

1. Applicant's Name: [REDACTED]

a. **Application Date:** 8 September 2021

b. **Date Received:** 8 September 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 and a separation code change.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, the characterization of service and reason for separation were unduly harsh given that neither DUI charge resulted in a conviction. The applicant acknowledges unacceptable conduct as a junior commissioned officer but notes both incidents were ultimately dismissed. The applicant states having already received significant administrative consequences, including loss of leadership position, halted promotion, removal from Air Assault School, and loss of on-post driving privileges. The applicant reports continued post-service impacts, including difficulty obtaining government employment, ineligibility for unemployment benefits during the pandemic, and inability to reenlist due to the separation code. The applicant asserts continued adherence to Army values, a desire to serve the community through military or civil service and highlights prior honorable service in the Tennessee National Guard, strong leadership performance, and motivation to return to service.

c. **Board Type and Decision:** In a records review conducted on 19 February 2026, and by a 3-0 vote, the Board denied the request upon finding the separation was both proper and equitable. 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:** Unacceptable Conduct / AR 600-8-24, Chapter 4-2B / JNC / General (Under Honorable Conditions)

b. **Date of Discharge:** 17 September 2019

c. **Separation Facts:** The applicant's Army Military Human Resource Record (AMHRR) is void of the case separation file.

(1) **Date of Notification of Intent to Separate:** 26 February 2019

(2) **Basis for Separation:** The applicant was informed to show cause for retention on active duty under the provisions of AR 600-8-24, paragraphs 4-2b(5) (acts of personal misconduct), paragraph 4-2b(8) (conduct unbecoming an officer), and paragraph 4-2c(5) (adverse information filed in Army Military Human Resource Record (AMHRR)) for the following reasons:

(a) On 2 June 2018, you operated a vehicle while under the influence of alcohol. Your breath sample that was taken at the Honolulu Police Station revealed a breath alcohol concentration of 0.112 grams of alcohol per 210 liters of breath

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(b) On 9 November 2018, you operated a vehicle in a reckless manner after consuming alcohol, speeding and swerving outside of your lane multiple times, with a breath alcohol concentration of 0.052 grams of alcohol per 210 liters of breath

(c) The misconduct indicated in paragraph 1b above resulted in a General Officer Memorandum of Reprimand (GOMOR) being filed permanently in your AMHRR, dated 26 February 2019

(d) Conduct unbecoming an officer as indicated in paragraph 1a and 1b above.

(1) **Board of Inquiry (BOI):** None

(2) **Legal Consultation Date:** NIF

(3) **GOSCA Recommendation Date / Characterization:** 23 April 2019 / General (Under Honorable Conditions)

(4) **DA Board of Review for Eliminations:** NIF

(5) **DASA Review Board Decision Date / Characterization:** NIF

4. SERVICE DETAILS:

a. **Date / Period of Appointment:** 24 October 2017 / NIF

b. **Age at Appointment: / Education:** 23 / Bachelor Degree

c. **Highest Grade Achieved / AOC / Total Service:** O-1 / 13A Field Artillery, General /

d. **Prior Service / Characterizations:** ARNG, 24 April 2013 – 13 February 2017 / HD
IADT, 4 June 2013 - 16 August 2013 / NA
(Concurrent Service)
AD, 9 July 2015 – 10 August 2015 / NA
(Concurrent Service)

e. **Overseas Service / Combat Service:** None

f. **Awards and Decorations:** NDSM, GWOTSM, ASR, OSR

g. **Performance Ratings:** 9 December 2016 – 21 December 2018 / Qualified

h. **Disciplinary Action(s) / Evidentiary Record:**

(1) Department of the Army Headquarters 25th Infantry Division memorandum, subject: General Officer Memorandum of Reprimand, 21 August 2018, reflects the applicant was reprimanded for driving under the influence of alcohol on 2 June 2018. The applicant was observed by a police officer asleep at the wheel in the vehicle with the engine on and ready for motion in an active intersection. Upon making contact the police officer detected a strong odor of alcohol emitting from the body. After performing poorly on a series of Standardized Field Sobriety Tests, the police officer arrested and transported the applicant to the police station where a breath sample revealed a breath alcohol concentration of 0.11'2 grams of alcohol per 210 liters of breath.

