

**1. Applicant's Name:** [REDACTED]

- a. **Application Date:** 5 July 2021
- b. **Date Received:** 8 July 2021
- c. **Counsel:** None

**2. REQUEST, ISSUES, BOARD TYPE, AND DECISION:****a. Applicant's Requests and Issues:**

(1) The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable.

(2) The applicant seeks relief contending they are not being considered and are being limited to places of specific employment of their desire due to the character of discharge they received.

**b. Board Type and Decision:** In a records review conducted on 15 August 2025, and by a 5-0 vote, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable, changed the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to the applicant's BH diagnoses.

**3. DISCHARGE DETAILS:**

**a. Reason / Authority / Codes / Characterization:** Misconduct (Serious Offense) / Army Regulation 635-200, paragraph 14-12C / JKQ / RE-3 / General (Under Honorable Conditions)

**b. Date of Discharge:** 9 February 2017

**c. Separation Facts:**

(1) **Date of Notification of Intent to Separate:** 28 November 2016

(2) **Basis for Separation:** The applicant was informed of the following reasons:

- on or about 25 June 2016, wrongfully drove a motor vehicle while under the influence of alcohol, subsequently, received a general officer memorandum of reprimand (GOMOR) filed in their AMHRR
- on or about 6 August 2016, failed to go at the time prescribed to their appointed place of duty
- on or about 8 August 2016, failed to go at the time prescribed to their appointed place of duty

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

(4) **Legal Consultation Date:** 1 December 2016

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

**(6) Separation Decision Date / Characterization:** 13 January 2017/ General (Under Honorable Conditions)

**4. SERVICE DETAILS:**

- a. **Date / Period of Enlistment:** 5 January 2015 / 3 years, 19 weeks
- b. **Age at Enlistment / Education / GT Score:** 19 / HS Graduate / 90
- c. **Highest Grade Achieved / MOS / Total Service:** E-3 / 11B1P, Infantryman / 2 years, 1 month, 5 days
- d. **Prior Service / Characterizations:** NIF
- e. **Overseas Service / Combat Service:** None
- f. **Awards and Decorations:** NDSM, GWTSM, ASR
- g. **Performance Ratings:** NA
- h. **Disciplinary Action(s) / Evidentiary Record:**

(1) A memorandum, Headquarters, 82nd Airborne Division, subject: GOMOR, dated 1 July 2016, reflects the applicant was reprimanded in writing for underage drinking and driving while under the influence of alcohol. The commanding general states, on 25 June 2016, the applicant entered an access control point on Fort Bragg. Upon approaching the applicant's vehicle, the gate guard detected an odor of alcohol emitting from them. Field sobriety tests were conducted which warranted further action. They were transported to the Provost Marshall's Office and administered a breathalyzer test, which showed their blood alcohol content was 0.10 percent.

(2) A memorandum, Headquarters, 82nd Airborne Division, subject: GOMOR, dated 11 August 2016, reflects the commanding general reviewed the allied documents, the GOMOR, and the chain of command recommendations. The applicant did not submit rebuttal matters. The commander directed the applicant's GOMOR be placed permanently in their AMHRR.

(3) A DA Form 2627-1 (Summarized Record of Proceedings under Article 15, Uniform Code of Military Justice (UCMJ), dated 16 September 2016, reflects the applicant received nonjudicial punishment for two occurrences of, without authority, failed to go at the time prescribed to their appointed place of duty, on 6 August 2016 and 8 August 2016, in violation of Article 86 (Absence Without Authority), UCMJ. Their punishment consisted of extra duty and restriction for 14 days. The applicant elected not to appeal.

(4) A DD Form 2808 (Report of Medical Evaluation) dated 9 September 2016 reflects the examining physician marked "Normal" for all items examined, except for item 35 (Feet) and item 37 (Identifying body marks, scars, tattoos) and the applicant is qualified for service with no physical profile. Item 77 (Summary of Defects and Diagnoses) reflects Pes Planus, mild, illegible entry, and heat injury on 16 June 2016.

(5) A DA Form 3822 (Report of Mental Status Evaluation) dated 27 October 2016, reflects the applicant meets medical retention requirements. Section IV (Diagnoses) reflects an Axis I (Psychiatric Conditions) diagnosis of Occupational Problems. The applicant screened negative for Post Traumatic Stress Disorder (PTSD) and Substance Use Disorders. The

behavioral health provider states the applicant is mentally responsible, can distinguish right from wrong, and possesses sufficient mental capacity to understand and participated intelligently as a respondent in any administrative proceedings. This Soldier is psychologically cleared for any administrative action deemed appropriate by command.

