

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE
AR20210011661

- 1. Applicant's Name:** [REDACTED]
 - a. Application Date:** 24 February 2021
 - b. Date Received:** 1 March 2021
 - c. Counsel:** NA
- 2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:**
 - a. Applicant's Requests and Issues:**
 - (1)** The current characterization of service for the period under review is General (Under Honorable Conditions). The applicant requests an upgrade to Honorable.
 - (2)** The applicant seeks relief contending their change is requested to fully use all of their school benefits and open doors for more job opportunities.
 - b. Board Type and Decision:** In a records review conducted on 09 July 2025, and by a 4-1 vote, the Board 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, and no change to the reentry code. Additional details can be located under **BOARD DISCUSSION AND DETERMINATION**. Board member names may be available upon request.
- 3. DISCHARGE DETAILS:**
 - a. Reason / Authority / Codes / Characterization:** Misconduct (Serious Offense) / Army Regulation 635-200, Paragraph 14-12C / JKQ / RE-3 / General (Under Honorable Conditions)
 - b. Date of Discharge:** 20 May 2019
 - c. Separation Facts:**
 - (1) Date of Notification of Intent to Separate:** 29 March 2019
 - (2) Basis for Separation:** on or about 30 September 2018, wrongfully drove under the influence of alcohol.
 - (3) Recommended Characterization:** General (Under Honorable Conditions)
 - (4) Legal Consultation Date:** 1 April 2019
 - (5) Administrative Separation Board:** NA
 - (6) Separation Decision Date / Characterization:** 25 April 2019
- 4. SERVICE DETAILS:**
 - a. Date / Period of Enlistment:** 10 February 2016 / 5 years
 - b. Age at Enlistment / Education / GT Score:** 23 / HS Diploma / 110

c. Highest Grade Achieved / MOS / Total Service: E-5 / 92F2P, Petroleum Supply Specialist / 5 years, 4 months, and 21 days

d. Prior Service / Characterizations: None

e. Overseas Service / Combat Service: Italy / None

f. Awards and Decorations: AAM-2, AGCM, NDSM, GWTSM, ASR

g. Performance Ratings: 1 March 2018 – 28 February 2019 / Not Qualified

h. Disciplinary Action(s) / Evidentiary Record:

(1) An Arrest Report dated 30 September 2018 reflects the applicant as the Arrestee with the charge of Driving While Intoxicated (DWI).

(2) A DA Form 3822 (Report of Mental Status Evaluation) dated 29 November 2018 reflects the applicant has no duty limitations due to behavioral health reasons, meets behavioral health medical retention standards and is cleared for administrative action. Section IV (Diagnoses) reflects the applicant's behavioral health diagnosis as Alcohol Abuse. The behavioral health provider states the applicant does not currently have a behavioral health condition that causes them to fail medical retention standards. Their current presentation does not constitute as matters of mitigation or extenuation. The applicant is psychiatrically cleared for any administrative action deemed appropriate by the separation authority.

(3) A DA Form 2166-9-1 (NCO Evaluation Report) covering the period 1 March 2018 through 28 February 2019, reflects in –

- Part IV(c) (Character) – “DID NOT MEET STANDARD,” apprehended for driving with a blood alcohol content of 0.12 (.04 above the legal limit), demonstrated a serious lack of integrity and poor judgement without consideration of results by not reporting arrest for over two months
- Part IV(e) (Intellect) – “DID NOT MEET STANDARD,” displayed mental agility and sound judgment unbecoming of an NCO while operating a vehicle under the influence of alcohol
- Part IV(f) (Leads) – “DID NOT MEET STANDARD,” was removed from leadership position for general officer memorandum of reprimand
- Rater Overall Performance – [Applicant’s] otherwise great performance was severely impacted due to [Applicant’s] lapse in judgement during rating period; failed to uphold the Army values; failed to set the example for [Applicant’s] Soldiers to follow during this rated period
- Part V (Senior Rater – Overall Potential) – “NOT QUALIFIED,”
 - [Applicant] needs to take personal accountability of [Applicant’s] poor decision making before assuming anymore responsibility as an NCO
 - [Applicant] does not have my recommendation for advancement at this time
 - Do not promote

(4) A memorandum, Juliet Company, 1st Battalion, 508th Parachute Infantry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 29 March 2019, reflects the applicant’s company commander notified them of their intent to

separate them under the provisions of Army Regulation 635-200, paragraph 14-12c, for misconduct described above in paragraph 3c(2). The company commander recommended the applicant's characterization of service as General (Under Honorable Conditions). On the same day, the applicant acknowledged the basis for the separation and of the right available to them.

(5) In the applicant's memorandum, subject: Election of Rights Regarding Separation under Army Regulation 635-200 Notice Procedures, dated 1 April 2019, reflects the applicant acknowledged they have been given the opportunity to confer with counsel. They elected to submit statements on their own behalf. In the applicant memorandum, subject: Request for Retention on Active Duty, they state they are writing this statement as a testament of their dedication to staying on active duty. Their mistakes are a thing of the past and they will not let any type of mistakes from the past affect their future performance by any means. They have attached character references to prove they are knowledgeable in their job and desired in their unit as a whole. They request consideration for potential rehabilitation and future service. They can confidently say their background outside of this incident proves their value as a hard worker and needed asset within their unit. Their career so far has spanned five years and they have received and had the honor of receiving multiple awards along with multiple coins presented to them. They wish to continue serving in the U.S. Army in any capacity. They respectfully request a suspension and/or a rehabilitative transfer rather than suspension from the Army. If retention is not possible, they genuinely ask for an honorable discharge. The stigma of anything less than an honorable discharge may interfere severely when seeking civilian employment.

