

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

- a. **Application Date:** 10 August 2021
- b. **Date Received:** 12 August 2021
- c. **Counsel:** None

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

a. **Applicant Requests:** The current characterization of service for the period under review is general (under honorable conditions). The applicant requests an upgrade to honorable and a narrative reason change.

b. **Applicant Contention(s)/Issue(s):** The applicant requests relief contending, in effect, according to the Rating Decision, 31 March 2014, the applicant was diagnosed with post-traumatic stress disorder (PTSD), with alcohol abuse, with an evaluation of 70 percent. The reason for this decision was the applicant's pattern of misconduct was caused by the applicant serving in combat areas in Afghanistan and Iraq. The applicant has experienced tinnitus and some hearing loss, which contributed to making it difficult to cope with life in the military. The applicant believes the psychological issues and tinnitus provide justification for a discharge upgrade. When the applicant enlisted, the applicant was fine. After serving in Afghanistan, the applicant could not cope, experiencing erratic behavior, drinking obsessively, being very stressed, having difficulty adapting, and having panic attacks, which led to the misconduct, all caused by PTSD. The applicant's awards and decorations reflect the applicant's intention to be a good Soldier and the applicant was proud. As time went on, the applicant's experiences haunted the applicant, and the good Soldier disappeared. The applicant had hoped to make the Army a career. The applicant was a go-getter and loved the country, but it all dwindled away. The applicant continues to experience psychological issues and has tried to understand the applicant's actions. The applicant truly believed the pattern of misconduct was because of the illness and would be honored to have the discharge upgraded. The applicant is in the process of pursuing compensation for the tinnitus and a rash, and is on the burn pit registry for respiratory issues.

c. **Board Type and Decision:** In a records review conducted on 7 August 2025, and by a 5-0 vote, the Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, combining with medical mitigation of a majority of the applicant's misconduct to outweigh the discharge. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it. 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:** Pattern of Misconduct / AR 635-200, Paragraph 14-12b / JKA / RE-3 / General (Under Honorable Conditions)
- b. **Date of Discharge:** 24 August 2012
- c. **Separation Facts:**

(1) **Date of Notification of Intent to Separate:** The applicant's Army Military Human Resource Record (AMHRR) is void of the case separation file.

(2) **Basis for Separation:** NIF

(3) **Recommended Characterization:** NIF

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

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

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

#### 4. SERVICE DETAILS:

a. **Date / Reenlistment Under Review:** 19 October 2009 / 4 years

b. **Age at Enlistment / Education / GT Score:** 23 / HS Graduate / 113

c. **Highest Grade Achieved / MOS / Total Service:** E-5 / 13B2O, Cannon Crewmember / 5 years, 3 months, 29 days

d. **Prior Service / Characterizations:** RA, 26 April 2007 – 18 October 2009 / HD

e. **Overseas Service / Combat Service:** Germany, SWA / Afghanistan (19 September 2010 – 24 May 2011); Iraq (5 September 2008 – 16 August 2009)

f. **Awards and Decorations:** ACM-CS, ICM-2CS, ARCOM, AAM-2, AGCM, NDSM, GWOTSM, ASR, OSR, NATOMDL, CAB

g. **Performance Ratings:** 1 September 2009 – 30 November 2009 / Successful  
1 December 2009 – 28 February 2010 / Successful

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

(1) Military Police Report, 22 August 2010, reflects the applicant was apprehended for drunk driving (off post). Investigation revealed on 22 August 2010, the German Police stopped the applicant's vehicle while conducting routine vehicle checks and smelled an odor of alcohol emitting from the applicant. The applicant was administered a breath alcohol test, which resulted in a .109 BAC. The report shows the applicant had a previous offense of assault consummated by a battery (off post) on 18 April 2010.

