

1. Applicant's Name: [REDACTED]

- a. **Application Date:** 5 March 2021
- b. **Date Received:** 8 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 discharge was inequitable based in whole or in part to undiagnosed/misdiagnosed Post Traumatic Stress Disorder (PTSD)

b. Board Type and Decision: In a records review conducted on 18 June 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, the circumstances surrounding the discharge (Bipolar, PTSD, Schizophrenia). 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) / Army Regulations 635-200, Paragraph 14-12C / JKQ / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 7 March 2013

c. Separation Facts:

(1) **Date of Notification of Intent to Separate:** 22 August 2012

(2) **Basis for Separation:** on 2 June 2012, pulled over in Fayetteville, NC by North Carolina Highway Patrol and arrested for Driving Under the Influence. A breathalyzer test administered determine their Blood Alcohol Content to be 0.18-percent which is over the legal limit authorized to operate a motor vehicle.

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

(4) **Legal Consultation Date:** 27 August 2012

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

(6) **Separation Decision Date / Characterization:** 1 February 2013 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

- a. **Date / Period of Reenlistment:** 25 October 2008 / NIF
- b. **Age at Reenlistment / Education / GT Score:** 23 / HS Graduate / 123
- c. **Highest Grade Achieved / MOS / Total Service:** E-6 / 25S3P, Satellite Communication Systems Operator-Maintainer / 8 years, 11 months, 8 days
- d. **Prior Service / Characterizations:** None
- e. **Overseas Service / Combat Service:** Germany, SWA / Iraq (19 May 2005 – 21 November 2005, 2 November 2007 – 2 December 2008, and 16 January 2011 – 18 December 2011), Haiti (14 January 2010 – 13 March 2010)
- f. **Awards and Decorations:** JSCM, ARCOM, JSAM, AAM, JMUA-2, MUC, AGCM-2, NDSM, GWTEM, GWTSM, HSM, ICM-2CS, NCOPDR, ASR, OSR-3
- g. **Performance Ratings:**
- 1 October 2008 – 31 August 2009 / Fully Capable
 - 1 September 2009 – 6 May 2012 / Among the Best
- h. **Disciplinary Action(s) / Evidentiary Record:**
- (1) A memorandum, 18th Airborne Corps and Fort Bragg, subject: General Officer Memorandum of Reprimand (GOMOR), dated 14 July 2006, reflects the applicant was reprimanded in writing for, on 1 July 2006, at Fort Bragg, NC, drove or was in physical control of a motor vehicle and refused to take a lawfully requested Intoxilyzer 5000 test.
- (2) A memorandum, 18th Airborne Corps and Fort Bragg, subject: GOMOR, dated 27 August 2012, reflects the applicant was reprimanded in writing for, on 2 June 2012, arrested in Cumberland County, NC, for driving while impaired after they were stopped for failing to maintain their lane. They were administered an intoximeter test which determined their Blood Alcohol Content to be 0.18-percent, which is over the legal limit authorized to operate a motor vehicle in the state of North Carolina.
- (3) A memorandum, Charlie Company, Headquarters and Headquarters Battalion, 18th Airborne Corps, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 22 August 2012, the applicant's company commander notified the applicant of their intent to separate them under the provisions of Army Regulation 635-200, paragraph 14-12c, for Commission of a Serious Offense, as 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.
- (4) On 27 August 2012, the applicant completed their Election of Rights Regarding Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, acknowledging they have been advised by their consulting counsel of the basis for the contemplated action to separate them for Commission of a Serious Offense, and its effects; of the rights available to them, and of the effect of any action taken by them in waiving their rights. They requested consideration of their case by an administrative separation board, requested a personal appearance before the administrative separation board, and requested consulting counsel. They elected not to submit statements in their behalf. They requested consulting

counsel. They understood they may expect to encounter substantial prejudice in civilian life if a General discharge under honorable conditions is issued to them. They further understand that as the result of issuance of a discharge under other than honorable conditions, they may be ineligible for many or all benefits as a veteran under both Federal and State laws.

(5) A memorandum, Charlie Company, Headquarters and Headquarters Battalion, 18th Airborne Corps, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], undated, the applicant's company commander submitted a request to separate them prior to their expiration term of service.

(6) A memorandum, Headquarters, Fort Bragg, subject: Legal Review of Administrative Separation under Army Regulation 635-200, Paragraph 14-12c, pertaining to [Applicant], dated 7 January 2013, the Administrative Law Attorney reviewed the applicant's administrative separation board proceedings and found it legally sufficient. They state the applicant received written notice of their commander's intent to initiate separation proceedings against them pursuant to Army Regulation 635-200, paragraph 14-12c, Commission of a Serious Offense for driving while intoxicated on 1 July 2006; and again, driving while intoxicated on 11 June 2012. A separation board convened on 20 December 2012, and after receiving evidence found the applicant committed the acts of misconduct alleged in the written notice. The board recommended the applicant be separated from the U.S. Army with a General (Under Honorable Conditions) characterization of service.

