

1. Applicant's Name: [REDACTED]**a. Application Date:** 24 January 2021**b. Date Received:** 16 February 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.

b. Applicant's Contention(s)/Issue(s): The applicant seeks relief contending, they served as an Infantry Soldier in the U.S. Army from March 2004 – May 2013, totaling nine years to service. They held MOS 11B and deployed three times: to Iraq from September 2005 to September 2006, again from September 2007 to November 2008, and to Afghanistan from May 2010 to May 2011. During these deployments, the applicant witnessed the deaths of friends, fellow Soldiers, and mentors, which deeply affected them.

(1) Upon redeployment, the applicant struggled to process what they had experienced and began self-medicating with alcohol. Their poor decisions during this time led to their discharge. At the time, the applicant was angry and in a downward spiral. They were later diagnosed with Posttraumatic Stress Disorder (PTSD) and acknowledged how it contributed to their behavior. Following the diagnosis, they took active steps toward recovery, embraced treatment, and made significant progress. The applicant remained proud of their military service, placing the mission and their Soldiers above all else—even at the expense of their own family. They trained their Soldiers thoroughly, having mentored them not only in the job but in life as well. Their Soldiers trusted them, and they led with dedication.

(2) Since separation, the applicant earned an associate degree in Business Administration and a bachelor's degree in Accounting and Data Analytics. They served as a board member for their alumni association, mentored five college freshmen, and volunteered to help second graders improve reading skills. They prepared to take the LSAT, pursue law school, and study for the CPA exam. They have not had any further disciplinary issues. They requested an upgrade to honorable and asked to be recognized not solely for their mistakes, but for their nine years of honorable service, multiple deployments, mentorship, and positive impact on others.

c. Board Type and Decision: On 21 May 2025, following a records review and a unanimous 5-0 vote, the Board concluded that the applicant's discharge was inequitable. The decision was based on the applicant's behavioral health diagnoses (PTSD, TBI, and Depressive Disorder) which were found to partially mitigate certain misconduct, including public intoxication, DUI, and a period of AWOL. Additional misconduct, such as submitting false documentation and making a false official statement to an NCO, was considered mitigated by the applicant's service-related factors, including length of service, combat experience, overall service quality, and prior honorable discharge. As a result, the Board granted relief by upgrading the characterization of service to Honorable. The separation authority was changed to AR 635-200, paragraph 14-12a, with the narrative reason for separation revised to "Misconduct (Minor Infractions)" and a corresponding separation code of JKN. The reentry code remains unchanged. Please see the **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names available upon request.

3. DISCHARGE DETAILS:

a. Reason / Authority / Codes / Characterization: Pattern of Misconduct / AR635-200, Chapter 14-12B / JKA / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 13 May 2013

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 12 May 2013

(2) Basis for Separation: The applicant was arrested for public intoxication, driving under the influence (DUI), and for submitting false documentation which stated all charges of the DUI had been dropped, when they had not.

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

(4) Legal Consultation Date: 12 March 2013

(5) Administrative Separation Board: On 28 March 2013, the board substantiated the 19 November 2011 DUI but did not support the false documentation allegation. The board recommended separation with a general discharge, suspended for up to 12 months pending satisfactory conduct and upon completion, cancel the execution of the recommended separation action.

(6) Separation Decision Date / Characterization: 8 April 2013 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment: 20 November 2010 / 6 years (second reenlistment)

b. Age at Enlistment / Education / GT Score: 26 / Bachelor's Degree / 105

c. Highest Grade Achieved / MOS / Total Service: E-5 / 11B10 Infantryman / 9 years, 1 month, 17 days

d. Prior Service / Characterizations: Regular Army (RA), 4 March 2004 – 19 November 2010 (6 years, 7 months, 26 days) / Honorable

e. Overseas Service / Combat Service: 3 years, 21 days

(1) SWA / Iraq, 28 September 2005 – 15 September 2006 (11 months, 18 days)

(2) SWA / Iraq, 20 September 2007 – 18 November 2008 (1 year, 1 month, 29 days)

(3) SWA / Afghanistan, 14 May 2010 – 18 April 2011 (11 months, 4 days)

f. Awards and Decorations: ACM-CS, ICM-CS-4, ARCOM-2, AAM, AGCM, NDSM, GWOTSM, NCO-PDR, ASR, OSR-2, NM, CIB, EIB, ASB

g. Performance Ratings: SGT, 28 February 2011 – 27 February 2012 / Marginal

h. Disciplinary Action(s) / Evidentiary Record: On 9 February 2012 and 12 March 2013, the applicant was flagged (Suspend Favorable Personnel Actions (FLAG)) for adverse action (AA) and field-initiated involuntary separation (BA).

