

**1. Applicant's Name:**

- a. **Application Date:** 3 August 2021
- b. **Date Received:** 24 August 2021
- c. **Counsel:** None

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

a. **Applicant's Requests and Issues:** The current characterization of service for period under review is General (Under Honorable Conditions). The applicant requests an upgrade to Honorable.

b. The applicant seeks relief contending, they are requesting an upgrade because of unsubstantial inclusion in other alternatives of reprimand such as UCMJ action. As part of the counseling as stated in AR 635-200 1-16d, having waived the opportunity to reassign the applicant to another unit as part of the counseling procedure, was a poor decision by the authorities and also wrong, as there was a six month gap between their two offenses. In addition, ASAP (Army Substance Abuse Program) was not offered to the applicant as part of their rehabilitation attempt to cope with alcoholism. Based on merit achievement after the applicant was discharged, they hope to upgrade to an Honorable discharge. Since then, they have earned an Associates of Arts degree at the Community College of Rhode Island, as well as a Bachelor of Science in Civil Engineering. Moreover, they have had good social conduct without any further judicial offenses. Although their actions during service were wrong, as a young Soldier they performed well while on duty, including meeting the PT (physical training) standards and showed integrity by completing the Wolfhound Ruck March. They have since continued to implement the Army values to steer them in the right direction.

c. **Board Type and Decision:** In a records review conducted on 23 October 2024, and by a 5-0 vote, the board denied the request upon finding the separation was both proper and equitable.

*Please see Section 9 of this document for more detail regarding the Board's decision.*

*(Board member names available upon request)*

**3. DISCHARGE DETAILS:**

a. **Reason / Authority / Codes / Characterization:** Pattern of Misconduct / AR 635-200, Chapter 14-12B / JKA / RE-3 / General (Under Honorable Conditions)

b. **Date of Discharge:** 17 August 2012

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** NIF

(2) **Basis for Separation:**

- On or about 20 December 2011, they were arrested for DUI (driving under the influence) by the City Police, with a BAC (blood alcohol content) of 0.137%.

- On 15 July 2012, they were arrested for DUI (driving under the influence) by the Military Police.

**(3) Recommended Characterization:** NIF

**(4) Legal Consultation Date:** 26 March 2012

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

**(6) Separation Decision Date / Characterization:** NIF

**4. SERVICE DETAILS:**

**a. Date / Period of Enlistment:** 1 March 2011 / 3 years, 16 weeks

**b. Age at Enlistment / Education / GT Score:** 21 / bachelor's degree / 100

**c. Highest Grade Achieved / MOS / Total Service:** E-3 (PFC) / 11B10 Infantryman / 1 year, 5 months, 17 days

**d. Prior Service / Characterizations:** None

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

**f. Awards and Decorations:** NDSM, GWOTSM, ASR, MQBSS-w/RB

**g. Performance Ratings:** NA

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

**(1)** On 1 March 2011, they enlisted in the Regular Army for 3 years and 16 weeks as a private first class, PFC (E-3). The Enlisted Record Brief provides on 20 December 2011, they were flagged, Suspend Favorable Personnel Actions (FLAG), for adverse action (AA).

**(2)** On 27 January 2012, the applicant received a GOMOR (General Officer Memorandum of Reprimand), for having been arrested by City Police on 20 December 2011, for driving while under the influence of alcohol. They were stopped for drifting over the white solid line into the right shoulder. Upon contact the police officer detected a strong odor of alcohol emanating for the applicant's breath and administered a field sobriety test, which they failed. They were apprehended and transported to the police station, where they were advised of the Implied Consent Law and received a subsequent breathalyzer test, which revealed a BAC of 0.137%, which exceeded the legal limit.

**(a)** On 31 January 2012, the applicant elected to submit a statement and on 4 February 2012, provided they were ashamed and embarrassed for their actions and wished to apologize to the command, their family, to the Noncommissioned Officer Corps, their unit, and the Army. They were most proud of the accomplishments of the leaders and Soldiers of their unit and with whom they have served with for eight months, centered on helping people in need, regardless of their race or their geographic location on this earth. The applicant wanted to continue their education and advance to the next ranking position and felt their life's purpose was to be the greatest combat soldier in the US Army. They have remained dedicated to the Soldiers and their families they were leading, all in the name of helping the underprivileged. The applicant took full responsibility for the thoughtless, selfish, and hurtful acts of driving under the

influence. They do not take this lightly and ask for a second chance, requesting the GOMOR be filed locally and restricted, in order for them to continue to serve for many years to come.