(7) A memorandum, Headquarters, 18th Airborne Corps and Fort Bragg, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, (Applicant), dated 1 February 2013, the separation authority reviewed the entire case file, the administrative board proceedings, and all matters submitted regarding the applicant. The separation authority approved the findings of the administrative separation board and directed the applicant be separated from the Army with a General (Under Honorable Conditions) characterization of service prior to the expiration of their current term of service.

(8) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 7 March 2013, with 8 years, 11 months, and 8 days of net active service this period. The DD Form 214 shows in:

- 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:** A Medical Record, Psychology Clinic dated 8 December 2008 reflecting a diagnosis of Bipolar Disorder and a Department of Veterans Affairs (VA) Rating Decision reflecting the applicant's service connection for PTSD also claimed as major depression previously denied as alcohol use disorder, granted with an evaluation of 70-percent, effective 20 July 2020.

(2) **AMHRR Listed:** None

5. APPLICANT-PROVIDED EVIDENCE:

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States), with letter
- Medical Record excerpts
- three DA Forms 2166-8 (NCO Evaluation Report)
- Enlisted Record Brief
- DD Form 214
- Bachelor of Science Diploma
- VA Rating Decision
- VA Summary of Benefits Letter

6. POST SERVICE ACCOMPLISHMENTS: Bachelor of Science Diploma

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) effective 6 September 2011, 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. It prescribes the policies, procedures, and the 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) Paragraph 1-16 (Counseling and Rehabilitative Requirements) stated Army leaders at all levels must be continually aware of their obligation to provide purpose, direction, and motivation to Soldiers. It is essential that Soldiers who falter, but have the potential to serve honorably and well, be given every opportunity to succeed. The rehabilitative transfer requirements in chapter 14 (Separation for Misconduct) may be waived by the separation authority in circumstances where common sense and sound judgment indicate that such transfer will serve no useful purpose or produce a quality Soldier.

(5) 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.

(6) 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 Instructions 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. Army Regulation 600-85 (Army Substance Abuse Program (ASAP)) governs the program and identifies Army policy on alcohol and other drug abuse, and responsibilities. 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. 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.

h. Manual for Courts-Martial, United States (2016 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 111 (Drunk or reckless operation of vehicle).

i. 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):

a. The Army Discharge Review Board considers applications for upgrade as instructed by Department of Defense Instruction 1332.28.

b. A review of the available evidence provides the applicant received two GOMORs for driving while under the influence of alcohol; had consideration of their case before an Administrative Separation Board and was involuntarily discharged from the U.S. Army. The DD Form 214, signed by the applicant, provides the applicant was discharged with a character of service of General (Under Honorable Conditions) for misconduct (serious offense) rather than a discharge Under Other Than Honorable Conditions, which is normally considered appropriate. They completed 8 years, 11 months, and 8 days of net active service this period and completed their first full term of service; however, their reenlistment document was not in evidence to show their 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; to include abuse of illegal drugs; 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. The applicant's AMHRR does not reflect documentation of a diagnosis of PTSD; however, the applicant provided medical record from the psychology clinic with a diagnosis of Bipolar Disorders, occurring during the applicant's service. The applicant also provided a Medical Record, Psychology Clinic dated 8 December 2008, reflecting a diagnosis of Bipolar Disorder and a VA Rating Decision reflecting the applicant's service connection for PTSD also

claimed as major depression previously denied as alcohol use disorder, granted with an evaluation of 70-percent, effective 20 July 2020.

e. 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: Bipolar, PTSD, Schizophrenia

(2) Did the condition exist, or experience occur during military service? **Yes.** Bipolar Disorder, combat trauma

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that given the combat trauma occurred prior to the misconduct, Bipolar Disorder worsening his psychiatric status, and nexus between trauma, Bipolar Disorder, and substance use, the basis is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the condition or experience outweighed/did not outweigh the basis of separation.

b. Prior Decisions Cited: None

c. Response to Contention: The applicant contends their discharge was inequitable based in whole or in part to undiagnosed/misdiagnosed PTSD. The Board considered this contention and determined that the applicant has three potentially mitigating diagnoses which includes PTSD.

d. 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 the discharge (Bipolar, PTSD, Schizophrenia). 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.

e. Rationale for Decision:

(1) The Board carefully considered the applicant's request, supporting documents, evidence in the records, a medical review, and published Department of Defense guidance for liberal consideration of discharge upgrade requests. The Board considered the applicant's statement, record of service, the frequency and nature of misconduct, and the reason for

separation. The Board found sufficient evidence of in-service mitigating factors (Length, Combat, Quality) and concurred with the conclusion of the medical advising official that the applicant's (bipolar disorder) does mitigate the applicant's basis for separation (DUI). There is a nexus between trauma, Bipolar Disorder and substance use. Based on a preponderance of evidence, the Board determined that the character of service the applicant received upon separation was inequitable.

(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.

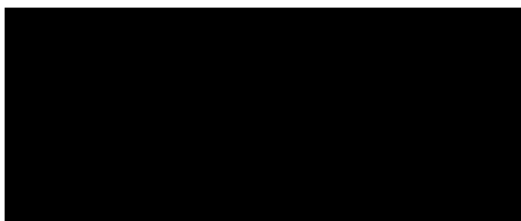
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

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: RE-3
- e. Change Authority to: AR 635-200

Authenticating Official:

10/30/2025



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
Affairs