

1. Applicant's Name: [REDACTED]**a. Application Date:** 7 January 2021**b. Date Received:** 4 March 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 and a narrative reason change.

The applicant seeks relief contending, struggling with undiagnosed PTSD which led to substance abuse.

a. Board Type and Decision: In a records review conducted on 20 December 2024, and by a 4-1 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service and the circumstances surrounding his discharge -PTSD. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable. The Board determined the narrative reason and reenry codes are proper and equitable and voted not to change them.

Please see Section 9 of this document for more detail regarding the Board's decision.

2. 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: 21 December 2017**c. Separation Facts:**

(1) Date of Notification of Intent to Separate: 6 December 2017

(2) Basis for Separation: The applicant was informed of the following reason: on 18 October 2017, the applicant was deemed by the Army Substance Abuse Program (ASAP) a rehabilitation failure, there was lack of potential for continued service and rehabilitation efforts were no longer practical.

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

(4) Legal Consultation Date: On 6 December 2017, the applicant waived legal counsel.

(5) Administrative Separation Board: On 6 December 2017, the applicant unconditionally waived consideration of the case before an administrative separation board.

(6) Separation Decision Date / Characterization: 8 December 2017 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

- a. **Date / Period of Enlistment:** 19 February 2016 / 3 years
- b. **Age at Enlistment / Education / GT Score:** 32 / High School Graduate / 129
- c. **Highest Grade Achieved / MOS / Total Service:** E-6 / 11B30, Infantryman / 7 years, 28 days
- d. **Prior Service / Characterizations:** RA, 18 March 2011 – 18 February 2016 / HD
- e. **Overseas Service / Combat Service:** SWA / Afghanistan (17 January 2013 – 3 September 2013)
- f. **Awards and Decorations:** ACM-CS-2, ARCOM-2, AAM-2, AGCM-2, NDSM, GWOTSM, NCOPDR-2, ASR, OSR, NATOMDL, CIB, EIB
- g. **Performance Ratings:** 21 October 2015 – 28 November 2016 / Highly Qualified
- h. **Disciplinary Action(s) / Evidentiary Record:** Receipt For Inmate or Detained Person, 25 February 2016, reflects the applicant was charged with trespassing and DUI and released to their unit.

Georgia Uniform Traffic Citation Summons and Accusation, 26 May 2017, reflects applicant refused request to measure the alcohol content of their blood breath, or urine.

Army Substance Abuse Program (ASAP) Enrollment form, 31 May 2017, reflects the applicant was command-referred in the ASAP.

General Officer Memorandum Of Reprimand, 16 June 2017, for failing to obey a police officer's lawful request to conduct a test to measure the alcohol content of the applicant's blood, breath, or urine. At about 1910 on 26 May in Hinesville, GA the Georgia State Patrol arrested the applicant for refusing an officer's request to measure the alcohol content of their blood breath, or urine.

Receipt For Inmate or Detained Person, 17 October 2017, reflects the applicant was charged with failure to maintain lane, possession of an open container (alcohol) and DUI refusal. The applicant was released to their unit.

Developmental Counseling Form, arrest on 13 October 2017, failure to report on 16 October 2017 and consuming alcohol while enrolled in the ASAP program.

High Risk Case Management Program enrollment memo reflects the applicant was evaluated on 31 May 2017, by the Division of Behavioral Health Provider and was referred to the 2BCT Behavioral Health Case Management Program to provide more continuity of care in the implementation of treatment and support services. The applicant was identified as high risk due to suicidal attempt.
- i. **Lost Time / Mode of Return:** None
- j. **Behavioral Health Condition(s):**
 - (1) **Applicant provided:** None

(2) AMHRR Listed: Report of Mental Status Evaluation, 31 May 2017, reflects the applicant was a high-risk case. The applicant's command was advised to command refer the applicant to SUDCC due to substance misuse. The applicant was screened for PTSD, depression and substance misuse. The applicant was diagnosed with adjustment disorder with anxiety and depressed mood.

Report of Mental Status Evaluation, 24 July 2017, reflects the applicant met standard of the 28-day program. The applicant was screened for substance misuse and diagnosed with alcohol dependence.

Report of Mental Status Evaluation, 18 October 2018, reflects the diagnosis of alcohol use disorder, severe. The applicant was recommended for Chapter 9.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Department of Veteran's Affairs Summary of Benefits letter.

6. POST SERVICE ACCOMPLISHMENTS: None submitted with the application.

7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):

a. Section 1553, Title 10, United States Code (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, 10 USC 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Multiple Department of Defense Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

(1) Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Special consideration will be given to Department of Veterans Affairs (VA) determinations that document a mental health condition, including PTSD; TBI; or sexual assault/harassment potentially contributed to the circumstances resulting in a less than honorable discharge characterization. Special consideration will also be given in cases where a

civilian provider confers diagnoses of a mental health condition, including PTSD; TBI; or sexual assault/harassment if the case records contain narratives supporting symptomatology at the time of service or when any other evidence which may reasonably indicate that a mental health condition, including PTSD; TBI; or sexual assault/harassment existed at the time of discharge might have mitigated the misconduct that caused a discharge of lesser characterization.