**(b)** On a reprimand filing recommendation form, dated 8, 15, and 16 February 2012, the company commander recommended the local filing for the GOMOR and felt the applicant could overcome this incident and did not need this placed in their OMPF (Official Military Personnel File). The battalion and brigade commanders provided the applicant was well over the legal limit and recommended the permanent filing and after consideration, was directed for permanent filing on 1 March 2012.

**(3)** Although undated and unsigned, the applicant provided a commander's report, which revealed separation proceedings were initiated under the provisions of AR 635-200, Chapter 14-12B, Pattern of Misconduct, for having been arrested for two DUIs, on 20 December 2011, by City Police and on 15 July 2012, by the Military Police. The commander additionally recommended the rehabilitative transfer requirement be waived, as the transfer will serve no useful purpose or produce a quality, Soldier.

**(4)** Notwithstanding the missing records, on 9 August 2012, their separation orders were issued. A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged accordingly on 17 August 2012, with 1 year, 8 months, and 26 days of total service. They provided their electronic signature and has not completed their first full term of service.

**i. Lost Time / Mode of Return:** None

**j. Behavioral Health Condition(s):** Alcohol Dependence; Anxiety/Depression

**(1) Applicant provided:** On 12 March 2012, they completed a mental status evaluation at Behavioral Health, Tripler Army Medical Center, HI, providing the applicant was found to meet criteria for Alcohol Abuse or Dependence and was referred to Prime for Life Education, which they have completed. They met the retention standards IAW AR 40-501, found to be responsible for their behavior, could distinguish right and wrong, possessed sufficient mental capacity to understand and participate in any administrative/judicial proceedings. They were cleared from a psychological standpoint, therefore, cleared for any administrative action deemed necessary by the command.

**(2)** On 21 August 2021, a LCSW (Licensed Clinical Social Worker) at Blackstone Valley Community Health Care, indicated a diagnosis of Anxiety/Depression (not persistent), contending the applicant developed an alcohol addiction and their heavy use, lead to a DWI (driving while intoxicated). Their parents migrated to the USA when the applicant was a child and after high school and college enrollment, they enlisted in the Army, having only used alcohol socially prior to their service and was never arrested or in trouble for alcohol related incidents. While in the Army, they received two DUIs, six months apart from City Police and from the Military Police; however, they did not receive treatment for Alcoholism, which is considered a health issue in the DSM (The Diagnostic and Statistical Manual of Mental Disorders) IV and V. Their discharge affected them so profoundly, the applicant focused to reestablish their life and recover from their brief history of alcohol abuse. Since, they have attended college and graduated and has accomplished many goals they set for themselves. This recovery reveals that if the applicant was properly treated while in the service, the applicant would have completed their initial contract and goals, if they were given the opportunity and proper treatment.

**(3) AMHRR Listed:** None

**5. APPLICANT-PROVIDED EVIDENCE:** Application for the Review of Discharge; Partial Separation Package; Enlisted Record Brief; Certificate of Release or Discharge from Active Duty; Report of Mental Status Evaluation; Bachelor of Science Degree; Associate of Arts Degree; Infantry Diploma; Character Letter

a. They completed Infantry Training at Fort Benning, GA, from 11 March 2011 and graduated on 17 June 2011.

b. On 26 March 2012, a checklist to request for legal action, signed by the company commander, indicates the applicant was counseled on the nature of their offense(s), completed their medical examination, mental status evaluation, and their pre-separation checklist, along with the other verified documents were checked off.

c. On 24 December 2018, the applicant earned a degree of associate in arts from the Community College of Rhode Island.

d. On 16 January 2020, a couple the applicant worked for, provides they have known the applicant for many years and on a regular basis, they have helped with household chores. The applicant is a hard worker, was timely, reliable, trustworthy, responsible, and conscientious. They highly recommended the applicant and looked forward to work with them in the future.

e. On 23 May 2021, they earned a degree of Bachelor of Science in Civil Engineering from the University of Rhode Island.

**6. POST SERVICE ACCOMPLISHMENTS:** The applicant is currently medically stable and able and has recovered and reestablished their life, from their brief history of Alcohol Abuse. They have completed their associate degree and have earned their Bachelor of Science in Civil Engineering at the University of Rhode Island, accomplishing goals the goals they set for themselves.

**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. Multiple Department of Defense 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 Department of Veterans Affairs (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), dated 25 September 2019, sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Section 1553, Title 10 United States Code; and Department of Defense Directive 1332.41 and Instruction 1332.28.

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

(1) 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)** An Under other-than-honorable-conditions discharge is an administrative separation from the Service under conditions other than honorable and it may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court martial based on certain circumstances or patterns of behavior or acts or omissions that constitute a significant departure from the conduct expected of Soldiers in the Army.