(6) A memorandum, Juliet Company, 1st Battalion, 508th Parachute Infantry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 12 April 2019, the applicant's company commander submitted a request to separate them prior to their expiration term of service. The commander states they do not consider it feasible or appropriate to accomplish other disposition as retaining the Soldier in the U.S. Army would have an adverse impact on good order and discipline.

(7) A memorandum, Headquarters, 1st Battalion, 508th Parachute Infantry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 15 April 2019, the applicant's battalion commander's recommendation to separate the applicant prior to their expiration term of service. The commander recommended the applicant's service be characterized as General (Under Honorable Conditions).

(8) A memorandum, Headquarters, 3rd Brigade Combat Team, 82nd Airborne Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 25 April 2019, the separation authority reviewed the separation packet of the applicant and after careful consideration of all matters, directed the applicant be separated from the Army prior to the expiration of their current term of service. They directed the applicant's service be characterized as General (Under Honorable Conditions). After reviewing the rehabilitative transfers requirement, they determined the requirements do not apply to this action.

(9) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 20 May 2019, with 5 years, 4 month and 21 days of net active service this period. The DD Form 214 shows in:

- item 18 (Remarks) – MEMBER HAS COMPLETED FIRST FULL TERM OF SERVICE
- item 24 (Character of Service) – General (Under Honorable Conditions)

- item 26 (Separation Code) – JKQ
- item 27 (Reentry Code) - 3
- item 28 (Narrative Reason for Separation) – Misconduct, (Serious Offense)

i. **Lost Time / Mode of Return:** NA

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

(1) **Applicant provided:** None

(2) **AMHRR Listed:** A DA Form 3822 (Report of Mental Status Evaluation) reflecting a diagnosis of Alcohol Abuse.

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), with personal statement
- Army Good Conduct Medal Certificate
- DD Form 214

6. POST SERVICE ACCOMPLISHMENTS: None submitted with application.

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

a. Title 10, U.S. Code, Section 1553, (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, Title 10 U.S. Code, Section 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 (DoD) 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 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; Title 10 U.S. Code; Section 1553 and DoD Directive 1332.41 and DoD Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) dated 19 December 2016, 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. This regulation provided the authority and general provisions governing the separation of Soldiers before expiration term of service or fulfillment of active duty obligation to meet the needs of the Army and its Soldiers.

(1) 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.

(2) 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.

(3) A Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

(4) Chapter 14 (Separation for Misconduct) establishes policy and prescribes procedures for separating personnel for misconduct because of minor disciplinary infractions, a

pattern of misconduct, commission of a serious offense, conviction by civil authorities, desertion, and absence 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 (Commission of a Service Offense), stated 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.

(5) Chapter 15 (Secretarial Plenary Authority), currently in effect, 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 "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 14-12c, misconduct (serious offense).

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 DoD Instruction 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 waivable and nonwaivable 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 waivable. Eligibility: Ineligible unless a waiver is granted.

(3) RE-4 Applies to: Person separated from last period of service with a nonwaivable 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. Manual for Courts-Martial, United States (2019 Edition) stated, 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 order and discipline in the Armed Forces. Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows

the maximum punishments include punitive discharge for violating Article 113 (Drunken or reckless operation of a vehicle).

8. SUMMARY OF FACT(s):

- a.** The Army Discharge Review Board considers applications for upgrade as instructed by DoD Instruction 1332.28.
- b.** A review of the available evidence provides the applicant, on or about 30 September 2018, wrongfully drove under the influence of alcohol, in violation of Article 113, Uniform Code of Military Justice and was involuntarily discharged. The DD Form 214 provides the applicant was discharged with a character of service of General (Under Honorable Conditions) for misconduct (serious offense). They completed 5 years, 4 months, and 21 days of net active service and completed their first full term of service; however, the did not complete their 5-year reenlistment obligation.
- 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 DoD 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? **No.** The Board's Medical Advisor reviewed DoD and VA medical records and found no mitigating BH diagnoses on the applicant. The applicant provided no documents or testimony of a condition or experience, that, when applying liberal consideration, could have excused, or mitigated a discharge.

(2) Did the condition exist, or experience occur during military service? **N/A**

(3) Does the condition or experience actually excuse or mitigate the discharge? **N/A**

(4) Does the condition or experience outweigh the discharge? **N/A**

- b.** Prior Decisions Cited: None

- c.** Response to Contention(s): None

- d.** The Board determined the discharge is inequitable based on the applicant's length and quality of service, post service accomplishments, and the characterization of service was too

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harsh for one-time DWI. 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, and no change to the reentry code. One Board member voted the discharge was proper and equitable because the applicant's BAC was significantly above the legal limit and indicated a very high level of intoxication.

e. Rationale for Decision:

(1) Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable. The applicant's length and quality of service, post service accomplishments, outweighs the one-time DWI. 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.

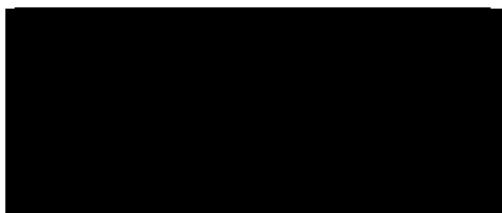
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order:** 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:

7/17/2025



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

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