

ARMY DISCHARGE REVIEW BOARD CASE REPORT AND DIRECTIVE

AR20210015502

1. Applicant's Name: [REDACTED]

a. **Application Date:** 13 September 2021

b. **Date Received:** 13 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 under honorable conditions (general). The applicant requests an upgrade to honorable.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect alcohol was a coping mechanism for post-traumatic stress disorder (PTSD). The applicant has been clean and sober for a little over 2 years.

c. **Board Type and Decision:** In a records review conducted on 10 December 2025, and by a 3-0 vote, the Board concurred with the conclusion of the medical advising official that the applicant's medical diagnosis (Trauma and Depression) mitigates the basis of separation (controlled substance use) and warrants a change to the character and narrative reason for separation to Honorable. Based on a preponderance of evidence, the Board determined that the reason for the applicant's separation was inequitable and changed to JKN. The Board voted to retain the reentry code based on the medical diagnosis. 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:** Alcohol Rehabilitation Failure / AR 635-200, Chapter 9 / JPD / RE-4 / General (Under Honorable Conditions)

b. **Date of Discharge:** 3 September 2009

c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 10 August 2009

(2) **Basis for Separation:** The applicant was informed of the following reasons: The applicant failed to adhere to Army Substance Abuse Program (ASAP) policies and guidelines by failing to refrain from the usage of mood-altering chemicals while in enrolled in ASAP. The applicant was declared a rehabilitation failure by the rehabilitation treatment team.

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

(4) **Legal Consultation Date:** 11 August 2009

(5) **Administrative Separation Board:** N/A

(6) **Separation Decision Date / Characterization:** 3 September 2009 / General (Under Honorable Conditions)

4. SERVICE DETAILS:

a. Date / Period of Reenlistment Under Review: 24 August 2007 / 6 years

b. Age at Enlistment / Education / GT Score: 25 / HS Graduate / 132

c. Highest Grade Achieved / MOS / Total Service: E-5 / 63B1O, Wheeled Vehicle Mechanic / 4 years, 1 month, and 7 days

d. Prior Service / Characterizations: RA / 27 July 2005 - 23 August 2007 / HD

e. Overseas Service / Combat Service: SWA / Kuwait, Iraq, 23 September 2006 through 13 September 2007

f. Awards and Decorations: ARCOM (2nd Award), MUC, AGCM, NDSM, GWOTSM, ICM-CS, ASR, and OSR

g. Performance Ratings: NIF

h. Disciplinary Action(s) / Evidentiary Record:

(1) A DA Form 2627 (Record of Proceedings Under Article 15, UCMJ) reflects the applicant accepted field grade nonjudicial punishment (NJP) on 14 January 2009, for the wrongful use of cocaine between 9 and 16 December 2008. The applicant's punishment consisted of a reduction to pay grade E-4, a forfeiture of \$1,012 pay for 2 months, and 45 days of extra duty and restriction.

(2) Eight Developmental Counseling Forms confirming the applicant was counseled between November 2008 and July 2009 for the following offenses on:

- 13 November 2008, 16 March 2009, and 17 April 2009, for failure to report to accountability formation
- 15 December 2008, for failure to report to accountability formation and failure to show-up with battalion colors
- 5 January 2009, for positive urinalysis results (conducted on 16 December 2008)
- 31 March 2009, for detection of alcohol on his breath at formation
- 7 July 2009, for failure to attend ASAP counseling
- 31 July 2009, for separation counseling

(3) Summary of Army Substance Abuse Program Rehabilitation Failure memorandum, 3 August 2009, reflects the applicant's rehabilitation team met on 29 July 2009, and determined the applicant had not made satisfactory progress toward achieving the criteria for successful rehabilitation as outlined in AR 600-85, paragraph 3-2 and 3-3. Further rehabilitation efforts in a military environment were not justified considering the applicant's lack of progress. Discharge from military service should be effected.

(4) A Report of Mental Status Evaluation (MSE), 19 February 2009, reflects the applicant was mentally responsible with a clear-thinking process and had the mental capacity to understand and participate in the proceedings. The applicant was cleared for any administrative actions deemed appropriate by the command.

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:

(a) Summary of VA Benefits shows the applicant's received a 50% service-connected disability rating for PTSD.

(b) A VA eBenefits webpage shows the VA diagnosed the applicant with PTSD with alcohol use disorder in earl remission also claimed as depressive disorder and rated this condition as 50% disabling.

(2) AMHRR Listed: A Report of Medical History, 30 July 2009, reflects the applicant was suffering from major depression, a history of insomnia, and he was being treated for mental health and depression; the applicant was determined to be qualified for service.