(1) Two Command Serious Incident Reports (CSIRs), dated 31 July and 19 November 2011, provides the following:

(a) The morning of 30 July 2011, the applicant was arrested outside of an establishment by City Police for public intoxication. The applicant had a verbal altercation with another person inside the bar and the bouncer escorted them outside and proceeded to call the police where the applicant was arrested shortly after. Their spouse posted the applicant's bail the same day and their court hearing was scheduled for 9 August 2011.

(b) On the morning of 19 November 2011, civilian police stopped the applicant for speeding. Upon detecting signs of alcohol use, the officer administered a field sobriety test, which the applicant failed. The applicant then submitted to a Breathalyzer and registered a blood alcohol content of .161, exceeding the legal limit of .08. Police arrested the applicant for operating a vehicle under the influence and held them on an \$851 bond. They were processed at the county jail for pre-trial and potential release; otherwise, they would have remained in custody until their court date on 22 November 2011. The command's on-going actions stated the applicant would be enrolled in Battalion Alcohol Response Team; command referred into ASAP; and counseled on their actions. Chain of command was awaiting results of the civilian adjudication prior to pursuing UCMJ.

(2) A previous separation package, dated between 22 March – 17 May 2012, indicates the applicant was previously recommended for separation for the above, under the provisions of AR 635-200, Chapter 14-12B, with a general (under honorable conditions) characterization of service, in which the battalion and brigade commanders concurred with. The applicant elected to appear before an administrative separation board, requested counsel, and elected to provide a self-authored statement; however, there were none found in the record.

(3) On 12 March 2013, they were counseled for going AWOL (absent without leave) from 8 – 11 March and for making a false official statement to their noncommissioned officer (NCO). As a result, on 21 March 2013, the applicant received nonjudicial punishment (NJP) in violation of Article 86, UCMJ (AWOL) and Article 107 (false official statement). Their punishment imposed a reduction to specialist (E-4); forfeiture of \$500.00 pay per month for two months, suspended, to be automatically remitted if not vacated before 17 September 2013; and extra duty for 45 days.

(4) On 25 April 2013, their separation orders were issued and a properly constituted DD Form 214 (Certification of Release or Discharge from Active Duty) reflects the applicant was discharged accordingly on 13 May 2013, with 9 years, 2 months, and 20 days of total service. They were not available to provide an electronic signature and have completed their first full term of service.

i. Lost Time / Mode of Return: Under 10 USC 972: 8 – 10 March 2013

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

(1) Applicant provided: An eBenefits printout, dated 24 January 2011, provides the applicant has a combined 90% service-connected rating for Other Specified Trauma and

Stressor Related Disorder with Unspecified Depressive Disorder and Traumatic Brain Injury (previously rated as PTSD with Major Depressive Disorder (MDD)) and other physical ailments effective 30 December 2019.

(2) AMHRR Listed: The applicant completed their separation examinations (17 pages) which identified an Alcohol Abuse diagnosis and was enrolled in ASAP (Army Substance Abuse Program) on 21 November 2011 for two DUIs (7 May 2009; 19 November 2011) and for public intoxication (30 July 2011).

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Self-Authored Statement; Character Letter; Veterans Affairs Rating Decision

6. POST SERVICE ACCOMPLISHMENTS: The applicant earned an associate degree in Business Administration and a bachelor's degree in Accounting and Data Analytics. They served as a board member for their alumni association, mentored five college freshmen, and volunteered to help second graders improve reading skills. They prepared to take the LSAT, pursue law school, and study for the CPA exam. They have not had any further disciplinary issues.

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

a. 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.

b. 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.

c. 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.

d. 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.

e. Army Regulation 600-85 (Army Substance Abuse Program (ASAP)) provided a comprehensive alcohol and drug abuse prevention and control policies, procedures, and responsibilities for Soldiers for ASAP services. The ASAP is a command program that emphasizes readiness and personal responsibility. The ultimate decision regarding separation or retention of abusers is the responsibility of the Soldier's chain of command. Abuse of alcohol or the use of illicit drugs by military personnel is inconsistent with Army values and the standards of performance, discipline, and readiness necessary to accomplish the Army's mission. All Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

(1) Unit commanders must intervene early and refer all Soldiers suspected or identified as alcohol and/or drug abusers to the ASAP. The unit commander should recommend enrollment based on the Soldier's potential for continued military service in terms of professional skills, behavior, and potential for advancement. ASAP participation is mandatory for all Soldiers who are command referred. Failure to attend a mandatory counseling session may constitute a violation of Article 86 (Absence Without Leave) of the UCMJ.

