

1. Applicant's Name: [REDACTED]**a. Application Date:** 7 June 2021**b. Date Received:** 11 June 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 application requests an upgrade to honorable.

b. Applicant Contention(s)/Issue(s): The applicant requests relief contending, in effect, the new chain of command did not know the applicant or character but submitted a chapter packet for driving under the influence with only (6) months left to the expiration term of service. The applicant states the stigma of receiving a general (under honorable conditions) still haunts him.

c. Board Type and Decision: In a records review conducted on 9 February 2026, and by a 3-0 vote, the Board determined the discharge is inequitable because the applicant's service-connected Chronic Adjustment Disorder outweighed the offense of a DUI. 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: Misconduct (Serious Offense) / AR 635-200, Chapter 14-12c / JKQ / RE-3 / General (Under Honorable Conditions)

b. Date of Discharge: 4 December 2020

c. Separation Facts:

(1) Date of Notification of Intent to Separate: 26 October 2020

(2) Basis for Separation: The applicant was informed of the following reasons: the applicant was stopped by Washington State Police Patrol on 13 June 2020 for erratic driving and speeding. The officer noticed a strong smell of alcohol, and the applicant performed poorly on the field of sobriety tests. The applicant acknowledged drinking earlier, after being arrested and taken to the Tacoma District Office, a breath test showed a blood alcohol concentration of 0.135, which is over legal limits.

(3) Recommended Characterization: general (under honorable conditions)

(4) Legal Consultation Date: 3 November 2020

(5) Administrative Separation Board: NA

(6) Separation Decision Date / Characterization: 9 November 2020 / general (under honorable conditions)

4. SERVICE DETAILS:

a. Date / Period of Enlistment Under Review: 6 June 2018 / 3 years, 2 weeks

b. Age at Enlistment / Education / GT Score: 21 years / bachelor's degree / 117

c. Highest Grade Achieved / MOS / Total Service: E-5 / 91S2O, Stryker System Maintenance / 5 years, 3 months, 17 days

d. Prior Service / Characterizations: USAR: 18 August 2015 – 5 June 2018
(Concurrent Service)
IADT: 4 January 2016 – 19 July 2016/ HD

e. Overseas Service / Combat Service: None

f. Awards and Decorations: AAM, NDSM, GWOTSM, NCOPDR, ASR

g. Performance Ratings: NA

h. Disciplinary Action(s) / Evidentiary Record:

(1) Enlisted Record Brief (ERB), 14 December 2020, reflects the applicant was flagged for involuntary Separation or Discharge (Field Initiated (BA) effective 15 September 2020. The Assignment Eligibility code reflects the applicant was temporarily ineligible for reassignment due to Pending Separation (9V).

(2) General Officer Memorandum of Reprimand, 30 July 2020, provides on 13 June 2020, the applicant was stopped for driving erratically and speeding. The applicant admitted drinking that night. The applicant was arrested, and a subsequent breathalyzer indicated a blood alcohol concentration of 0.135.

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: In service Social Treatment Opportunity Program (STOP), completed eight hours of Alcohol/Drug Information School dated 15 August 2020; Behavioral Health Outpatient Notes dated 2 December 2020 (6)

(2) AMHRR Listed: Report of Mental Status Evaluation, 2 October 2020, provides the applicant was diagnosed with alcohol use disorder, mild. However, they understood the difference between right and wrong, was cleared for any administrative actions deemed appropriate by the command and could participate in separation proceedings. The applicant was diagnosed with Alcohol Use, Disorder, Mild.

5. APPLICANT-PROVIDED EVIDENCE: Application for the Review of Discharge; Self-Authored Statement, Social Treatment Opportunity Program (STOP), completion of eight hours of

Alcohol/Drug Information School dated 15 August 2020; Character Reference Letter (6); Behavioral Health Outpatient Notes dated 2 December 2020 (6).

