Service: E-7 / 92W10, Water Treatment Specialist / 18 years, 5 months, 14 days

d. Prior Service / Characterizations: RA, 22 June 1999 – 30 December 2007 / HD
RA, 5 September 1995 – 4 September 1998 / HD

e. Overseas Service / Combat Service: Korea, SWA / Germany / Iraq (5 November 2007 – 20 January 2009). (6 May 2003 – 26 July 2004)

f. Awards and Decorations: ICM-CS-4, AAM-7, AGCM-6, NDSM, GWOTSM, GWOTEM, KDSM, ASR, OSR-2

g. Performance Ratings: 7 July 2007 – 30 June 2008 / Among The Best
1 July 2008 – 30 June 2009 / Fully Capable
1 July 2009 – 30 June 2010 / Fully Capable
1 July 2010 – 30 June 2011 / Fully Capable
1 July 2011 – 15 December 2011 / Among The Best
15 December 2011 – 14 December 2012 / Fully Capable
13 May 2013 – 15 August 2013 / Marginal

h. Disciplinary Action(s) / Evidentiary Record: General Officer Memorandum of Reprimand (GOMOR), 31 October 2013, reflects on 15 August 2013, the applicant was observed by a Honolulu Police Officer parked in a no parking area in front of Longs Drug Store in Pearl City. The police officer noticed the applicant was asleep and made multiple attempts to wake him. Once the police officer woke him, he detected the odor of an alcoholic beverage emitting from his breath and noticed the applicant's eyes were red and glassy and the applicant's speech was slurred. The police officer administered a standardized field sobriety test which the applicant failed. At the time of the applicant's arrest, the applicant's blood alcohol concentration was .252, which was above the legal limit.

i. Lost Time / Mode of Return: None

j. **Behavioral Health Condition(s):** The following documents have been provided to the ARBA Medical Advisor, if applicable. See **“Board Discussion and Determination”** for Medical Advisor Details.

(1) **Applicant provided:** None

(2) **AMHRR provided:** None

5. **APPLICANT-PROVIDED EVIDENCE:** DD Form 293, Training/Experience Verification-Barber Applicant, associate degree Diploma, Certificate of Instruction, College Transcripts, Driver's License

6. **POST SERVICE ACCOMPLISHMENTS:** The applicant provides evidence which reflects the applicant has obtained an Associate's Degree and attendance in Barber School.

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. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

c. Office, Under Secretary of Defense memorandum (Clarifying Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Considering Requests by Veterans for Modification of their Discharge Due to Mental Health Conditions, Sexual Assault, or Sexual Harassment), 25 August 2017 issued clarifying guidance for the Secretary of Defense Directive to DRBs and BCM/NRs when considering requests by Veterans for modification of their discharges due in whole or in part to mental health conditions, including PTSD; Traumatic Brain Injury; sexual assault; or sexual harassment. Boards are to give liberal consideration to Veterans petitioning for discharge relief when the application for relief is based in whole or in part to those conditions or experiences. The guidance further describes evidence sources and criteria and requires Boards to consider the conditions or experiences presented in evidence as potential mitigation for misconduct that led to the discharge.

d. Office, Under Secretary of Defense memorandum (Guidance to Military Discharge Review Boards and Boards for Correction of Military/Naval Records Regarding Equity, Injustice, or Clemency Determinations), 25 July 2018 issued guidance to Military DRBs and BCM/NRs regarding equity, injustice, or clemency determinations. Clemency generally refers to relief specifically granted from a criminal sentence. However, the guidance applies to more than clemency from a sentencing in a court-martial; it also applies to other corrections, including changes in a discharge, which may be warranted based on equity or relief from injustice.

(1) This guidance does not mandate relief but rather provides standards and principles to guide Boards in application of their equitable relief authority. In determining whether to grant relief on the basis of equity, injustice, or clemency grounds, DRBs shall consider the prospect for rehabilitation, external evidence, sworn testimony, policy changes, relative severity of misconduct, mental and behavioral health conditions, official governmental acknowledgement that a relevant error or injustice was committed, and uniformity of punishment.

(2) Changes to the narrative reason for discharge and/or an upgraded character of service granted solely on equity, injustice, or clemency grounds normally should not result in separation pay, retroactive promotions, and payment of past medical expenses or similar benefits that might have been received if the original discharge had been for the revised reason or had the upgraded service characterization.

e. Army Regulation 15-180 (Army Discharge Review Board), dated 25 September 2019, 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.

g. 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. It states:

(a) 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.

