

1. Applicant's Name: [REDACTED]

a. **Application Date:** 23 August 2021

b. **Date Received:** 26 August 2021

c. **Counsel:** None

2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:

a. **Applicant Requests:** The current characterization of service for the period under review is General (Under Honorable Conditions). The applicant requests an upgrade to Honorable, a narrative reason change, a separation code change, and a reenry code change.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, to have been driving under the influence off post. The applicant was discharged three months before the applicant's scheduled expiration term of service (ETS). The civilian court and the Army punished the applicant. The applicant was punished twice for one mistake.

c. **Board Type and Decision:** In a records review conducted on 20 February 2026, and by a 3-0 vote, the Board determined the discharge was inequitable and, based on the applicant's length of service, combat experience, and overall quality of service, voted to upgrade the narrative reason to Misconduct (Minor Infractions) with an SPD code of JKN while finding the characterization of service and RE code proper, consistent with regulatory requirements, and within the separation authority's discretion. Please see **Board Discussion and Determination** section for more detail regarding the Board's decision. Board member names are available upon request.

3. DISCHARGE DETAILS:

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

b. **Date of Discharge:** 3 May 2013

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 15 April 2013

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant was found to be driving with a breath alcohol content of .121.

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

(4) **Legal Consultation Date:** On 15 April 2013, the applicant waived legal counsel.

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

(6) **Separation Decision Date / Characterization:** 18 April 2013 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE**AR20210014335**

- a. Date / Period of Enlistment Under Review:** 16 August 2010 / 3 years, 16 weeks
- b. Age at Enlistment / Education / GT Score:** 19 / HS Graduate / 97
- c. Highest Grade Achieved / MOS / Total Service:** E-3 / 11C1O, Indirect Fire Infantry / 2 years, 8 months, 13 days
- d. Prior Service / Characterizations:** None
- e. Overseas Service / Combat Service:** Alaska, SWA / Afghanistan (28 April 2011 – 18 April 2012)
- f. Awards and Decorations:** NDSM, ACM-2CS, GWOTSM, ASR, OSR, NATOMDL
- g. Performance Ratings:** NA
- h. Disciplinary Action(s) / Evidentiary Record:**

(1) Military Police Report, 13 March 2013, reflects the applicant was apprehended for driving under the influence (DUI) (off post). Investigation revealed the police department received a call regarding a car parked at Taco Bell in the drive thru. The operator was the applicant and was passed out behind the wheel, with the engine running, holding up traffic. An officer responded and observed an odor of an alcoholic beverage emitting from the applicant. The applicant was arrested after performing field sobriety tests. The applicant provided a sample of breath on a data master brand breath test with a result of .121 percent breath alcohol content (BrAC).

(2) District Court for the State of Alaska Fourth Judicial District, 9 March 2013, shows the applicant was arrested for driving while under the influence of an alcoholic beverage, intoxicating liquor, inhalant, or any controlled substance. The applicant was arraigned and plead not guilty to the offense. The applicant was conditionally released with a bond of \$750. The applicant was scheduled to appear in court on 29 April 2013.

(3) Two Personnel Action forms indicate the applicant's duty status changed as follows:

- From Present for Duty (PDY) to Confined Civilian, effective 9 March 2013
- From Confined to PDY, effective 14 March 2013

(4) Army Substance Abuse Program (ASAP) Enrollment Form, 18 March 2013, indicates the applicant enrolled because of investigation/apprehension. The form indicated the applicant was convicted of DUI.

(5) Enlisted Record Brief (ERB), 29 March 2013, reflects the applicant was flagged for Army Body Composition Program (KA), effective 30 July 2012; Adverse Action (AA), effective 9 March 2013; Alcohol Abuse (Adverse Action) (VA), effective 20 March 2013; and Involuntary Separation or Discharge (Field Initiated) (BA), effective 27 March 2013, and was ineligible for reenlistment due to Field Bar to Continued Service (9K). The Assignment Eligibility Availability code reflects the applicant was temporarily ineligible for reassignments due to medical, convalescence, confinement due to trial by court-martial, enrollment in Track III ASAP, or local bar to reenlistment. The applicant's expiration term of service (ETS) was 14 August 2013.