(2) Alcohol and/or other drug abusers, and in some cases dependent alcohol users, may be enrolled in the ASAP when such enrollment is clinically recommended. Soldiers who fail to

participate adequately in, or to respond successfully to, rehabilitation will be processed for administrative separation and not be provided another opportunity for rehabilitation except under the most extraordinary circumstances, as determined by the Clinical Director in consultation with the unit commander.

(3) Alcohol and/or other drug abusers, and in some cases dependent alcohol users, may be enrolled in the ASAP when such enrollment is clinically recommended. Soldiers who fail to participate adequately in, or to respond successfully to, rehabilitation will be processed for administrative separation and not be provided another opportunity for rehabilitation except under the most extraordinary circumstances, as determined by the Clinical Director in consultation with the unit commander.

(4) All Soldiers who are identified as drug abusers, without exception, will be referred to the ASAP counseling center for screening; be considered for disciplinary action under the UCMJ, as appropriate; and be processed for administrative separation in accordance with Army Regulation 635-200.

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:

(1) RE-1 Applies to: Person completing his or her term of active service who is considered qualified to reenter the U.S. Army. Eligibility: Qualified for enlistment if all other criteria are met.

(2) 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.

(3) 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.

g. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), set policies, standards, and procedures to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. Readiness is promoted by maintaining high standards of conduct and performance.

(1) Chapter 3 provides 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.

(a) 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.

(b) 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 (Separation for Misconduct) established policy and prescribed procedures for separating members for misconduct. Action will be taken to separate a member for misconduct when its 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 14-12b (Pattern of Misconduct), stated, a pattern of misconduct consisting of one of the following – discreditable involvement with civil 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 UCMJ, Army regulations, the civil law, and time-honored customs and traditions of the Army.

(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.

- Separation Authority: Army Regulation 635-200, Chapter 15
- Separation Code: JKA
- Reenlistment Code: RE-1
- Narrative Reason for Separation: Secretarial Plenary Authority
- Character of Service: Honorable

h. 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 14-12B, Pattern of Misconduct.

i. Manual for Courts-Martial (2008 and 2012 Edition), United States, states military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good orders and discipline in the Armed Forces.

(1) Article 86 (AWOL, not more than 3 days) states in the subparagraph, the maximum punishment consists of forfeiture of two-thirds pay and allowances for one month, and confinement for one month.

(2) Article 107 (false official statements) states in the subparagraph, the maximum punishment consists of a dishonorable discharge, forfeiture of all pay and allowances, and

confinement for five years.

(3) Article 111 (drunken driving) states in the subparagraph, the maximum punishment consists of a bad conduct discharge, forfeiture of all pay and allowances, and confinement for six months.

j. Title 38, U.S. Code, Sections 1110 and 1131, permits the VA to award compensation for a medical condition which was incurred in or aggravated by active military service. The VA, however, is not required by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual's medical condition, although not considered, medically unfitting for military service at the time of processing for separation, discharge, or retirement, may be sufficient to qualify the individual for VA benefits based on an evaluation by the agency.

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

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

b. The available evidence provides the applicant reenlisted as a SGT, after completing 6 years, 7 months, 26 days of active duty, which included two Iraq deployments totaling 25 months (2005-2006; 2007-2008) and 11 months deployed in Afghanistan (May 2010 – April 2011). A previous separation package in March 2012 was forwarded but never executed. In March 2013 they received NJP for having been AWOL (Article 86, UCMJ) for three days (8-11 March) and for making a false official statement (Article 107). As a result, they were reduced to SPC and the command initiated separation under the provisions of AR 635-200, Chapter 14-12B for pattern of misconduct, with a general (under honorable conditions) characterization of service following arrests for public intoxication, two DUIs, and submission of documentation falsely indicating DUI charges were dropped.

(1) The applicant elected legal counsel, requested a separation board, and submitted a personal statement. The board substantiated the 19 November 2011 DUI but did not support the false documentation allegation. The board recommended separation with a general discharge, suspended for up to 12 months pending satisfactory conduct. The separation authority directed separation with a general discharge.