5. APPLICANT-PROVIDED EVIDENCE: DD Form 293; Application Summary; DD Form 214; Transcript showing a Grade Point Average (GPA) of 4.0; Applied Science Degree; VA Summary of Benefits; Combined Disability Rating of 70%; and a Diploma for Heating, Ventilation and Air Conditioning (HVAC) from Vista College.

6. POST SERVICE ACCOMPLISHMENTS: An Applied Science Degree from Southwest University, 24 June 2020; and a Diploma confirming completion of the HVAC course, 28 June 2019; the applicant also had a 4.0 GPA from January to June 2021.

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.

- 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 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.

(2) Chapter 9 outlines the procedures for discharging individuals because of alcohol or other drug abuse. A member who has been referred to the Army Substance Abuse Program (ASAP) for alcohol or drug abuse may be separated because of inability or refusal to participate in, cooperate in, or successfully complete such a program if there is a lack of potential for continued Army service and rehabilitation efforts are no longer practical.

(a) Paragraph 9-4, stipulates the service of Soldiers discharged under this section will be characterized as honorable or under honorable conditions unless the Soldier is in entry-level status and an uncharacterized description of service is required.

(b) An honorable discharge is mandated in any case in which the Government initially introduces into the final discharge process limited use evidence as defined by AR 600-85.

(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

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

b. The evidence of the Army Military Human Resource Record (AMHRR) indicates on 29 July 2009, the Army Substance Abuse Program (ASAP), declared the applicant a rehabilitation failure.

c. The applicant's Army Military Human Resources Record (AMHRR) includes a properly constituted DD Form 214 (Certificate of Release or Discharge from Active Duty), which was authenticated by the applicant's electronic signature. The applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 9, by reason of Alcohol Rehabilitation Failure, with a characterization of service of general (under honorable conditions).

d. The applicant contends alcohol was a coping mechanism for PTSD. The AMHRR is void of any indication the applicant was suffering from PTSD or any other disabling medical or mental condition during discharge processing, warranting separation processing through medical channels. However, the applicant did provide post service documents from the VA reflecting a diagnosis of PTSD.

e. The applicant contends the applicant has been clean and sober for a little over 2 years. 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.

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: In-service MDD with co-occurring substance disorders. Post-service, combat related PTSD with additional diagnoses of Bipolar Disorder, Depression, and cooccurring substance disorders.

(2) Did the condition exist or experience occur during military service? **Yes.** In-service MDD and combat trauma with co-occurring substance disorders.

(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 trauma and

depression occurred prior to the misconduct and nexus between trauma/depression and substance use, the basis is mitigated.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration to the evidence, including the Board Medical Advisor's opine, the Board determined that the applicant's condition or experience outweighed the listed basis for separation for the aforementioned reasons.

b. Prior Decisions Cited: N/A

c. Response to Contention(s): The applicant contends alcohol was a coping mechanism for PTSD. The applicant contends the applicant has been clean and sober for a little over 2 years. The board considered this contention and concurred with the Board's Medical Advisor applied liberal consideration and opined that given trauma and depression occurred prior to the misconduct and nexus between trauma/depression and substance use, the basis is mitigated. Therefore, change is warranted to Honorable separation code.

d. The Board determined and concurred with the conclusion of the medical advising official that the applicant's medical diagnosis (Trauma and Depression) mitigates the basis of separation (controlled substance use) and warrants a change to the character and narrative reason for separation to Honorable. Based on a preponderance of evidence, the Board determined that the reason for the applicant's separation was inequitable change to JKN. The Board voted to retain the reentry code based on the medical diagnosis.

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 to change the applicant's characterization of service to Honorable. Based on a preponderance of evidence, the Board determined that the reason for the applicant's separation was inequitable and changed to JKN.

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

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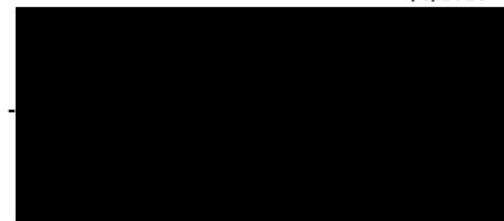
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10. BOARD ACTION DIRECTED:

- a. Issue a New DD-214 / Separation Order: Yes
- b. Change Characterization to: Honorable
- c. Change Reason / SPD code to: JKN
- d. Change RE Code to: No Change
- e. Change Authority to: AR 635-200

Authenticating Official:

1/6/2026



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