(6) General Officer Memorandum Of Reprimand, undated, reflects the applicant was driving under the influence. The police department received a call stating there was a driver

unconscious behind the wheel in a drive thru. Upon contact the officer found the applicant behind the wheel with the vehicle running and in gear. The applicant admitted to consuming alcoholic beverages prior to operating the vehicle. The applicant failed the Standardized Field Sobriety Tests and provided a breath sample resulting in a BRAC of .121 percent.

(7) Ten Developmental Counseling Forms document instances of the applicant failing to follow orders, having an integrity violation, being restricted to the barracks because of marital issues, being insubordinate to noncommissioned officers, failing to obey order or regulation, committing adultery, receiving a DUI, and pending separation.

i. **Lost Time / Mode of Return:** 5 days (Confinement Civilian, 9 March 2013 – 13 March 2013)

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

(1) **Applicant provided:** None

(2) **AMHRR Listed:** Report of Mental Status Evaluation (MSE), 20 March 2013, indicates the applicant demonstrated the ability to understand and participate in administrative proceedings. Post-traumatic stress disorder (PTSD) and mild traumatic brain injury (mTBI) screenings were conducted, but the conditions were either absent or did not meet AR 40-501 criteria for a medical evaluation board. The command was advised to consider their influence.

5. **APPLICANT-PROVIDED EVIDENCE:** Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge.

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. Office, Secretary of Defense memorandum (Supplemental Guidance to Military Boards for Correction of Military/Naval Records Considering Discharge Upgrade Requests by Veterans Claiming Post Traumatic Stress Disorder), 3 September 2014, directed the Service Discharge Review Boards (DRBs) and Service Boards for Correction of Military/Naval Records (BCM/NRs) to carefully consider the revised PTSD criteria, detailed medical considerations and mitigating factors when taking action on applications from former service members administratively

discharged UOTHC and who have been diagnosed with PTSD by a competent mental health professional representing a civilian healthcare provider in order to determine if it would be appropriate to upgrade the characterization of the applicant's service.

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

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

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

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

e. Army Regulation 15-180 (Army Discharge Review Board) 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.

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-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.

- 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.

g. 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.

(a) Paragraph 3-5c, provides the reasons for separation, including the specific circumstances that form the basis for the separation, will be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior other than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

(b) 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.

(c) 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.

(d) Paragraph 3-9 states a separation will be described as entry-level with service uncharacterized if processing is initiated while a Soldier is in entry-level status.

(2) Chapter 14 establishes policy and prescribes procedures for separating members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, and commission of a serious offense, to include abuse of illegal drugs, convictions by civil authorities and desertion or being absent without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed.

(a) Paragraph 14-3 prescribes 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.

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

(3) Chapter 15 provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as

announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis. If Secretarial Authority is granted normally correct the record to show the following:

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

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

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

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

b. The evidence shows the applicant's immediate commander initiated separation because the applicant was found driving with a BRAC of .121 percent. The immediate and intermediate commanders recommended separation with a general (under honorable conditions) character of service. The separation authority approved the recommendations.

c. The applicant contends:

(1) The event leading to discharge from the Army was an isolated incident and the applicant was punished twice for the single incident. Army Regulation 635-200, paragraph 3-5, states certain circumstances allow a single act of conduct or duty performance to serve as the basis for service characterization. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

(2) The applicant was three months from ETS when the applicant was discharged. The applicant's AMHRR reflects the applicant's ETS was 14 August 2013; 3 months and 12 days after the applicant was discharged.

(3) The Army should change the narrative reason for the discharge. Under Chapter 14, paragraph 14-12c of AR 635-200, the Army separated the applicant with an "general (under honorable conditions)" discharge. Army Regulations designate "Misconduct (Serious Offense)," as the narrative reason for discharge under this provision and assign the separation code "JKQ." Army Regulation 635-8 (Separation Processing and Documents) governs how officials prepare the DD Form 214. This regulation mandates that block 28 must list the narrative reason for separation, and block 26 must show the corresponding separation code, both as specified in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation prohibits any deviation and does not allow officials to enter any other reason.