(2) Field Grade Record of Proceedings under Article 15, Uniform Code of Military Justice, 23 September 2010, for unlawfully slamming M. H. against the wall (8 April 2010), and being drunk and disorderly (18 April 2010). The punishment consisted of a reduction to E-4, forfeiture of \$1,047 pay per month for two months (\$500 suspended), and extra duty and restriction for 45 days.

(3) Military Police Report, 11 August 2011, reflects the applicant was apprehended for driving while intoxicated (off post). Investigation revealed on 24 June 2010, the German Police stopped the applicant's vehicle during a routine traffic stop and smelled an odor of alcohol

emitting from the applicant. The applicant was administered a breath alcohol test, with a result of 0.0546 BAC.

(4) General Officer Memorandum Of Reprimand, 9 November 2011, reflects the applicant was operating a motor vehicle on a public road while under the influence of alcohol. After a routine traffic stop on 24 June 2010 in Schnaittenbach, Germany, the Polizei detected a strong odor of alcohol emitting from the applicant. The applicant was administered a breath alcohol test, which resulted in a 0.054 blood alcohol content (BAC). Further investigation revealed on 22 August 2010, in another incident, the applicant was administered a breath alcohol test, which resulted in 0.109 BAC.

(5) Enlisted Record Brief (ERB), 27 October 2011, reflects the applicant was flagged for Adverse Action (AA), effective 1 August 2011, and was ineligible for reenlistment Other; prohibitions not otherwise identified (9X). The applicant was reduced from E-5 to E-4, effective 27 September 2010.

(6) The applicant's DD Form 214 (Certificate of Release or Discharge from Active Duty) reflects the applicant had completed the first full term of service. The applicant was discharged under the authority of AR 635-200, paragraph 14-12b, with a narrative reason of Pattern of Misconduct. The DD Form 214 was authenticated with the applicant's electronic signature.

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

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:** Department of Veterans Affairs (VA) Rating Decision, 31 March 2014, reflects the VA rated the applicant 70 percent service-connected disabled for PTSD, with alcohol abuse; 10 percent for tinnitus; and 0 percent for right knee chondromalacia.

(2) **AMHRR provided:** None

5. **APPLICANT-PROVIDED EVIDENCE:** Certificate of Release or Discharge from Active Duty; Application for the Review of Discharge; VA Rating Decision; third-party statement (parent).

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), 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.

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 waivable and nonwaivable 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 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. It states:

(a) 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.

(b) 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 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. Paragraph 14-12b, addresses a pattern of misconduct consisting of either discreditable involvement with civilian or military authorities or discreditable conduct and conduct prejudicial to good order and discipline including conduct violating the accepted standards of personal conduct found in the Uniform Code of Military Justice, Army Regulations, the civilian law and time-honored customs and traditions of the Army.

(3) 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, Pattern of Misconduct.

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

b. The applicant's Army Military Human Resources Record (AMHRR) includes partial facts and circumstances concerning the events leading to the discharge from the Army. The applicant's AMHRR does contain 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 14, paragraph 14-12b, by reason of Pattern of Misconduct, with a characterization of service of general (under honorable conditions).

c. The applicant contends PTSD affected behavior leading to the discharge, and the VA rated the applicant service-connected disabled for PTSD and tinnitus. The applicant provided a letter, reflecting the VA rated the applicant 70 percent service-connected disabled for PTSD, with alcohol abuse; and 10 percent for tinnitus. The applicant provided a third-party letter from the applicant's parent, describing the applicant's change in behavior after returning from combat to support the applicant's contention. The AMHRR is void of a mental status evaluation.

d. The applicant contends good service, including two combat tours. The Board considered the applicant's service accomplishments and the quality of service according to the DODI 1332.28.

e. The applicant contends the narrative reason for the discharge needs to be changed. The applicant was separated under Chapter 14, paragraph 14-12b, AR 635-200 provisions with a general (under honorable conditions) discharge. The narrative reason specified by Army Regulations for a discharge under this paragraph is "Pattern of Misconduct," and the separation code is "JKA." Army Regulation 635-8 (Separation Processing and Documents) governs the preparation of the DD Form 214 and dictates entry of the narrative reason for separation, entered in block 28, and separation code, entered in block 26 of the form, will be exactly as listed in tables 2-2 or 2-3 of AR 635-5-1 (Separation Program Designator (SPD) Codes). The regulation stipulates no deviation is authorized. There is no provision for entry of any other reason under this regulation.