(2) Honolulu Police Department Arrest Report, 9 November 2018 reflects the applicant was arrested for driving under the influence (DUI) of alcohol, and two charges of criminal contempt of court. The applicant was given a breath test, and the result revealed a breath alcohol content (BAC) of .052. The applicant was release on 9 November 2018.

(3) Department of the Army Headquarters 25th Infantry Division memorandum, subject: General Officer Memorandum of Reprimand, 21 December 2018, reflects the applicant was reprimanded for driving under the influence of alcohol on 9 November 2018. The applicant was pulled over for speeding and swerving outside of the lane of travel multiple times. After refusing to take the Standardized Field Sobriety Tests, the police officer arrested and transported the applicant to the police station where a breath sample revealed a breath alcohol concentration of 0.052 grams of alcohol per 210 liters of breath. This was the applicant's second alcohol related incident within a 12-month period.

(4) Notice of Administrative Revocation, 9 November 2018, reflects the applicant's license was revoked because of an alcohol related offense. The applicant did not sign the revocation.

i. Lost Time / Mode of Return:

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), [date], indicates the applicant was cleared for any administrative actions the command deemed appropriate. The applicant demonstrated the ability to understand and participate in administrative proceedings and met medical retention requirements. PTSD and mTBI screenings were conducted, but the conditions were either absent or did not meet AR 40-501 criteria for a medical evaluation board.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Certificate of Release or Discharge from Active Duty; third-party statement; case summary; court dismissal; Company Grade Plate Officer Evaluation Report.

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 600-8-24 (Officer Transfers and Discharges) sets forth the basic authority for the separation of commissioned and warrant officers.

(1) Chapter 1 prescribes the officer transfers from active duty (AD) to the Reserve Component (RC) and discharge functions for all officers on AD for 30 days or more. It provides principles of support, standards of service, and policies to support office transfers and discharges.

(a) Paragraph 1-23, provides the authorized types of characterization of service or description of separation.

(b) Paragraph 1-23a, states an officer will normally receive an honorable characterization of service when the quality of the officer's service has met the standards of acceptable conduct and performance of duty, or the final revocation of a security clearance under DODI 5200.02 and AR 380-67 for reasons that do not involve acts of misconduct for an officer.

(c) Paragraph 1-23b, states an officer will normally receive a general (under honorable conditions) characterization of service when the officer's military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge. A separation under general (under honorable conditions) normally appropriate when an officer: Submits an unqualified resignation; Separated based on misconduct; discharged for physical disability resulting from intentional misconduct or neglect; and, for final revocation of a security clearance.

(2) Chapter 4 outlines the policy and procedure for the elimination of officers from the active Army for substandard performance of duty.

(a) Paragraph 4-2b, prescribes for the elimination of an officer for misconduct, moral or professional dereliction, or in the interests of national security.

g. 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 "JNC" as the appropriate code to assign commissioned officers who are discharged under the provisions of Army Regulation 600-8-24, Chapter 4-2b, unacceptable conduct.

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

b. The applicant was involuntarily eliminated from the United States Army with a General (Under Honorable Conditions) characterization of service. This elimination was based on both misconduct and moral or professional dereliction (Army Regulation 600-8-24, paragraph 4-2b), and derogatory information (Army Regulation 600-8-24, paragraph 4-2c).

c. The applicant contends the Army should change the Separation Program Designator (SPD) code. SPD codes consist of three alphabetic characters that identify the reason and type of a service member's separation from active duty. The Department of Defense (DoD) and the Military Services use SPD codes exclusively for internal purposes to collect and analyze

separation data. The Office of the Secretary of Defense oversees these codes and implements them through Army policy AR 635-5-1 to monitor various types of separations. For a discharge under Chapter 4, paragraph 4-2b due to "Unacceptable Conduct." Army Regulations designate the SPD code is "JNC."

d. The applicant states having already received significant administrative consequences, including loss of leadership position, halted promotion, removal from Air Assault School, and loss of on-post driving privileges. Army Regulation 600-8-24, paragraph 4-4e, states punishment from a trial by court-martial or under UCMJ, Article 15, for misconduct does not constitute double jeopardy when later used to justify elimination. The AMHRR does not indicate or provide evidence of arbitrary or capricious actions by the command.