(6) A memorandum, Charlie Company, 2nd Battalion, 508th Parachute Infantry Regiment, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 28 November 2016, the applicant's company commander notified the applicant of their intent to separate them under the provisions of Army Regulation 635-200, paragraph 14-12c, for Commission of a Serious Offense, as described above in paragraph 3c(2). The company commander recommended the applicant's characterization of service as General (Under Honorable Conditions). On the same day, the applicant acknowledged the basis for the separation and of the right available to them.

(7) In the applicant's memorandum, subject: Election of Rights under Army Regulation 635-20 Notice Procedures, dated 1 December 2016, the applicant accepted the opportunity to speak with an attorney. They elected to submit statements on their behalf; however, the applicant's allotted time expired and they did not submit matters.

(8) A memorandum, Charlie Company, 2nd Battalion, 508th Parachute Infantry Regiment, subject: Commander's Report – Proposed Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 27 December 2016, the applicant's company commander submitted a request to separate them prior to their expiration term of service.

(9) A memorandum, Headquarters, 2nd Battalion, 508th Parachute Infantry Regiment, 2nd Brigade Combat Team, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 29 December 2016, the applicant's battalion commander recommended the applicant be separate prior to their expiration term of service. They recommended the applicant's service be characterized as General (Under Honorable Conditions).

(10) A memorandum, Headquarters, 2nd Brigade Combat Team, 82nd Airborne Division, subject: Separation under Army Regulation 635-200, Paragraph 14-12c, Commission of a Serious Offense, [Applicant], dated 13 January 2017, the separation authority reviewed the separation of the applicant. After careful consideration of all matters, the directed the applicant be separated from the Army prior to the expiration of their current term of service and directed their service be characterized as General (Under Honorable Conditions). After reviewing the rehabilitative transfer requirements, they determined the requirements do not apply to this action.

(11) A DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant was discharged on 9 February 2017, with 2 years, 1 month, and 5 days of net active service this period. The DD Form 214 shows in:

- item 24 (Character of Service) – General (Under Honorable Conditions)
- item 26 (Separation Code) – JKQ
- item 27 (Reentry Code) – 3
- item 28 (Narrative Reason for Separation) – Misconduct, (Serious Offense)

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

j. **Behavioral Health Condition(s):**

**(1) Applicant provided:** Partial Service Health Records reflecting the applicant's treatment from Behavioral Health. Department of Veterans Affairs (VA) Rating Decision reflecting service connection for PTSD with Traumatic Brain Injury (TBI) with an increase of disability rating to 70-percent.

**(2) AMHRR Listed:** DA Form 3822 (Report of Mental Status Evaluation) reflecting an Axis I (Psychiatric Conditions) diagnosis of Occupational Problems.

**5. APPLICANT-PROVIDED EVIDENCE:**

- DD Form 293 (Application for the Review of Discharge from the Armed Forces of the United States)
- Partial Service Health Records
- Prime for Life Certificate
- DD Form 214
- 20 Training Certificates
- VA Rating Decision
- Private Security License Cards

**6. POST SERVICE ACCOMPLISHMENTS:** 20 Training Certificates and Private Security Licenses

**7. STATUTORY, REGULATORY AND POLICY REFERENCE(S):**

a. Title 10, U.S. Code, Section 1553, (Review of Discharge or Dismissal) provides for the creation, composition, and scope of review conducted by a Discharge Review Board(s) within established governing standards. As amended by Sections 521 and 525 of the National Defense Authorization Act for Fiscal Year 2020, Title 10 U.S. Code, Section 1553 provides specific guidance to the Military Boards for Correction of Military/Naval Records and Discharge Review Boards when considering discharge upgrade requests by Veterans claiming Post Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), sexual trauma, intimate partner violence (IPV), or spousal abuse, as a basis for discharge review. The amended guidance provides that Boards will include, as a voting board member, a physician trained in mental health disorders, a clinical psychologist, or a psychiatrist when the discharge upgrade claim asserts a mental health condition, including PTSD, TBI, sexual trauma, IPV, or spousal abuse, as a basis for the discharge. Further, the guidance provides that Military Boards for Correction of Military/Naval Records and Discharge Review Boards will develop and provide specialized training specific to sexual trauma, IPV, spousal abuse, as well as the various responses of individuals to trauma.

b. Multiple Department of Defense (DoD) Policy Guidance Memoranda published between 2014 and 2018. The documents are commonly referred to by the signatory authorities' last names (2014 Secretary of Defense Guidance [Hagel memo], 2016 Acting Principal Deputy Under Secretary of Defense for Personnel and Readiness [Carson memo], 2017 Official Performing the Duties of the Under Secretary of Defense for Personnel and Readiness [Kurta memo], and 2018 Under Secretary of Defense for Personnel and Readiness [Wilkie memo].