(b) 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.

(c) An under other-than-honorable-conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

(2) 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. 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. Paragraph 14-12c, states a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

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

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JFF
- Reenlistment Code: RE1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

8. SUMMARY OF FACT(S): Standard of Review. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

a. The applicant did not properly annotate the enclosed application requesting a possible discharge upgrade. The Army Discharge Review Board considered the applicant for a possible upgrade as instructed in pertinent part by Department of Defense Instruction 1332.28, which stipulates a request for review from an applicant without an honorable discharge shall be treated as a request for a change to an honorable discharge unless the applicant requests a specific change to another character of discharge. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

b. The applicant was separated under the provisions of Army Regulation 635-200, Chapter 14-12c, due to Misconduct (Serious Offense), with an Under Other Than Honorable Conditions discharge, and RE Code of '3.' The applicant completed 18 years, 5 months, and 14 days of total active service.

c. The applicant contends the applicant sustained disabilities during military service and an upgrade would help the applicant emotionally, mentally, physically, and financially. The applicant's AMHRR is void of evidence pertaining to the applicant mental or physical disabilities.

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 (70%SC), mild TBI, Major Depressive Disorder [Note-Anxiety DO NOS is subsumed under diagnosis of PTSD. Atypical Depressive Disorder and Adjustment DO with depressed mood are subsumed under diagnosis of Major Depressive Disorder (MDD)].

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board's Medical Advisor found MDD was diagnosed while on active duty. VA service connection for PTSD/mTBI establishes nexus with active 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 has three mitigating BH conditions, PTSD, mTBI and MDD. As there is an association between PTSD, TBI, MDD and self-medication with alcohol, there is a nexus between their diagnosis of PTSD, 2003 combat-associated mTBI and multiple incidents of DUI. PTSD, MDD and TBI do not mitigate the offenses of making a false statement or concealing a prior DWI conviction as they do not affect one's ability to distinguish right from wrong and act in accordance with the right. [Note-Anxiety DO NOS is subsumed under diagnosis of PTSD. Atypical Depressive Disorder is subsumed under diagnosis of MDD.]

(4) Does the condition or experience outweigh the discharge? **Partially.** Based on liberally considering all the evidence before the Board, the ADRB determined that the condition or experience outweighed the basis of separation. The applicant's PTSD, mTBI and MDD mitigate the applicant's multiple incidents of DUI. The applicant's length, quality, combat and post service accomplishments outweigh the false statement and concealing a prior DWI.

b. Response to Contention(s): The applicant contends they sustained disabilities during military service and an upgrade would help them emotionally, mentally, physically, and financially.

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 PTSD, mTBI and MDD that mitigate the applicant's multiple incidents of DUI. The applicant's length, quality, combat and post service accomplishments outweigh the false statement and concealing a prior DWI.

c. The Board determined the discharge is inequitable based on the applicant's PTSD, TBI, and MDD which mitigated the applicant's multiple incidents of DUI. The Board determined the applicant's length, quality, combat and post service accomplishments outweighed the misconduct of false official statement and concealing DUI conviction. Therefore, the Board voted to grant relief in the form of an upgrade to the characterization of service to Honorable and 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 determined the RE Code was proper and equitable and voted not to change it.

d. Rationale for Decision:

(1) Published Department of Defense guidance indicates the guidance is not intended to interfere or impede on the Board's statutory independence. The Board determines the relative weight of the action that was the basis for the discharge and whether it supports relief or not. In reaching its determination, the Board considers the applicant's petition, available records and any supporting documents included with the petition.

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AR20210006172

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's PTSD, mTBI and MDD mitigate the applicant's multiple incidents of DUI. The applicant's length, quality, combat and post service accomplishments outweigh the false statement and concealing a prior DWI conviction. Thus, the prior characterization is no longer appropriate.

(3) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same rationale, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

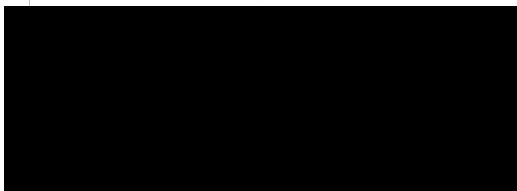
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD code to:** Misconduct (Minor Infractions)/JKN
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** AR 635-200

Authenticating Official:

5/17/2025



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
FTR – Failure to Report

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