e. The applicant reports continued post-service impacts, including difficulty obtaining government employment, ineligibility for unemployment benefits during the pandemic, and inability to reenlist due to the separation code. The Board does not grant relief to secure or enhance job opportunities.

f. The applicant asserts continued adherence to Army values, a desire to serve the community through military or civil service and highlights prior honorable service in the Tennessee National Guard, strong leadership performance, and motivation to return to service. The Army Discharge Review Board has the authority to consider post-service factors when reviewing discharge recharacterization requests. However, no law or regulation permits upgrading an unfavorable discharge solely due to time passed or good conduct in civilian life. The Board evaluates each case individually to determine whether post-service achievements indicate previous in-service misconduct was an anomaly rather than a reflection of the applicant's overall character. The Board evaluated the applicant's service accomplishments and overall quality of service in accordance with DODI 1332.28.

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: **N/A**

c. Response to Contention(s):

(1) The applicant states having already received significant administrative consequences, including loss of leadership position, halted promotion, removal from Air Assault School, and loss of on-post driving privileges.

The Board considered this contention and determined that the applicant, a lieutenant, was properly punished for driving recklessly right after getting DUI, which demonstrated lack of rehabilitation expected of military leaders.

(2) The applicant contends the Army should change the Separation Program Designator (SPD) code.

The Board considered this contention but determined there was insufficient evidence to support it and outweigh misconduct due to the serious nature of the offenses.

(3) The applicant reports continued post-service impacts, including difficulty obtaining government employment, ineligibility for unemployment benefits during the pandemic, and inability to reenlist due to the separation code.

The ADRB is authorized to consider post-service factors in the recharacterization of a discharge. However, there is no law or regulation which provides an unfavorable discharge must be upgraded based solely on the passage of time or good conduct in civilian life subsequent to leaving the service. Outstanding post-service conduct, to the extent such matters provide a basis for a more thorough understanding of the applicant's performance and conduct during the period of service under review, is considered during Board proceedings.

The Board reviews each discharge on a case-by-case basis to determine if post-service accomplishments help demonstrate previous in-service misconduct was an aberration and not indicative of the member's overall character. In this case, the Board considered this contention and determined that the applicant's post-service conduct did not sufficiently support the contention, and the applicant's contention was not sufficiently supported by the evidence of record and the discharge was proper and equitable. By getting a DUI and then just 5 months later being cited for reckless driving, the applicant diminished the quality of service below that meriting an honorable discharge at the time of separation.

(4) The applicant asserts continued adherence to Army values, a desire to serve the community through military or civil service and highlights prior honorable service in the Tennessee National Guard, strong leadership performance, and motivation to return to service. The Board considered this contention but determined there was insufficient evidence to support it and outweigh misconduct due to the serious nature of the offenses.

d. The Board determined that the discharge is, at this time, proper and equitable, in light of the current evidence of record. However, the applicant may request a telephonic personal appearance hearing to address the 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.

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(2) The Board voted not to change the applicant's characterization of service because, despite applying liberal consideration of all the evidence before the Board, the totality of the applicant's service record did not outweigh the severity of the misconduct, which included DUI and reckless driving on separate occasions. The discharge was consistent with the procedural and substantive requirements of the regulation, was within the discretion of the separation authority, and the applicant was provided full administrative due process.

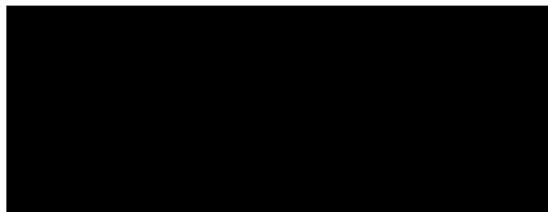
(3) The Board voted not to change the applicant's reason for discharge or accompanying SPD code under the same pretexts, and the reason the applicant was discharged was both proper and equitable.

10. BOARD ACTION DIRECTED:

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

Authenticating Official:

2/25/2026

**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