**(1)** Individually and collectively, these documents provide further clarification to the Military Discharge Review Boards and Boards for Correction of Military/Naval Records when considering requests by Veterans for modification of their discharge due to mental health conditions, including PTSD; TBI; sexual assault; or sexual harassment. Liberal consideration will be given to Veterans petitioning for discharge relief when the application for relief is based in whole or in part on matters relating to mental health conditions, including PTSD; TBI; sexual

assault; or sexual harassment. Special consideration will be given to 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) sets forth the policies and procedures under which the Army Discharge Review Board is authorized to review the character, reason, and authority of any Servicemember discharged from active military service within 15 years of the Servicemember's date of discharge. Additionally, it prescribes actions and composition of the Army Discharge Review Board under Public Law 95-126; Title 10 U.S. Code; Section 1553 and DoD Directive 1332.41 and DoD Instruction 1332.28.

d. Army Regulation 635-200 (Active Duty Enlisted Administrative Separations) prescribes policies and standards to ensure the readiness and competency of the force while providing for the orderly administrative separation of Soldiers for a variety of reasons. It prescribes the policies, procedures, authority for separation of Soldiers, and the general provisions governing the separation of Soldiers before ETS or fulfillment of active duty obligation to meet the needs of the Army and its Soldiers.

(1) An Honorable discharge is a separation with honor and is appropriate when the quality of the Soldier's service generally has met the standards of acceptable conduct and performance of duty for Army personnel or is otherwise so meritorious that any other characterization would be clearly inappropriate.

(2) A General discharge is a separation from the Army under honorable conditions and is issued to a Soldier whose military record is satisfactory but not sufficiently meritorious to warrant an honorable discharge.

(3) A Under Other Than Honorable Conditions Discharge is an administrative separation from the Service under conditions other than honorable. It may be issued for misconduct, fraudulent entry, security reasons, or in lieu of trial by court-martial.

(4) Paragraph 1-16 (Counseling and Rehabilitative Requirements) stated Army leaders at all levels must be continually aware of their obligation to provide purpose, direction, and

motivation to Soldiers. It is essential that Soldiers who falter, but have the potential to serve honorably and well, be given every opportunity to succeed. The rehabilitative transfer requirements in chapter 14 (Separation for Misconduct) may be waived by the separation authority in circumstances where common sense and sound judgment indicate that such transfer will serve no useful purpose or produce a quality Soldier.

(5) Chapter 14 (Separation for Misconduct) establishes policy and prescribes procedures for separating personnel for misconduct because of minor disciplinary infractions, a pattern of misconduct, commission of a serious offense, conviction by civil authorities, desertion, and absence without leave. Action will be taken to separate a member for misconduct when it is clearly established that rehabilitation is impractical or unlikely to succeed. A discharge under other than honorable conditions is normally appropriate for a Soldier discharged under this chapter. However, the separation authority may direct a general discharge if such is merited by the Soldier's overall record. Paragraph 14-12c (Commission of a Service Offense), stated a Soldier is subject to action per this section for commission of a serious military or civilian offense, if the specific circumstances of the offense warrant separation and a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Courts-Martial.

(6) Chapter 15 (Secretarial Plenary Authority), currently in effect, provides explicitly for separation under the prerogative of the Secretary of the Army. Secretarial plenary separation authority is exercised sparingly and seldom delegated. Ordinarily, it is used when no other provision of this regulation applies, and early separation is clearly in the Army's best interest. Separations under this paragraph are effective only if approved in writing by the Secretary of the Army or the Secretary's approved designee as announced in updated memoranda. Secretarial separation authority is normally exercised on a case-by-case basis.

e. Army Regulation 635-5-1 (Separation Program Designator (SPD) Codes) provides the specific authorities (regulatory or directive), reasons for separating Soldiers from active duty, and the SPD codes to be entered on the DD Form 214. It identifies the SPD code of "JKQ" as the appropriate code to assign enlisted Soldiers who are discharged under the provisions of Army Regulation 635-200, Chapter 14, paragraph 14-12c, misconduct (serious offense).

f. Army Regulation 601-210 (Regular Army and Reserve Components Enlistment Program) governs eligibility criteria, policies, and procedures for enlistment and processing of persons into the Regular Army, the U.S. Army Reserve, and Army National Guard for enlistment per DoD Instruction 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.** Manual for Courts-Martial, United States (2019 Edition) stated, military law consists of the statutes governing the military establishment and regulations issued thereunder, the constitutional powers of the President and regulations issued thereunder, and the inherent authority of military commanders. Military law includes jurisdiction exercised by courts-martial and the jurisdiction exercised by commanders with respect to nonjudicial punishment. The purpose of military law is to promote justice, to assist in maintaining good order and discipline in the Armed Forces. Appendix 12 (Maximum Punishment Chart) Manual for Courts-Martial shows the maximum punishments include punitive discharge for violating Article 86 (Absence Without Leave) and Article 113 (Drunken or Reckless Operation of a Vehicle).