**(4)** 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 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. 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 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 "JKA" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14-12B, Pattern of Misconduct.

**f.** Army Regulation 601-210, Regular Army, and Reserve Components Enlistment Program, governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DODI 1304.26. It also prescribes the appointment, reassignment, management, and mobilization of Reserve Officers' Training Corps cadets under the Simultaneous Membership Program. Chapter 4 provides the criteria and procedures for waiverable and nonwaiverable separations. Table 3-1, defines reentry eligibility (RE) codes:

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

**(2)** RE-3 Applies to: Person who is not considered fully qualified for reentry or continuous service at time of separation, but disqualification is waiverable. Eligibility: Ineligible unless a waiver is granted.

**(3)** RE-4 Applies to: Person separated from last period of service with a nonwaiverable disqualification. This includes anyone with a DA imposed bar to reenlistment in effect at time of separation or separated for any reason (except length of service retirement) with 18 or more years active Federal service. Eligibility: Ineligible for enlistment.

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

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

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

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

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

**h.** Manual for Courts-Martial (2008 Edition), United States, states military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good orders and discipline in the Armed Forces. Article 111 (drunken driving) states in the subparagraph, the maximum punishment consists of a bad conduct discharge, forfeiture of all pay and allowances, and confinement for six months.

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

**a.** The applicant requests an upgrade to honorable. A review of the available evidence provides there was an administrative irregularity in the proper retention of official military

records, specifically, partial separation package.

**b.** A review of the available evidence provides the applicant enlisted in the RA and served for nearly 10 months prior to having been flagged for adverse action. They received a GOMOR (General Officer Memorandum of Reprimand), for having been arrested by City Police in December 2011, for driving while under the influence of alcohol with a BAC of 0.137%, which exceeded the legal limit. As a result, they received a GOMOR and attempted to have it filed locally, in which the company commander agreed with; however, the battalion and brigade commander, recommended permanent filing, which was directed by the approval authority IAW AR 600-37. Moreover, in July 2012, the applicant was arrested for a second DUI by military police. Notwithstanding the missing documents, separation proceedings were initiated under the provisions of AR 635-200, Chapter 14-12B, Pattern of Misconduct, with a General (Under Honorable Conditions) characterization of service. They served 1 year, 5 months, and 17 days of their 3 year-16 week contractual obligation.

**(1)** Although some documents are missing from the record, a request for legal action, signed by the company commander, indicated the applicant completed their medical examination. A mental status evaluation provided the applicant was found to meet criteria for Alcohol Abuse or Dependence and was referred to Prime for Life Education, which they have completed. They met the retention standards IAW AR 40-501 and was cleared for any administrative action deemed necessary by the command.

**(2)** They provided a letter by their LCSW (Licensed Clinical Social Worker) which indicated a diagnosis of Anxiety/Depression (not persistent), contending the applicant developed an alcohol addiction and their heavy use, lead to a DWI (driving while intoxicated). While in the Army, they received two DUIs, six months apart from City Police and Military Police; however, they did not receive treatment for Alcoholism, which is considered a health issue in the DSM (The Diagnostic and Statistical Manual of Mental Disorders) IV and V. Their recovery reveals that if the applicant was properly treated while in the service, the applicant would have completed their initial contract and goals, if they were given the opportunity and proper treatment.

**(3)** Although undated and unsigned, the applicant provided a commander's report, which revealed separation proceedings were initiated under the provisions of AR 635-200, Chapter 14-12B, Pattern of Misconduct, for having been arrested for two DUIs, on 20 December 2011, by City Police and on 15 July 2012, by the Military Police. The commander additionally recommended the rehabilitative transfer requirement be waived, as the transfer will serve no useful purpose or produce a quality, Soldier.

**c.** Chapter 14 establishes policy and prescribes procedures for separation members for misconduct. Specific categories include minor disciplinary infractions, a pattern of misconduct, commission of a serious offense and convictions by civil authorities. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impracticable or is unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record.

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



**9. BOARD DISCUSSION AND DETERMINATION:**

a. As directed by the 2017 memo signed by A.M. Kurta, the board considered the following factors:

(1) Did the applicant have a condition or experience that may excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor, a voting member, reviewed the applicant's DOD and VA health records, applicant's statement, and/or civilian provider documentation and found that the applicant has the following potentially mitigating diagnosis: Other Specified Anxiety Disorder.