(2) Their separation exams documented an Alcohol Abuse diagnosis. The ASAP enrollment identified they were in treatment for two DUIs (May 2009; November 2011) and public intoxication (July 2011). As of 30 December 2019, the applicant receives a combined 90% VA service-connected disability rating for Other Specified Trauma and Stressor Related Disorder with Unspecified Depressive Disorder, TBI (previously rated as PTSD with MDD), with additional physical conditions.

c. Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is 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.

d. Published Department of Defense guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

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: Depressive DO, unspecified, PTSD (70%SC), TBI. [Note-Adjustment DO with depressed mood is subsumed under diagnosis of Depressive Disorder].

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found VA service connection and VA medical documentation establishes nexus with active service for all three diagnoses.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partial.** The Board's Medical Advisor applied liberal consideration and opined that the applicant has several BH conditions, PTSD, TBI, Depressive DO unspecified, which mitigate some of his misconduct. As there is an association between these conditions and self-medication with alcohol and/or illicit drugs, there is a nexus between these conditions and the applicant's offenses of public intoxication and DUI. While not part of the basis for separation, the applicant's period of being AWOL from 8-11 March 2013 would also be mitigated by the aforementioned conditions given the association between these conditions and avoidant behavior. These conditions, however, do not mitigate the offense of submitting false documentation or making a false official statement to an NCO as they do not affect one's ability to distinguish right from wrong and act in accordance with the right.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to all evidence, including the opinion of the Board Medical Advisor, the Board concluded that the applicant's behavioral health conditions (PTSD, TBI, and Depressive Disorder) partially mitigate certain misconduct, such as public intoxication, DUI, and a period of AWOL. Additional misconduct, including submitting false documentation and making a false official statement, is further mitigated by the applicant's service-related factors, including length of service, combat experience, quality, and prior honorable discharge.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant seeks relief contending, the contentions detailed in **section 2b1-2** of this document. The Board reviewed this contention and voted to upgrade the characterization of service, recognizing that the applicant's behavioral health conditions (PTSD, TBI, and Depressive Disorder) partially mitigated certain misconduct, including public intoxication, DUI,

and a period of AWOL. The remaining misconduct, involving the submission of false documentation and making a false official statement to an NCO, was deemed mitigated by the applicant's in-service factors, including nine years of service, three combat deployments, overall service quality, and a prior honorable discharge.

(2) Former leadership (Major) contends, the applicant served under their command from 2009 to 2011 while assigned to 1-327th IN, 101st Airborne Division. They deployed together to the Pech River Valley, Afghanistan (May 2010 – May 2011). The operational environment proved physically and mentally challenging, marked by frequent loss of life due to enemy action, overdose, and suicide, compounded by prolonged separation from loved ones. The commander did not condone the applicant's actions but expressed understanding, having witnessed the same hardships firsthand. The applicant later received a PTSD diagnosis, supporting the conclusion that they chose to self-medicate. At no time did the applicant's condition affect their performance. They consistently demonstrated strong character, selfless service, and commitment to the team in both garrison and combat. Despite personal struggles, the applicant fulfilled all duties and never wavered in their responsibilities. They served with honor and distinction. Based on their service record and sacrifices, the commander strongly recommended upgrading the applicant's discharge from general (under honorable conditions) to honorable. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted as outlined above in paragraphs 9a (3-4) and 9b (1).

d. The Board determined the discharge is inequitable recognizing that the applicant's behavioral health conditions (PTSD, TBI, and Depressive Disorder) partially mitigated certain misconduct, including public intoxication, DUI, and a period of AWOL. The remaining misconduct, involving the submission of false documentation and making a false official statement to an NCO, was deemed mitigated by the applicant's in-service factors (length, quality, combat, and a prior honorable discharge). Therefore, the Board voted to grant relief in the form of a partial upgrade to the characterization of service to Honorable and change 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. No change to the reentry code.

e. Rationale for Decision:

(1) The Board voted to change the applicant's characterization of service to Honorable because of the applicant behavioral health conditions (PTSD, TBI, and Depressive Disorder) partially mitigated certain misconduct, including public intoxication, DUI, and a period of AWOL. The remaining misconduct, involving the submission of false documentation and making a false official statement to an NCO, was deemed mitigated by the applicant's in-service factors length, quality, combat and a prior honorable discharge. Thus, the prior characterization is no longer appropriate.

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

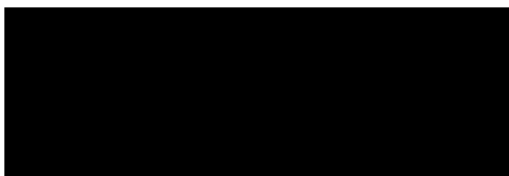
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214: 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, paragraph 14-12a

Authenticating Official:

3/3/2026



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