**h.** Title 38, U.S. Code, Sections 1110 and 1131, permits the VA to award compensation for a medical condition which was incurred in or aggravated by active military service. The VA, however, is not required by law to determine medical unfitness for further military service. The VA, in accordance with its own policies and regulations, awards compensation solely on the basis that a medical condition exists and that said medical condition reduces or impairs the social or industrial adaptability of the individual concerned. Consequently, due to the two concepts involved, an individual's medical condition, although not considered medically unfitting for military service at the time of processing for separation, discharge, or retirement, may be sufficient to qualify the individual for VA benefits based on an evaluation by the agency.

#### **8. SUMMARY OF FACT(S):**

**a.** The Army Discharge Review Board considers applications for upgrade as instructed by DoD Instruction 1332.28.

**b.** A review of the available evidence provides the applicant received a GOMOR for underage drinking and driving while under the influence of alcohol; received nonjudicial punishment under the provisions of Article 15, UCMJ for two occurrences of, without authority, failed to go at the time prescribed to their appointed place of duty; and was involuntarily discharged from the U.S. Army. The DD Form 214, signed by the applicant, provides the applicant was discharged with a character of service of general (under honorable conditions) for misconduct (serious offense) rather than a discharge under other than honorable conditions, which is normally considered appropriate. They completed 2 years, 1 month, and 5 days of net active service this period and did not complete their first full term of service of their 3-year, 19 week enlistment obligation.

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

**d.** The applicant's AMHRR does not reflect documentation of a diagnosis of PTSD during their military service. The applicant provided partial Service Health Records reflecting treatment from Behavioral Health and an VA Rating Decision reflecting service connection for PTSD with TBI with an increase of disability rating to 70-percent.

**e.** Published DoD guidance indicates that the guidance is not intended to interfere or impede on the Board's statutory independence. The Board will determine the relative weight of the action that led to the discharge and whether it supports relief or not. In reaching its

determination, the Board shall consider the applicant's petition, available records and/or submitted documents in support of the petition.

#### 9. BOARD DISCUSSION AND DETERMINATION:

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

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

(2) Did the condition exist, or experience occur during military service? **Yes.** Other Depressive Disorder with trauma symptoms.

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

(4) Does the condition or experience outweigh the discharge? **Yes.** Based on liberally considering all the evidence before the Board, the ADRB determined that the condition or experience outweighed the basis of separation. The Board voted for full medical mitigation.

b. Prior Decisions Cited: None

c. Response to Contention(s): The applicant contends they are not being considered and are being limited to places of specific employment of their desire due to the character of discharge they received.

The Board considered this contention and granted relief due to the applicant's BH diagnoses of Depressive Disorder with trauma symptoms outweighing the applicant's misconduct of DWI and multiple FTRs.

d. The Board determined the discharge is improper based on the applicant's Other Depressive Disorder with trauma symptoms outweighing the applicant's misconduct of DWI and multiple FTRs. The Board noted the discharge was improper because an MEB was not initiated. The Board's Medical Advisor opined an MEB was supposed to be initiated and was not. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable, changed the narrative reason for separation to Secretarial Authority, with a corresponding separation code to JFF. The Board voted and determined the reentry eligibility (RE) code was proper and equitable due to the applicant's BH diagnoses.

e. Rationale for Decision:

(1) The Board voted the discharge is improper based on the applicant's Other Depressive Disorder with trauma symptoms outweighing the applicant's misconduct of DWI and multiple FTRs. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable.

(2) The Board voted to change the applicant's reason for discharge to Secretarial Authority with the appropriate SPD code of JFF.

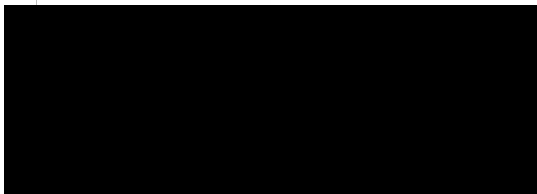
(3) The RE code will not change, as the current code is consistent with the procedural and substantive requirements of the regulation.

**10. BOARD ACTION DIRECTED:**

- a. **Issue a New DD-214 / Separation Order:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD code to:** Secretarial Authority / JFF
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** AR 635-200, Chapter 15

**Authenticating Official:**

9/2/2025



**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