6. POST SERVICE ACCOMPLISHMENTS: The applicant has found a good job where they work with good people and good residents and has enrolled in college to become an electrical engineer. The applicant has remained sober and has not engaged with the law in a negative capacity.

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.

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 waiverable. Eligibility: Ineligible unless a waiver is granted.

- 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 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 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) Paragraph 14-3, prescribes 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.

(b) Paragraph 14-12c, states 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.

(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

h. 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 12c, misconduct (serious offense).

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 applicant's DD Form 214 indicates the applicant was discharged under the provisions of AR 635-200, Chapter 14, paragraph 14-12c, by reason of Misconduct (Serious Offense), with a characterization of service of General (Under Honorable Conditions).

c. The applicant contends the event leading to discharge from the Army was an isolated incident. Army Regulation 635-200, paragraph 3-5 state certain circumstances allow a single act of conduct or duty performance to serve as the basis for service characterization.

d. The applicant contends family issues influenced their behavior and ultimately led to their discharge. The applicant provided no supporting evidence beyond their statement. The AMHRR contains no indication the applicant sought assistance before engaging in the misconduct, which resulted in the separation action under review.

e. The applicant contends self-enrolling in SUDCC prior to the incident because they realized drinking was becoming an issue. The applicant did not submit evidence other than their statement to support the contention.

f. The third-party statements provided with the application reflect the applicant's good character and hard work.

g. The applicant has found a good job where they work with good people and good residents and has enrolled in college to become an electrical engineer. The applicant has remained sober and has not engaged with the law in a negative capacity. 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/experiences: Chronic Adjustment Disorder (CAD) is 70% Service Connected. Note: The diagnosis of Adjustment Disorder is subsumed under the diagnosis of Chronic Adjustment Disorder.

(2) Did the condition exist or experience occur during military service? **Yes.** The Board's Medical Advisor found that VA service connection for CAD establishes nexus with active military service.

(3) Does the condition or experience actually excuse or mitigate the discharge? **Yes.** The Board's Medical Advisor applied liberal consideration and opined that the applicant has a mitigating BH condition, CAD. As there is an association between CAD and self-medication with alcohol, there is a nexus between this condition and the applicant's arrest for DUI.

(4) Does the condition or experience outweigh the discharge? **Yes.** After applying liberal consideration, the Board determined that the applicant's service-connected Chronic Adjustment Disorder outweighed the offense of a DUI.

b. Prior Decisions Cited: None

c. Response to Contention(s):

(1) The applicant contends the event leading to discharge from the Army was an isolated incident. The Board considered this contention and ultimately granted an upgrade.

(2) The applicant contends family issues influenced their behavior and ultimately led to their discharge. The Board considered this contention and recognized that personal stressors may have contributed to the circumstances, ultimately granted an upgrade.

(3) The applicant contends self-enrolling in SUDCC prior to the incident because they realized drinking was becoming an issue. The Board considered this contention and viewed the applicant's decision to seek help proactively as a meaningful indicator of insight, responsibility, and commitment to change.

(4) The third-party statements provided with the application reflect the applicant's good character and hard work. The Board considered this contention and found the character statements compelling, noting they aligned with the applicant's demonstrated pattern of professionalism and reliability.

(5) The applicant has found a good job where they work with good people and good residents and has enrolled in college to become an electrical engineer. The applicant has remained sober and has not engaged with the law in a negative capacity. The Board considered this contention and found the applicant's sustained sobriety, stable employment, and pursuit of higher education to be strong evidence of rehabilitation and positive post-service adjustment

d. The Board determined the discharge is inequitable because the applicant's service-connected Chronic Adjustment Disorder outweighed the offense of a DUI. 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.

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 because the applicant's service-connected Chronic Adjustment Disorder outweighed the misconduct of a DUI.

(3) The Board voted to change the applicant's reason for discharge Minor Misconduct with accompanying SPD code of JKN, under the same pretexts

(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 / Separation Order: 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:

2/19/2026