(2) Conditions documented in the service record that can reasonably be determined to have existed at the time of discharge will be considered to have existed at the time of discharge. In cases in which a mental health condition, including PTSD; TBI; or sexual assault/harassment may be reasonably determined to have existed at the time of discharge, those conditions will be considered potential mitigating factors in the misconduct that caused the characterization of service in question. All Boards will exercise caution in weighing evidence of mitigation in cases in which serious misconduct precipitated a discharge with a less than Honorable characterization of service. Potentially mitigating evidence of the existence of undiagnosed combat related PTSD, PTSD-related conditions due to TBI or sexual assault/harassment as causative factors in the misconduct resulting in discharge will be carefully weighed against the severity of the misconduct. PTSD is not a likely cause of premeditated misconduct. Caution shall be exercised in weighing evidence of mitigation in all cases of misconduct by carefully considering the likely causal relationship of symptoms to the misconduct.

c. Army Regulation 15-180 (Army Discharge Review Board), sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

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

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

(2) Paragraph 3-7a states an Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(3) Paragraph 3-7b states a General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(4) Chapter 9 outlines the procedures for discharging individuals because of alcohol or other drug abuse. A member who has been referred to the Army Substance Abuse Program (ASAP) for alcohol or drug abuse may be separated because of inability or refusal to participate in, cooperate in, or successfully complete such a program if there is a lack of potential for continued Army service and rehabilitation efforts are no longer practical.

(5) Paragraph 9-4, stipulates the service of Soldiers discharged under this section will be characterized as honorable or under honorable conditions unless the Soldier is in entry-level status and an uncharacterized description of service is required. An honorable discharge is mandated in any case in which the Government initially introduces into the final discharge process limited use evidence as defined by AR 600-85.

(6) 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.

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes), provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JPD" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 9, for alcohol rehabilitation failure.

f. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program), governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes: RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

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

The applicant requests an upgrade to honorable. The applicant's Army Military Human Resources Record (AMHRR), the issues, and documents submitted with the application were carefully reviewed.

The evidence of the applicant's Army Military Human Resource Record (AMHRR) indicates on 18 October 2017, the applicant was deemed by the Army Substance Abuse Program (ASAP) a rehabilitation failure, there was lack of potential for continued service and rehabilitation efforts were no longer practical.

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 struggling with undiagnosed PTSD. The applicant provided an incomplete VA Benefits Summary letter, which does not reflect any medical conditions. The applicant's AMHRR includes documentation which supports an in-service diagnosis of alcohol dependence. The record shows the applicant underwent a mental status evaluation (MSE) on

18 October 2017, which indicates the applicant was mentally responsible and was able to recognize right from wrong. The MSE was considered by the separation authority.

9. BOARD DISCUSSION AND DETERMINATION:

a. As directed by the 2024 memo signed by 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.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found the PTSD encounter was encountered during his time in service and specifically during his deployment to Afghanistan.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that as there is an association between PTSD and self-medicating behavior with alcohol, there is a nexus between this condition and his abuse/relapses with alcohol.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opine, the Board determined that the applicant's condition and experience outweighed the basis for separation for the aforementioned reasons.

b. Response to Contentions:

(1) The applicant contends coping with undiagnosed PTSD. The Board acknowledged this contention as valid.

(2) The applicant contends the narrative reason for the discharge needs changed. The Board determined the narrative reason for the discharge was proper and equitable as the applicant was deemed an Army Substance Abuse Rehabilitative failure, lack of potential for continued service, and rehabilitation efforts were no longer practical.

c. The Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service and the circumstances surrounding his discharge - PTSD. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable. The Board determined the narrative reason and reentry codes are proper and equitable and voted not to change them. However, the applicant may request a personal appearance hearing to address further issues before the Board. The applicant is responsible for satisfying the burden of proof and providing documents or other evidence sufficient to support the applicant's contention(s) that the discharge was improper or inequitable.

d. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service. The Board's Medical Advisor applied liberal consideration and opined that as there is an association between PTSD and self-medicating behavior with alcohol, there is a nexus between this condition and his abuse/relapses with alcohol. Based on liberally considering all the evidence

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before the Board, it was determined that the applicant's service connected PTSD outweighed the basis of separation – Alcohol Rehabilitation Failure. With medical mitigation, and in consideration of the applicant's length of service, to include combat, and quality, the Board voted to upgrade the discharge to Honorable, no change to narrative reason or reentry code.

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

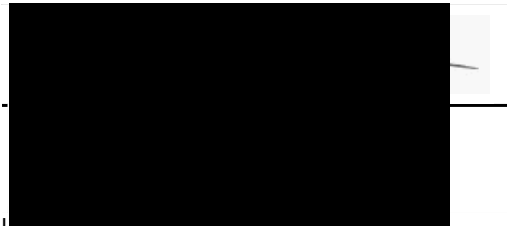
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: No Change
- d. Change RE Code to: No Change
- e. Change Authority to: No Change

Authenticating Official:

1/21/2025



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
Affa