(4) The Army should change the SPD code. The SPD codes are three-character alphabetic combinations identifying reasons for and types of separation from active duty. The

primary purpose of SPD codes is to provide a statistical accounting of reasons for separation. They are intended exclusively for the internal use of DoD and the Military Services to assist in collecting and analyzing separation data. The Office of the Secretary of Defense controls SPD codes and implements them in Army policy AR 635-5-1 to track types of separations. The SPD code specified by Army Regulations for a discharge under Chapter 14, paragraph 14-12c is "JKQ."

(5) The applicant requests a change to the reentry eligibility (RE) code. Soldiers processed for separation receive reentry codes based on their service records or discharge reasons. Army Regulation 601-210 assigns the applicant an RE code of "3," which is appropriate under the circumstances. No justification exists for changing the reason or the RE code. An RE Code of "3" requires a waiver before reenlistment. Recruiters can provide the best guidance on the Army's current needs and determine whether processing a waiver is appropriate.

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 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):

(1) The applicant contends the event leading to discharge from the Army was an isolated incident and the applicant was punished twice for the single incident. The Board considered this contention and acknowledged the incident was isolated, but still determined separation was appropriate based on its seriousness and the applicant's record. The Board granted relief by updating the narrative reason and SPD code due to the applicant's length of service, combat deployment, and overall performance.

(2) The applicant contends being three months from their ETS when the applicant was discharged. The Board considered this contention and found that proximity to ETS does not prevent separation when misconduct occurs. The Board concluded the discharge remained proper and equitable despite the remaining service time.

(3) The applicant contends the Army should change the narrative reason for the discharge, SPD code and reentry eligibility (RE) code. The Board considered this contention and granted partial relief by upgrading the narrative reason to Misconduct (Minor Infractions) and changing the SPD code to JKN.

d. The Board determined the applicant's discharge was inequitable. The Board voted to upgrade due to the applicant's length, combat experience, quality of service. Therefore, the Board voted to grant relief in the form of an upgrade the narrative reason for separation to Misconduct (Minor Infractions), and the separation code to JKN. The Board determined the discharge characterization and RE Code were consistent with the procedural and substantive requirements of the regulation, were within the discretion of the separation authority, and the applicant was provided full administrative due process. Therefore, the Board determined not to change the RE code and that the applicant's General Under Honorable Conditions discharge was proper and equitable as the applicant's misconduct fell below that level of meritorious service warranted for an upgrade to Honorable discharge. 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.

e. Rationale for Decision:

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

(2) The Board voted not to change the applicant's characterization of service because the applicant's misconduct was not excused or mitigated.

(3) The Board voted to change the applicant's reason for discharge to Misconduct (Minor Infractions) with an accompanying SPD code of JKN, based on the applicant's length of service, combat deployment, and overall performance.

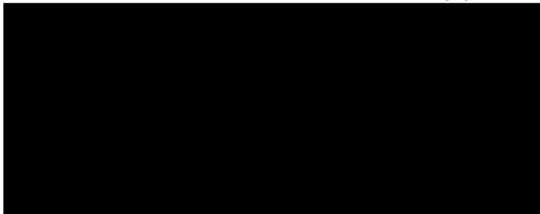
(4) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: No Change
- 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:

3/5/2026



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
 FTR – Failure to Report

GD – General Discharge
 HS – High School
 HD – Honorable Discharge
 IADT – Initial Active-Duty
 Training
 MP – Military Police
 MST – Military Sexual Trauma
 N/A – Not applicable
 NCO – Noncommissioned Officer
 NIF – Not in File
 NOS – Not Otherwise Specified

OAD – Ordered to Active Duty
 OBH (I) – Other Behavioral
 Health (Issues)
 OMPF – Official Military
 Personnel File
 PTSD – Post-Traumatic Stress
 Disorder
 RE – Re-entry
 SCM – Summary Court Martial
 SPCM – Special Court Martial

SPD – Separation Program
 Designator
 TBI – Traumatic Brain Injury
 UNC – Uncharacterized
 Discharge
 UOTHHC – Under Other Than
 Honorable Conditions
 VA – Department of Veterans
 Affairs