## **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 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/experiences: Anxiety Disorder NOS, PTSD.

(2) Did the condition exist, or experience occur during military service? **Yes.** The Board found that the applicant was diagnosed in service with Anxiety Disorder NOS and is service

connected by the VA for PTSD. Service connection establishes that the applicant's PTSD existed during military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Partially.** The Board determined, based on the Board Medical Advisor's opine, that the applicant's behavioral health conditions partially mitigate the discharge. The applicant was diagnosed in service with Anxiety Disorder NOS and is service connected by the VA for PTSD. The separation packet is not contained in the applicant's service record, but misconduct documented in the service record includes DUI x 2, drunk and disorderly, and assault consummated by a battery. Given the nexus between PTSD, Anxiety Disorder NOS, and using substances for self-medication, the DUIs and drunk and disorderly are mitigated. The assault is not mitigated given no evidence that the applicant's PTSD or Anxiety directly contributed to the assault.

(4) Does the condition or experience outweigh the discharge? **No.** After applying liberal consideration to the evidence, including the Board Medical Advisor opine, the Board determined that the available evidence did not support a conclusion that the applicant's Post Traumatic Stress Disorder and Anxiety Disorder outweighed the applicant's medically unmitigated assault offense.

**b. Response to Contention(s):**

(1) The applicant contends PTSD affected behavior leading to the discharge, and the VA rated the applicant service-connected disabled for PTSD and tinnitus. The Board liberally considered this contention but determined that the available evidence did not support a conclusion that the applicant's Post Traumatic Stress Disorder and Anxiety outweighed the applicant's medically unmitigated assault offense. However, the Board found that the applicant's length and quality of service, to include combat service in Iraq and Afghanistan, outweighed the assault offense. Therefore, a discharge upgrade is warranted.

(2) The applicant contends good service, including two combat tours. The Board credited the applicant's service in the decision to upgrade the discharge as discussed above in 9b(1).

(3) The applicant contends the narrative reason for the discharge should be changed. The Board considered this contention during proceedings, but ultimately did not address the contention due to an upgrade being granted based on the reasons discussed above in 9b(1).

**c.** The Board determined the discharge is inequitable based on the applicant's length and quality of service, to include combat service, combining with medical mitigation of a majority of the applicant's misconduct to outweigh the discharge. Therefore, the Board voted to grant relief in the form of an upgrade of the characterization of service to Honorable and changed the separation authority to AR 635-200, paragraph 14-12a, the narrative reason for separation to Misconduct (Minor Infractions), with a corresponding separation code of JKN. The Board determined the reentry code is proper and equitable and voted not to change it.

**d. 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.

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

**AR20210016667**

(2) The Board voted to change the applicant's characterization of service to Honorable because the applicant's Post Traumatic Stress Disorder and stronger service record outweighed the applicant's misconduct. Thus, the prior characterization is no longer appropriate.

(3) The Board voted to change the reason for discharge to Misconduct (Minor Infractions) under the same pretexts, thus the reason for discharge is no longer appropriate. The SPD code associated with the new reason for discharge is JKN.

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

**10. BOARD ACTION DIRECTED:**

- a. **Issue a New DD-214:** Yes
- b. **Change Characterization to:** Honorable
- c. **Change Reason / SPD Code to:** Misconduct (Minor Infractions)/JKN
- d. **Change RE Code to:** No Change
- e. **Change Authority to:** AR 635-200

**Authenticating Official:**

8/19/2025



**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  
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  
UOTHC – Under Other Than Honorable Conditions  
VA – Department of Veterans Affairs