(2) Did the condition exist, or experience occur during military service? **No.** There are no conditions in-service, documentation does not support an undiagnosed condition in-service, and the submitted document does not indicate there was a condition in-service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **No.** The Board's Medical Advisor applied liberal consideration and opined that even with all the concerns about the document submitted, the noted alcoholism is not tied to a trauma or belief the applicant had a behavioral health condition in-service.

(4) Does the condition or experience outweigh the discharge? **No.** Despite the board's application of liberal consideration, the board considered the opinion of the Board's Medical Advisor, a voting member, and determined the available evidence did not support a conclusion that the applicant's Anxiety Disorder outweighed the basis of separation (multiple DUI).

b. Response to Contention(s):

(1) The applicant seeks relief contending, they are requesting an upgrade because of unsubstantial inclusion in other alternatives of reprimand such as UCMJ action. As part of the counseling as stated in AR 635-200 1-16d, having waived the opportunity to reassign the applicant to another unit as part of the counseling procedure, was a poor decision by the authorities and also wrong, as there was a six month gap between their two offenses. In addition, ASAP was not offered to the applicant as part of their rehabilitation attempt to cope with alcoholism. Based on merit achievement after the applicant was discharged, they hope to upgrade to an Honorable discharge. Since then, they have earned an Associates of Arts degree at the Community College of Rhode Island, as well as a Bachelor of Science in Civil Engineering. Moreover, they have had good social conduct without any further judicial offenses. Although their actions during service were wrong, as a young Soldier they performed well while on duty, including meeting the PT (physical training) standards and showed integrity by completing the Wolfhound Ruck March. They have since continued to implement the Army values to steer them in the right direction. The board acknowledges the applicant's post service accomplishments and good social conduct after military service. However, the Board considered the totality of the applicant's service record, and post-service conduct, and voted not to change the characterization of service based on the lack of medical mitigation and in-service factors (length, quality, and combat) that could outweigh the applicant's misconduct (multiple DUI).

(2) A LCSW (Licensed Clinical Social Worker) indicated a diagnosis of Anxiety/Depression (not persistent), contending the applicant developed an alcohol addiction and their heavy use, led to a DWI (driving while intoxicated). Their parents migrated to the USA when the applicant was a child and after high school and college enrollment, they enlisted in the Army, having only used alcohol socially prior to their service and was never arrested or in trouble for alcohol related incidents. While in the Army, they received two DUIs, six months

apart from City Police and from the Military Police; however, they did not receive treatment for Alcoholism, which is considered a health issue in the DSM (The Diagnostic and Statistical Manual of Mental Disorders) IV and V. Their discharge affected them so profoundly, the applicant focused to reestablish their life and recover from their brief history of alcohol abuse. Since, they have attended college and graduated and accomplished many goals they set for themselves. This recovery reveals that if the applicant was properly treated while in the service, the applicant would have completed their initial contract and goals, if they were given the opportunity and proper treatment. The board considered the applicant's contention that there was a lack of treatment for alcohol in-service. However, medical records show in December 2011, the applicant was Command referred to ASAP for a DUI. Based on the lack of self-report supporting a clinical condition and collateral/prior incidents to suggest otherwise, the applicant was not diagnosed and was referred to Prime For Life classes. The applicant did not request further treatment. The applicant also met with Army Substance Abuse Program (ASAP) and denied indicators suggesting an alcohol disorder and without collateral to the contrary the ASAP determination was appropriate. The Board considered the totality of the applicant's service record and post-service conduct and voted not to change the characterization of service based on no medical mitigation, the Alcoholism is not tied to trauma or belief the applicant had a behavioral health condition in-service.

**c.** The board determined that the discharge is, at this time, proper and equitable, considering the current evidence of record. However, the applicant may request a 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.

**d. Rationale for Decision:**

**(1)** 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 applicant's condition is not tied to a trauma or belief the applicant had a behavioral health condition in-service. While liberal consideration was applied, the applicant's basis for separation (multiple DUI) is not mitigated. 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.

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

**(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:** No Change
- b. Change Characterization to:** No Change
- c. Change Reason / SPD code to:** No Change
- d. Change RE Code to:** No Change
- e. Change Authority to:** No Change

**Authenticating Official:**

11/6/2024

**X**

---

Presiding Officer, COL, U.S. ARMY  
Army Discharge Review Board

**Legend:**

AWOL – Absent Without Leave  
AMHRR – Army Military Human  
Resource Record  
BCD – Bad Conduct Discharge  
BH – Behavioral Health  
CG – Company Grade Article 15  
CID – Criminal Investigation  
Division  
ELS – Entry Level Status  
FG – Field Grade Article 15

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

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

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